

Pre-election Voter Database Purge

Case Study

You have been called as an expert witness in a civil rights lawsuit challenging a pre-election purge of convicted felons from a voter registration database. Your task is to determine whether use of the felony database was consistent with ethical practice.

Case narrative

During the previous two election cycles, allegations were raised that potentially hundreds of thousands of votes were illegally cast by convicted felons. State law declares that anyone convicted of a felony in this state is declared ineligible to vote in any future election in the state. This law applies not only to elections for positions within the state (such as Governor), but it also makes the convicted felon ineligible to vote for federal elections (such as President).

Investigations have found plausible evidence that substantiate some of the claims. However, other claims were dismissed for a variety of reasons, including mistaken identity (a voter and a convicted felon share the same name), applicability of the law (the felony conviction occurred in a different state that had no corresponding law), or other mistakes (a felony charge led to conviction of a misdemeanor).

In an effort to prevent future illegal votes, the Secretary of State ordered the creation of a database of all those convicted of felonies in the state. All registrations that matched the names and addresses in this database were purged six months prior to the election, with letters sent to the names and addresses used. In the event that a mistake occurred, the affected person could challenge their removal from the registration list up to 30 days prior to the election.

On election day, potential voters were turned away at the polls and informed that they had been removed as convicted felons. News reports suggested that the overwhelming majority of those affected were black residents of districts that lean heavily toward one political party, with estimates of 20,000 or more people turned away. Many others reported that they never received a notification letter, either because they moved or the supposed match was incorrect (such as “John Smith” receiving a notification for “Jack Smithe”). Finally, inspection of the felony database revealed that it used the federal racial designations (“White, Black or African American, American Indian or Alaska Native, Asian, and Native Hawaiian or Other Pacific”), whereas state records used Hispanic and Latino distinctly. Consequently, no Hispanic or Latino convicted felons were removed from the voter registration lists.

Exploration and context

Answer the following questions based on the facts provided in the narrative.

1. Who are the relevant actors of the case?
2. Who are the relevant stakeholders of the case?
3. What were the observable effects of the actions or decisions of actors in this case?
4. What additional details would help to provide greater understanding of the situational context or the actors' choices?

Interpretation and analysis

1. What responsibilities and authority did each actor have that may have influenced their actions (or lack thereof) in this case?
2. What rights (legal, natural, or innate) of stakeholders were impacted in this case? How important is upholding these particular rights and how severely would they be impacted by the outcomes of this case?
3. What potential actions were not performed that could have influenced the outcomes of this case?
4. What organizational practices, policies, or priorities are likely to have shaped the choices of actors in this particular case?
5. What technical facts are most relevant to the actions or choices of the actors or your eventual decision?
6. Identify the sections of the ACM Code of Ethics most relevant to the actions and decisions of all actors in this case.
7. Which actions (or lack of action) supported or violated the prescriptions of the ACM Code of Ethics? Identify the two or three actions that are most relevant for making a decision in this case.

Decision and action

1. What is the goal of the decision that you are trying to make in this case? What personal, institutional, or legal values are you trying to uphold?
2. How might your decision in this case be used as a foundation for future cases that are similar in nature?
3. What action would you take in this case and why?
4. How does your recommended action align with the prescriptions of the ACM Code of Ethics?

Historical context and additional discussion

Leading up to the 2000 Presidential Election, the state of Florida conducted such a purge of convicted felons from the voter registration rolls. As described in the case narrative, Florida law declared all those convicted of felonies in Florida ineligible to vote for life. Removing the convicted felons from the voter rolls was one aspect of a larger effort to bring the state into compliance with federal laws regarding elections. The number and demographics of people affected was particularly controversial, as the election was decided by a margin of approximately 500 votes cast.

1. Given that some of the election day claims were similar to errors that were known to have occurred in the previous allegations, did the database administrators who executed the removal adhere to the prescriptions of the ACM Code of Ethics?
2. What technical steps could have been taken to improve the reliability of the databases used? Given the federal racial designations do not include an explicit category for Hispanic or Latino, how can a database administrator resolve the discrepancy?
3. Does it matter that the final election results were close? Would your analysis and decision change if the election had been a clear and decisive victory?
4. How does the disparate impact on racial groups (some innocent black persons were removed while some Hispanic or Latino felons were not) influence your evaluation of the events? Is there language in the ACM Code of Ethics that provides guidance?
5. The purge of felons was one part of an effort to correct other problems, which were also known to have a disparate racial impact. Did those who conducted the removal have the authority—whether moral or legal—to refuse to comply with this action as an attempt to correct prior wrongs?