



# Accelerating the Vote

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How States Are Improving Motor-Voter  
Registration Under the National Voter  
Registration Act

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## **About Demos**

Demos is a public policy organization working for an America where we all have an equal say in our democracy and an equal chance in our economy.

Our name means “the people.” It is the root word of democracy, and it reminds us that in America, the true source of our greatness is the diversity of our people. Our nation’s highest challenge is to create a democracy that truly empowers people of all backgrounds, so that we all have a say in setting the policies that shape opportunity and provide for our common future. To help America meet that challenge, Demos is working to reduce both political and economic inequality, deploying original research, advocacy, litigation, and strategic communications to create the America the people deserve.

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## INTRODUCTION

For our democracy to thrive, the freedom to vote must be fiercely protected for all citizens, regardless of class or privilege. Yet, much work needs to be done to ensure our election system works for all Americans, particularly regarding the accessibility and ease of navigation of the voter registration process. To further these goals, Demos launched a project in 2014 to assess compliance nationwide with Section 5 of the National Voter Registration Act of 1993 (NVRA). Known colloquially as “Motor Voter,” Section 5 of the NVRA requires that state motor vehicle departments (DMVs) provide voter registration to persons applying for, renewing or updating driver’s licenses and state identification cards. In February 2015, that project culminated in a Demos report, *Driving the Vote: Are States Complying with the “Motor Voter” Requirements of the National Voter Registration Act?*,<sup>1</sup> the first report analyzing motor vehicle departments’ compliance with Motor Voter. Our report found that while some states had robust and effective Motor Voter programs, the majority of states were out of compliance with Section 5 of the NVRA in at least some respects, and that rates of voter registration through motor vehicle agencies varied dramatically from state to state. The report concluded with a review of best practices and policy recommendations for increasing compliance with the NVRA’s requirements for voter registration opportunities at DMVs.

In the 2 years since the publication of *Driving the Vote*, at least 7 states have taken steps to improve their compliance with Motor Voter—some in response to intervention by Demos and other advocacy organizations, some after the U.S. Department of Justice threatened enforcement action, and some at their own initiative in the wake of our report.

This report updates the conclusions of *Driving the Vote* in light of these developments. It first analyzes the different ways states have come to make changes in their Motor Voter programs. It then assesses, based on very preliminary data now available, the impact of better Motor Voter compliance on voter registration rates. Finally, this report reviews the experience of the past 2 years in order to update the model procedures that state motor vehicle departments should consider when seeking to improve their voter registration systems and services.

## SECTION I. INTERVENTION

In the wake of the detailed findings of *Driving the Vote* released in 2015, Demos and other advocates began to investigate and, where appropriate, intervene in states with poor Motor Voter compliance. This intervention took different forms in different places, ranging from advocacy that spurred cooperative improvements in some states, to notice letters and litigation in others.

### Advocacy

Whenever possible, Demos works cooperatively with election officials to make improvements to their voter registration practices and procedures. Demos has a history of working successfully with state and local officials to increase NVRA compliance at public assistance agencies. In the course of that work, Demos has found that many officials, when problems with NVRA compliance are brought to their attention, are eager to address them, and welcome the expertise Demos and its partners have to offer in developing compliant voter registration programs. Demos has taken this cooperative approach wherever it has found willing partners in state election departments.

### Oklahoma

Oklahoma is an example of a state that, as a result of our 2015 report, has been working voluntarily with Demos to improve its Motor Voter procedures. According to publicly reported data, Oklahoma's Department of Public Safety (DPS), the agency that administers driver licensing in the state, generated only 1 voter registration application for every 10 NVRA-covered DPS transactions—a rate that put it in the low-performing range compared to other states.<sup>2</sup> An analysis of Oklahoma's forms and procedures indicated that the state did not have an NVRA-compliant Motor Voter program. Problems included requiring DMV customers to provide duplicative information in order to register to vote, and the absence of an automatic update to voter registration for persons who update their DMV address online.

Based on the relationships developed during previous work in Oklahoma,<sup>3</sup> Demos reached out to the State Election Board (SEB) and explained the observed problems in their voter registration procedures. The SEB facilitated a meeting among Demos, SEB, and DPS. Following that meeting, SEB and DPS worked with Demos to improve their procedures. Under the plan that was developed, DPS will improve and streamline voter registration procedures by providing DPS customers conducting a driver's license application with a paper voter registration application that is pre-populated with the customer's voter registration information. Driver's license changes of address within a county, whether reported in person or online, will be transmitted to the SEB unless the customer states that the change is not for voter registration purposes. Oklahoma is aiming to complete implementation of these new procedures in June 2017.

While the improvements Oklahoma has committed to making to its Motor Voter program are substantial, gaps in full compliance remain. For example, current technological infrastructure and the division of authority between counties and the state prevent full compliance with Section 5's requirement that all changes of address—even those to a new county—be applied to the driver's registration record, unless he or she opts out. Demos looks forward to working cooperatively with Oklahoma to resolve these outstanding issues.

### **New Jersey**

In the summer of 2015, New Jersey began a major upgrade to its DMV voter registration procedures. According to New Jersey's Elections Director, the Elections Division had been advocating for these changes for some time. *Driving the Vote*, by highlighting New Jersey's low rate of DMV voter registration transactions, provided a helpful push to persuade the DMV and the state legislature to provide the required funding and personnel to bring about the necessary changes.

The changes adopted by New Jersey streamlined voter registration procedures in several ways. The Elections Division updated its regulations to allow the use of a digitized signature for voter registration, and the DMV and election officials began an information technology upgrade to enable electronic transfer of the voter registration information, including the digitized signature. Under this new system, during a driver's license or state identification card application or renewal transaction—which in New Jersey all take place in person—the individual uses a key pad to respond to a series of questions, each of which must be answered before proceeding to the next question. The questions relate to: (1) organ donation; (2) voter registration; and

(3) if the answer to the voter registration question is yes, eligibility questions, party preference, and other voter registration information. The key pad process then includes a declaration about eligibility and signature requirement, stating that only one signature is required for the organ donation, voter registration, and driver's license transaction. All voter registration information collected during these covered DMV transactions is electronically transferred to election officials, who then add or update the voter's registration in the statewide voter registration database. In addition, each application is coded to allow the state to track the voter registration applications originating with the DMV.

### **Demand Letters and Litigation**

Often, the threat of enforcement, including litigation, is necessary to bring states into compliance with the NVRA. In 2015 and 2016, Demos, working with individual voters as well as partner organizations, sent pre-litigation "notice letters" to elections and motor vehicle officials in California, Nevada and North Carolina,<sup>4</sup> notifying them of concerns about their compliance with Motor Voter. The letters invited collaboration in developing NVRA-compliant voter registration programs, but noted that litigation would be initiated if the states failed to take appropriate action. In response, California and Nevada immediately engaged in discussing changes to DMV practices that would bring these states into compliance with the NVRA. In contrast, North Carolina officials, after some initial discussions, failed to take steps to correct the state's NVRA violations. Accordingly, in December 2015, Demos and partners, on behalf of three individuals and three North Carolina-based voter engagement organizations, initiated a lawsuit to enforce the requirements of the NVRA.<sup>5</sup>

### *California*

As of 2014, publicly available data indicated that only about 4 percent of individuals engaging in driver's license or identification card transactions with the California DMV indicated a desire to register to vote as part of the transaction, placing the California DMV among the lowest-performing motor vehicle agencies covered by the NVRA.<sup>6</sup> Demos reviewed policy manuals and other documents related to California's implementation of Motor Voter, which revealed clear violations of the NVRA. Rather than incorporating voter registration into the driver's license application or renewal process, as Motor Voter requires, California's DMV simply provided

a separate, blank voter registration application to customers, which customers had to complete and submit separately, and the DMV offered no voter registration services to those conducting renewals online. Additionally, Demos and Project Vote conducted surveys of DMV customers outside DMV offices throughout the state, and determined that the DMV's procedures for offering voter registration were not only non-compliant, but highly ineffective. Many eligible persons left the DMV unaware that they could register to vote there, and others were deterred from registering by the DMV's cumbersome procedures.

Demos and its partners initiated informal discussions with officials in the California Secretary of State's office in 2 separate administrations. Secretary Alex Padilla, who took office in January 2015, expressed concern over the DMV's lack of compliance with Motor Voter. In the prior year, as a state senator, he had authored legislation advocated by the ACLU of California to require the DMV to improve its voter registration procedures. That legislation, which faced opposition from the DMV, had failed to pass. Demos and the ACLU concluded that only the threat of litigation would motivate the DMV to take action to come into compliance with Motor Voter.

In February 2015, Demos, Project Vote, and the ACLU of California, working with the law firm of Morrison & Foerster LLP on behalf of national and local advocates, notified the Secretary of State and the Director of the DMV that the DMV was violating the NVRA and that the advocates intended to initiate litigation if the state did not immediately take steps to comply with the law.<sup>7</sup> The Secretary of State then convened a meeting with the DMV and the advocates to begin discussing a resolution of the violations. At the center of that resolution was an upgrade to DMV's technology infrastructure that would allow voter registration applications submitted during in-person and online transactions to be transmitted electronically to the Secretary of State's office, which would then distribute them to the appropriate county elections offices. While those negotiations were ongoing, the California state legislature passed a bill enabling automated voter registration through the DMV.<sup>8</sup> Subsequently, the DMV incorporated some of the infrastructure needed for automatic voter registration into a partial resolution of the state's Motor Voter violations. Anticipating that the need to allow for automatic voter registration would significantly increase the volume of voter registration applications originating at the DMV, the DMV extended its timeline for compliance with the NVRA.

As of this writing, DMV's discussions with advocates indicate that it has implemented a largely automated procedure for voter registration during in-office and online driver's license and identification card applications and renewals. To date, however, the DMV continues not to offer NVRA-compliant voter registration services during renewal transactions conducted by mail, which account for more than 1 million renewal transactions per year. As a result, in May 2017, Demos and its partners initiated a lawsuit against DMV and the Secretary of State to compel the State to come into full compliance with the NVRA.

As discussed further below,<sup>9</sup> the improvements in DMV's in-person and online processes have already resulted in a dramatic increase in the number of voter registrations submitted through the DMV. Between implementation of those improvements in May 2016 and the November 2016 election, registrations during in-person and online DMV transactions increased by about 50 percent as compared to the number received during the same period leading up to the 2012 presidential election.

### *Nevada*

Demos' research indicated that as of 2014, the DMV in Nevada, like California, was registering only a tiny fraction of the voters who engaged in driver's license transactions, and requiring customers to jump through a series of hoops to get registered. As described in *Driving the Vote*, the Nevada driver's license application was highly confusing, and the procedure for registering to vote during a driver's license transaction blatantly violated the NVRA.<sup>10</sup> A field investigation conducted in 2014 confirmed that these violations had a detrimental impact on the number of voters who registered through the DMV. Many customers Demos interviewed did not see the voter registration question and therefore did not affirmatively request an application. Worse, some customers who did check the voter registration box on the application form were not provided with a voter registration application unless they also asked for it.<sup>11</sup>

At the time of the investigation, legislation was pending in the Nevada legislature that would have provided funding for the DMV to upgrade its information technology infrastructure, including technology that could be used to support voter registration. Demos contacted several Nevada-based advocacy groups that had supported the legislation to provide them with the information from our research and to offer technical assistance to ensure that any voter registration upgrades that came out of the legislation would be NVRA-compliant. After the DMV infrastructure bill failed, Demos continued to work

with local advocates in an effort to bring about voluntary changes at the DMV.

In March 2016, when the local advocates concluded that their advocacy efforts had failed to yield results, Demos, Project Vote, and a local law firm sent a pre-litigation notice letter to the Nevada Secretary of State and Director of the Department of Motor Vehicles. In response to the notice letter, sent on behalf of the Mi Familia Vota Education Fund and an individual Nevada resident, Nevada Governor Brian Sandoval's office, which oversees the DMV, expressed its strong commitment to achieving compliance, and helped facilitate settlement of the matter without litigation. In March 2017, after several productive meetings and months of good-faith negotiations, the parties entered into a Memorandum of Understanding that will bring the state into compliance with Section 5.

The MOU is structured to proceed in 3 phases. In Phase I, which was completed even prior to finalizing the MOU, the DMV worked with Demos and our partners to develop new paper driver's license forms intended to remedy many of the Section 5 violations. The new forms were rolled out statewide in September 2016. In order to avoid requiring duplicate information, the state created a new voter registration application that allows the DMV to use its printers to pre-populate much of the application using the information provided on the driver's license form. The application was designed in such a way that county registrars can use existing equipment and software to scan them into the statewide voter registration database. The new voter registration application is included as the final page in all driver's license applications, and is mailed along with all driver's license renewal notices. Customers who complete their driver's license renewals online are provided with an opportunity to use the state's Online Voter Registration system or to request a paper voter registration form from the DMV.

In Phase II, which was initiated at the end of January 2017 and completed in May, the state built an electronic link between the DMV's computer system and the Secretary's online voter registration system, so voter registration information, including a digitized signature, can be seamlessly transmitted between the 2 agencies. Furthermore, as a result of Demos' engagement with state officials, Nevada is for the first time providing all DMV voter registration forms in Spanish throughout the state and in Spanish and Tagalog in Clark County.<sup>12</sup>

Finally, in a third phase of improvements, estimated to be completed in 2020, the state has committed to further modernize

its Motor Voter procedures as the DMV carries out a complete overhaul of its technological infrastructure.

“We are proud to deliver these enhancements to the citizens of Nevada,” said DMV Director Terri Albertson. “The DMV is a critical component in the voter registration process. We are dedicated to providing the service with security and integrity, as well as convenience.”

### *North Carolina*

Unlike California and Nevada, North Carolina’s implementation of Motor Voter appeared to be compliant with the NVRA’s requirements for individuals who apply for or renew a license or ID card in person, and *Driving the Vote* placed the state solidly in the middle of the pack in terms of the number of voter registration applications originating at the DMV. However, evidence introduced in a lawsuit challenging the state’s elimination of same-day registration revealed that many voters who had attempted to register to vote at the DMV were denied their right to vote when they appeared at the polls only to find that their name was not included on the voter roll, suggesting that voter registration applications submitted to DMV offices were not being transmitted to election officials. Information provided by county Boards of Elections in response to public records requests showed that this problem was systemic. In addition, the state’s recently implemented online DMV services portal did not allow individuals renewing or changing the address on their license online to register to vote or update their voter registration information.

In June 2015, Demos and several partner organizations sent a letter on behalf of 3 local civic engagement groups and 3 individual North Carolina voters who had attempted to register at the DMV, notifying the state of these problems and seeking to engage the state in cooperatively developing a solution.<sup>13</sup> After an initial conversation with representatives of the State Board of Elections, the discussions broke down, and in December 2015, the organizations and individuals filed a lawsuit seeking to compel compliance with the NVRA.<sup>14</sup> The lawsuit, which is still pending, has already pushed North Carolina to take preliminary steps to improve compliance with the NVRA. Specifically, the DMV integrated some voter registration services into its online renewal and change of address portals in 2016, though improvements still need to be made. Additionally, after the notice letter was sent, the DMV began requiring that an individual who declines voter registration services when they apply for, renew, or change the address on a license at a DMV office sign a form acknowledging that they

declined voter registration services (a “declination form”). Despite the fact that the DMV is now using declination forms, problems persist, and individuals who request voter registration services at DMV offices still frequently find that their registration information has not been transferred to the Board of Elections. For this reason, efforts to bring the DMV’s in-office and online systems into compliance with the NVRA are ongoing.

### **Enforcement Actions by U.S. Department of Justice**

The U.S. Department of Justice (DOJ) is charged with enforcement of the NVRA, and as the nation’s top law enforcement agency, it has the responsibility to move intransigent states to comply with federal law. After Demos shared *Driving the Vote* with DOJ officials, the department began to take an interest in enforcement of Section 5 of the NVRA for the first time since the mid-1990s. In 2015 and 2016, DOJ sent pre-enforcement letters to, and signed comprehensive memoranda of understanding with Alabama and Connecticut, 2 of the 3 states Demos identified as reporting the lowest rate of DMV voter registrations in the nation.<sup>15</sup>

#### *Alabama*

The analysis in Demos’ 2015 report showed that Alabama was at the very bottom of the list in terms of collecting voter registration applications through DMV offices.<sup>16</sup> Our report ultimately exposed that in the 20 years since the passage of the NVRA, Alabama had never implemented Motor Voter. In September 2015, the DOJ sent a letter to Alabama Secretary of State John Merrill, notifying him that the state was not in compliance with the NVRA and threatening litigation should the state not revise its procedures.<sup>17</sup> Shortly thereafter, in November 2015, the Department of Justice entered into a Memorandum of Understanding with the State of Alabama, the Secretary of State, and the Alabama Law Enforcement Agency (ALEA), the state agency that administers driver licensing.<sup>18</sup>

Prior to the MOU, Alabama was out of compliance with Section 5 across the board. As Secretary Merrill acknowledged, “[W]e’ve never been compliant.”<sup>19</sup> The MOU between the state and the DOJ provides for an interim resolution using a paper voter registration form and, within 7 months of the date of the MOU, a permanent electronic system allowing seamless transfer of data between ALEA and the Secretary. In addition to developing a new NVRA-compliant system, Alabama also agreed to take steps to remedy years of past violations. Under the remedial plan, the Secretary was required to contact by mail and send

a voter registration application to all Alabamians who have a driver's license or identification card and do not appear to be registered to vote in Alabama.<sup>20</sup> The MOU authorized Alabama to participate in the Electronic Registration Information Center (ERIC)<sup>21</sup> as a means of identifying those to whom to send the remedial mailing.

### **Connecticut**

Connecticut had one of the lowest rates of DMV registrations in the country, according to Demos' analysis in *Driving the Vote*, and Demos' research indicated that Connecticut's procedures violated Motor Voter.<sup>22</sup> Indeed, the state's standard driver's license application contained no mention of voter registration at all.

Following an investigation, the Department of Justice sent a pre-litigation letter to Secretary of State Denise Merrill on April 16, 2016.<sup>23</sup> As the state had recently enacted an automatic voter registration requirement and was in the process of creating a modernized, automated system of voter registration at the DMV, by May 2016 it had already developed a compliance plan. The parties subsequently signed a Memorandum of Understanding requiring considerable modernization of the state's voter registration processes.<sup>24</sup>

The electronic voter registration system put in place as a result of the DOJ's enforcement action consists of an automated opt-out process seamlessly incorporated into every driver's license transaction. In other words, every driver's license application, renewal, or change of address serves as a voter registration application (or update if the customer is already registered to vote), unless the customer affirmatively indicates she does not want to register. For all NVRA-covered transactions, the DMV computer system requires a response to the voter registration question from the employee before completing the transaction. All voter registration applications are electronically transmitted to local election officials through a daily upload to the statewide voter registration database. DMV forms used for remote address changes and renewals have also been updated to comply with the NVRA and work with the new electronic system.

Like the Department's MOU with Alabama, the agreement with Connecticut requires a robust recapture procedure to reach out to citizens who have not been provided NVRA-compliant opportunities in the past. Connecticut, which is already a member of ERIC, is required to identify eligible citizens within the state who have a driver's license or identification card but who are not registered to vote, and to provide them with a voter registration application by mail. This outreach must be conducted periodically through the 2018 general election.

## SECTION II. IMPACT

The improvements states have made in their Motor Voter programs since the publication of *Driving the Vote* have already begun to increase the numbers of voter registrations originating at their motor vehicle agencies.

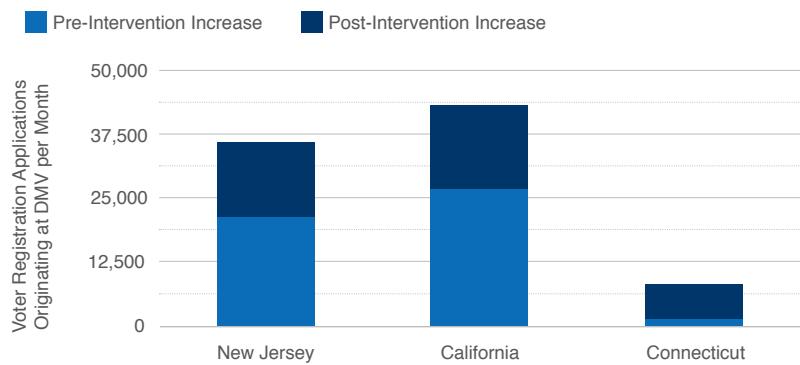
To get a sense of this impact, Demos calculated how many additional voter registrations were generated through driver's license transactions after the states implemented their reforms, as compared to their prior performance.<sup>25</sup> We started by looking at data collected by the U.S. Election Assistance Commission (EAC) indicating the number of voter registrations that came from the motor vehicle agency for each state. In conducting our analysis, we chose the EAC's data from 2012, covering the latest presidential election cycle for which data is available, rather than the more recent 2014 data, to help ensure that changes in the number of registrations we observed were attributable to Motor Voter reforms and not to increases in registration typically seen in a presidential election year.

To standardize the data, we calculated a monthly average number of registrations received from the DMV by the states during the 2011-2012 election cycle.<sup>26</sup> We similarly calculated the monthly average number of registrations received from the DMV following implementation of the Motor Voter improvements described above. Finally, to understand the impact of the reforms, we looked at the difference between the monthly average of registrations pre-and post-reform.

The results are encouraging. In all states where data were available, the monthly average number of voter registration applications produced by the DMV increased dramatically. For example, the average number of registrations per month in Connecticut, the state that adopted the most comprehensive reforms, was 8,671 from the date of the state's MOU with the Department of Justice through March 2017, as compared to only 856 per month in the 2 years before the 2012 election, an increase of roughly 7,800 voter registration applications per month, or over 900 percent. In California, where reforms have not yet been completely implemented, the number of voter registration applications originating from the DMV increased

to 41,918 per month from April through October 2016, from an average of 27,404 per month in the same period in the 2012 presidential election cycle, a 53 percent increase. Figure 1 summarizes the impact of Motor Voter reforms in the 3 states for which data were available.

**Figure 1. Increase in Monthly Voter Registration Applications**



Source: Authors' analysis of campaign contribution disclosures

## SECTION III. MODEL PRACTICES

In *Driving the Vote*, Demos proffered two sets of model procedures states could implement to improve their compliance with Section 5 of the NVRA and the effectiveness of their Motor Voter implementation. One set was suggested for states with resources to invest in improvements to their technological infrastructure, and the other for states with limited resources to invest in NVRA implementation. Here, we update those model procedures in light of the experience of states that have undertaken reforms to their Motor Voter programs.

Many of the best practices described in *Driving the Vote* were adopted by states that have updated their Motor Voter implementations since the report was issued. For example, Montana now offers voter registration during change of address transactions, while New Jersey has implemented a “hard stop” for voter registration questions asked via a touchscreen device—requiring that the question be answered before the customer can complete the transaction. Many states have updated their online driver’s license services to incorporate voter registration. The experience of several states has highlighted other reforms that are critical to effective voter registration programs.

### Traditional Paper-Based Procedures

Several of the states Demos worked with were able to come into compliance with some of Motor Voter’s requirements simply by re-designing their driver’s license application forms to incorporate the offer of voter registration. For example, Montana has gone from using separate driver’s license and voter registration applications to incorporating licensing and voter registration into a single form. Likewise, Nevada moved from offering a separate voter registration application that a customer would have to fill out from scratch to pre-populating a voter registration form that is attached to the driver’s license application, requiring the customer to provide only the additional information necessary for voter registration. Further, Nevada designed these forms to allow continued use of existing scanners used by county clerks to enter voter registration applications into the statewide voter registration database. Redesigning driver’s license forms to streamline and simplify the voter registration process is one of the easiest ways for states to comply with the law and make their Motor Voter programs more effective at a very low cost.

## **Driving the Vote Proposed 2 Alternative Sets of Model Procedures**

### **Procedures Not Requiring Technology Investment**

- Active offer of voter registration
- Voter registration during change of address
- Address updates throughout the state
- Assistance with voter registration

### **Procedures that Leverage Technology**

- Use technology to capture voter registration preferences and signature

Also critical to ensuring effective Motor Voter programs is oversight and accountability. Without oversight, even the best-designed program may not be effective. North Carolina provides the most stark example of the need for accountability. Prior to intervention, North Carolina had Motor Voter procedures that on their face appeared compliant with the NVRA. The lack of oversight, however, meant that state officials were unaware that many voters who availed themselves of the opportunity to register at the DMV were not added to the voter rolls and therefore took no action to ensure compliance with the law. Although litigation is ongoing in the state, the North Carolina DMV has already recognized the need for more accountability in whether and how voter registration services are offered during driver's license transactions. To help the State Board of Elections identify and correct errors in the recording of a customer's voter registration preferences, the state has announced that it will require DMV offices to obtain a signed "declination" from any voter who chooses not to register to vote during a driver's license transaction.

These examples make clear that effective monitoring and oversight should be a central part of any Motor Voter program. The challenge of shifting the culture of an agency that may not see voter registration as a central part of its mission cannot be overstated. Only with a commitment on the part of election and DMV officials

to ensuring that a state's Motor Voter program is being fully and effectively implemented and is serving voters can such a culture change occur. Robust training of front-line DMV employees as well as the assignment of oversight responsibilities to specific individuals who will be accountable for the agency compliance with the program are critical. Oversight must also include collection and monitoring of data on voter registration transactions and the ability to audit individual transactions to ensure that customer preferences are accurately reflected in voter registration records. Once again, adoption of effective oversight need not involve significant investment of financial resources. Most motor vehicle agencies already have training programs and employees charged with ensuring compliance with other federal requirements, such as REAL ID. Incorporating voter registration into these existing mechanisms can be done with little additional investment.

### **Technology-Based Procedures**

The use of technology can significantly streamline the voter registration process at motor vehicle agencies, while at the same time reducing both costs and errors. Where possible, Demos recommends that states move away from paper voter registration forms to systems for electronically capturing voter registration information. One area where technology is critical and where best practices demand investment, if necessary, is in the transmittal of voter registration information from motor vehicle agencies to election officials. In its work in numerous states since the publication of *Driving the Vote*, Demos has found lapses in the transmittal of voter registration applications to be one of the most common failings of Motor Voter programs, even in states that are otherwise in compliance with the NVRA. Most often, this has resulted from the failure to deliver paper voter registration applications collected by DMV offices to the appropriate election officials. To address this common problem, Demos recommends that states prioritize adopting electronic transmittal of voter registration applications.<sup>27</sup>

Several of the states with which Demos has worked over the past 2 years have made significant investments in technology to modernize their Motor Voter programs, resulting in more effective voter registration services that reduce the burdens on both agency employees and voters, and obviate the transmittal errors resulting from paper-based procedures. In Connecticut, the DMV has updated the computer systems used for driver's license transactions

## The Experience of States Highlights Additional Model Procedures

### Paper-Based Procedures

- Integrate voter registration and licensing into a single form
- Modify driver's license forms to allow continued use of existing technology
- Improve accountability by creating a paper trail

### Technology-Based Procedures

- Adapt existing technology to provide voter registration
- Leverage online registration systems

to incorporate an electronic voter registration application that pulls voter information from the customer's DMV record, and it has built a link between the DMV and Secretary of State's office to allow electronic transmittal of voter registration information. New Jersey has adopted a Delaware-style system that guides customers through the voter registration process on a touchscreen device that also digitally captures the voter's signature.

Moving to electronic voter registration need not involve substantial new investment. Demos' recent experience has shown that existing technologies can be leveraged to build cost-effective electronic voter registration systems. In California, for example, the DMV was able to modernize its voter registration system without significant investments in new infrastructure by building on 2 existing technologies. First, to capture voter registration information, the DMV now makes use of existing touchscreen devices that are also used for administering the written portion of the driver's test. These devices were already in place in large numbers throughout the state, obviating the need for new hardware. Second, for both in-person and online transactions, the DMV transmits voter registration information using the database linkage built for the state's online voter registration system.

### **Phased Implementation**

States need not choose whether to retain a paper-based Motor Voter program or devote the potentially considerable resources needed to update their technological infrastructure. Over the last 2 years, Demos has worked with several states that adopted phased plans for updating their Motor Voter infrastructure. Nevada is one example, which adopted a 3-phase plan for achieving compliance with Section 5 of the NVRA. After receiving Demos' pre-litigation notice letter, the state immediately began revising its paper driver's license forms, and it issued the new forms even before the MOU was signed. In a second phase, the state adopted Demos' recommended practice of electronically transmitting voter registration information. Finally, the state has made a longer-term commitment to upgrade the DMV's technological infrastructure and to implement an entirely paperless voter registration system at the point-of-service. Such a phased approach to compliance allows states to spread the costs of technology upgrades over time, while also providing immediate benefits to voters by having a simpler, more streamlined paper-based process in place very quickly.

## CONCLUSION

**S**ince the Presidential Commission on Election Administration found widespread disregard of the National Voter Registration Act by motor vehicle agencies in 2014, Demos and other groups as well as the Department of Justice have engaged constructively with several states to develop and implement more effective Motor Voter programs. In just a 2-year period, this engagement has increased compliance with federal law in more than 7 states, provided models for more voter-friendly and cost-effective voter registration systems, and resulted in the registration of hundreds of thousands of new voters. Many other states are in need of improvement as well, and must scrutinize their Motor Voter programs. When all states adopt the needed reforms, the expansion of the voter rolls promised by the NVRA may finally be realized.

## ENDNOTES

1. Stuart Naifeh, *Driving the Vote: Are States Complying with the Motor Voter Requirements of the National Voter Registration Act?* Demos, 2015. [http://www.demos.org/sites/default/files/publications/Driving%20the%20Vote\\_0.pdf](http://www.demos.org/sites/default/files/publications/Driving%20the%20Vote_0.pdf).
2. Naifeh, *Driving the Vote*, 7-8.
3. In August 2014, Demos sent a notice letter to the Oklahoma State Elections Board identifying NVRA violations with respect to the voter registration services offered by public assistance agencies. In response, the state worked with Demos to develop new voter registration procedures and entered into a comprehensive settlement agreement. Based on the relationships developed in that process, Demos was able to initiate discussions concerning Motor Voter compliance without the need for a formal notice letter.
4. Letter from Demos, et al. to Alex Padilla, dated February 5, 2015, <http://www.demos.org/press-release/voting-rights-groups-move-enforce-motor-voter-california>; Letter from Demos et al. to Kim Westbrook Strach, dated June 1, 2016, [http://www.demos.org/sites/default/files/photos/sec\\_5\\_notice\\_letter-final%206.1.2015.pdf](http://www.demos.org/sites/default/files/photos/sec_5_notice_letter-final%206.1.2015.pdf); Letter from Demos, et al. to Cynthia Cegavske, dated March 7, 2016, <http://www.demos.org/publication/notice-letter-nvra-enforcement-nevada>.
5. Complaint, Case No. 1:15-cv-1063 (M.D.N.C. December 15, 2016), <http://www.demos.org/publication/nvra-complaint-us-district-court-middle-district-north-carolina>.
6. These calculations were based on license and identification card data reported by California's Department of Motor Vehicles to the Federal Highway Administration and voter registration data reported by the California Secretary of State to the Election Assistance Commission.
7. Letter from Demos, et al. to Alex Padilla, dated February 5, 2015, <http://www.demos.org/press-release/voting-rights-groups-move-enforce-motor-voter-california>.
8. Chapter 729, Statutes of 2015 (California, October 10, 2015), [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB1461](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1461).
9. Section II.
10. Naifeh, *Driving the Vote*, 20-21
11. Letter from Demos, et al. to Cynthia Cegavske, dated March 7, 2016, <http://www.demos.org/publication/notice-letter-nvra-enforcement-nevada>.
12. Clark County is required under Section 203 of the Voting Rights Act to provide all election materials and assistance in Spanish and Tagalog.
13. Letter from Demos et al. to Kim Westbrook Strach, dated June 1, 2016, [http://www.demos.org/sites/default/files/photos/sec\\_5\\_notice\\_letter-final%206.1.2015.pdf](http://www.demos.org/sites/default/files/photos/sec_5_notice_letter-final%206.1.2015.pdf).
14. Complaint, Case No. 1:15-cv-1063 (M.D.N.C. December 15, 2016), <http://www.demos.org/publication/nvra-complaint-us-district-court-middle-district-north-carolina>.
15. In June 2017, the department signed an MOU with the state of New York requiring the state to develop a plan come into compliance with Section 5 of the NVRA. The New York MOU does not contain a detailed description of all the steps the state will take, and as of this writing, it is too early to know how effective New York's compliance plan will be.
16. Naifeh, *Driving the Vote*, 12.
17. Letter from Vanita Gupta to Luther Strange, dated September 8, 2016, <https://drive.google.com/file/d/0B8tTqqdCX7LqNEMxb2VZZ1BjckU/view>.
18. Memorandum of Understanding between the United States of America and the State of Alabama, the Alabama Secretary of State (Secretary of State), and the Alabama Law Enforcement Agency (ALEA), November 12, 2015, <https://www.justice.gov/opa/file/793121/download>.
19. Tim Lockette, "Merrill: Alabama working to finally comply with 'motor voter' rules," *Anniston Star* (Oct. 27, 2015), [http://www.annistonstar.com/news/merrill-alabama-working-to-finally-comply-with-motor-voter-rules/article\\_d5e8944e-7cf5-11e5-b5b-3fa8b6660ff5.html](http://www.annistonstar.com/news/merrill-alabama-working-to-finally-comply-with-motor-voter-rules/article_d5e8944e-7cf5-11e5-b5b-3fa8b6660ff5.html). According to public records examined by Demos, ALEA's application for a driver's license, renewal license, or identification card included a single question related to voter registration, asking "Are you registered to vote in Alabama?" with check boxes for "yes" and "no." There was nowhere for the customer to indicate that she wanted to register, and anecdotal evidence indicated that many ALEA customers were never offered an opportunity to register. If a customer did receive an opportunity to register, she would have to request and complete a separate voter registration application. Thus, the driver's license application did not "serve as" a voter registration application, and the customer was required to duplicate the information already provided on the ALEA form.
20. The MOU created an exception for those "objectively ineligible to register."
21. ERIC is an interstate voter registration information sharing compact sponsored by the Pew Charitable Trusts. Among other functions, it allows states to identify eligible but unregistered voters using voter registration, motor vehicle and other government data from member states.
22. Naifeh, *Driving the Vote*, 11-12.
23. Memorandum of Understanding between the United States of America and the State of Connecticut, August 4, 2016, <https://www.justice.gov/opa/file/882686/download>, at 1.
24. *Id.*
25. Our analysis was necessarily limited to the 3 states for which we could obtain post-reform voter registration data.
26. For California, which publishes historical DMV voter registration data by month, we used actual monthly totals for the period in 2012 corresponding to the post-reform period.
27. In some states, such changes may require legislative action—for example, to authorize the use of digitized signatures for voter registration purposes or to provide funding for the necessary infrastructure investments.

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