

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

LEAGUE OF WOMEN VOTERS OF  
MISSOURI, ST. LOUIS A. PHILIP  
RANDOLPH INSTITUTE, and GREATER  
KANSAS CITY A. PHILIP RANDOLPH  
INSTITUTE,

Plaintiffs,

v.

JOHN R. ASHCROFT,  
in his official capacity as the Missouri  
Secretary of State, and

JOEL WALTERS,  
in his official capacity as the Director of the  
Missouri Department of Revenue,

Defendants.

No. 2:18-cv-04073-BCW

**SUGGESTIONS IN SUPPORT OF PLAINTIFFS'  
MOTION FOR A PRELIMINARY INJUNCTION**

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## INTRODUCTION

This case seeks to protect the right of qualified Missouri citizens to vote. There is “no right more basic in our democracy than the right to participate in electing our political leaders.” *McCutcheon v. FEC*, 134 S. Ct. 1434, 1440–41 (2014). Defendants deprive Missouri voters of this basic right by failing to update the voter registration information of individuals who change their address online or by mail with the state motor vehicle agency, as required by the National Voter Registration Act (“NVRA”). Plaintiffs seek preliminary relief by July 2, 2018, to ensure that eligible Missourians’ votes are counted in the August and November 2018 elections.<sup>1</sup>

Recognizing that problems with voter registration are a primary reason that people are unable to participate in the political process, Congress passed the NVRA in 1993 to increase the number of registered voters and maintain accurate, up-to-date voting rolls. Relevant here, Section 5 of the NVRA mandates that any time a person updates the address associated with their driver’s license or state identification card (together, “licenses”), the state must update the person’s voter registration address unless the person asks that the update not occur. 52 U.S.C. § 20504(d). State agencies must meet these obligations whether a change-of-address transaction takes place in an office, online, by mail, or by other remote means. *See Action NC v. Strach*, 216 F. Supp. 3d 597, 622 (M.D.N.C. 2016).

Here, Plaintiffs are likely to prevail on the merits, and the balance of the public interest and the harms that this Court must consider in determining whether to grant a preliminary injunction also strongly favor Plaintiffs.

*First*, Defendants are violating Section 5 by failing to provide *any* voter registration services to Missouri residents who engage in online and mail change-of-address transactions for

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<sup>1</sup> Plaintiffs detail the specific relief requested in their Motion and in the conclusion of this brief.

license purposes. Indisputably, the Missouri Department of Revenue’s (“DOR”) online and mail change-of-address forms not only fail to inform clients updating their driver’s license records that they need to update their voter registration information if they have moved, they also fail to provide the automatic update process that the NVRA requires. (Dkt. No. 19-4.) Given Defendants’ clear violation of the law, Plaintiffs have a strong likelihood of success on the merits.

*Second*, the balance of the equities—including the public interest, the irreparable harm Plaintiffs and Missouri voters would experience absent injunctive relief, and the burden on the Defendants—strongly favors Plaintiffs. Preliminary relief requiring Defendants to offer Missourians voter registration opportunities will advance the public interest served by “permitting as many qualified voters to vote as possible.” *Obama for Am. v. Husted*, 697 F.3d 423, 437 (6th Cir. 2012). The public also “has an interest in seeing that [a state] complies with federal law, especially in the important area of voter registration.” *Charles H. Wesley Educ. Found., Inc. v. Cox*, 324 F. Supp. 2d 1358, 1369 (N.D. Ga. 2004), *aff’d*, 408 F.3d 1349 (11th Cir. 2005). Guaranteeing that no voter is disenfranchised as a result of Defendants’ NVRA violations in the August and November 2018 elections will vindicate important public rights and help ensure more accurate voter lists.

Additionally, because “there can be no ‘do-over’ or redress of a denial of the right to vote after an election,” an NVRA violation that inhibits voting “weighs heavily in determining” irreparable harm absent an injunction. *Fish v. Kobach*, 840 F.3d 710, 752 (10th Cir. 2016); *see also Ass’n of Cmty. Orgs. for Reform Now v. Scott*, No. 08-CV-4084-NKL, 2008 WL 2787931, at \*7 (W.D. Mo. July 15, 2008) (finding that no monetary award could compensate plaintiffs for being unable to vote due to an NVRA violation). More than 750,000 individuals moved within

Missouri in 2016 alone. Thus, Defendants' failure to update Missourians' voter registration information during online and mail change-of-address transactions threatens to disenfranchise a large numbers of voters. If a voter has moved to a different Missouri election jurisdiction, their provisional ballot is rejected. Among those at risk of being disenfranchised due to the State's failure to properly update voter registration information are members of the League of Women Voters of Missouri ("League").

Moreover, because DOR does not even inform individuals changing their address how to update their voter registration, some Missourians will only learn that they are not properly registered when they turn out to cast their ballots at the polls. This results in disenfranchisement and creates confusion and longer lines at the polls.

Like the public at large, Plaintiffs face irreparable harm because they must expend their limited resources trying to fill the registration gap caused by Defendants' NVRA violations. Plaintiffs now must spend more resources educating Missouri voters about the need to update their registration address after moving and helping voters ensure their registration information is current, diverting these resources from voter education, Get-Out-the-Vote ("GOTV") efforts, and charitable activities. Further, if Defendants provided online and mail registration updates, more Missourians would have current registrations, and Plaintiffs could register more *new* voters.

The public interest in NVRA compliance and the harms of noncompliance far outweigh the harm Defendants would incur should the requested relief be ordered. Defendants can hardly complain that complying with federal law is harmful or inequitable, especially when—after Plaintiffs notified them of ongoing violations in July 2017—Defendants made changes to the mail and online forms that did not remedy their NVRA violations and made their online violations worse. While DOR's online change-of-address portal was noncompliant before

August 2017 because it did not update users' voter registration information, it did tell users to update their voter registration with Secretary of State and refer them to the website. But in August 2017, DOR changed its online change-of-address system to *remove any reference to voter registration whatsoever*.

Defendants' failure to update the voter registration information of DOR customers who submit a change-of-address form online or by mail violates the NVRA and, absent immediate relief, will deny qualified Missourians their right to vote and burden others. Any burden to Defendants in complying with the NVRA cannot outweigh this significant, imminent harm. Accordingly, the Court should grant this motion for a preliminary injunction.

#### **STATEMENT OF FACTS**

##### **A. Plaintiffs and Missouri Voters Are Burdened and Disenfranchised When Voter Registration Addresses Are Not Current.**

Section 5(d) of the NVRA requires that when an individual submits a change-of-address form for license purposes, it must also "serve as notification of change of address for voter registration . . . unless the registrant states on the form that the change of address is not for voter registration purposes." 52 U.S.C. § 20504(d). Yet, eligible DOR customers who move and conduct change-of-address transactions online or by mail are not provided any voter registration services, as is evident from the face of the relevant change-of-address forms: neither the online or mail change-of-address form even mentions voter registration. (Dkt. Nos. 19-4, 19-5.) Instead, to update their voter registration information, such individuals must complete an entirely separate voter registration form, as though they never engaged in a DOR transaction at all. (*See id.*; Declaration of Sara Ann Levine ("Levine Decl.") (Ex. A) ¶ 10.)

Among the Missouri voters harmed by Defendants' ongoing NVRA violations are members of the League, a Plaintiff here. For example, League member Sara Levine was deprived

of her right to have her voter registration updated while conducting a remote DOR change-of-address transaction after moving in February 2018. (Levine Decl. ¶¶ 8–10.) DOR’s online system did not inform Ms. Levine that she needed to update her voter registration address. (*Id.* ¶ 9.) In order to update her registration information, Ms. Levine had to fill out an entirely separate voter registration form from the Secretary of State’s website, and mail that form to her local election board—an action she only knew she had to take based on the experience of friends. (*Id.* ¶ 10.) Because Ms. Levine is planning on purchasing a home in the near future, she will face the same injury again. (*Id.* ¶ 11.)

This type of impact is not confined to Ms. Levine or other League members. Every year, sizeable segments of Missouri’s population move. The U.S. Census Bureau estimates that in 2016—the year for which the most recent data is available—approximately 8.5% of Missourians (more than 500,000 people) moved within the same county, and approximately 4% (more than 200,000 people) moved from a different county but within the state.<sup>2</sup>

Under Missouri law, voters who move and whose voter registration information is not updated before the registration cutoff date must cast provisional ballots or, if within the same jurisdiction, undertake one of several burdensome steps in order to vote. *See* Mo. Rev. Stat. § 115.430; *id.* § 115.165. Those voters who move between counties (and thus, between election jurisdictions) are subject to total disenfranchisement. *See id.* § 115.135 (providing residents may not vote if “not registered . . . in the jurisdiction of his or her residence prior to” the registration

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<sup>2</sup> *See* U.S. Census Bureau: Am. FactFinder, *S0701 Geographical Mobility by Selected Characteristics in the United States*, col. 44, [https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_16\\_1YR\\_B07401&prodType=table](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_16_1YR_B07401&prodType=table) (last visited May 18, 2018). Plaintiffs submit these statistics to demonstrate that League members’ harm due to Defendants’ NVRA violations is not unique, especially given that DOR has issued more than 4,476,398 active driver’s licenses issued as of May 4, 2018. *See* Mo. Dep’t of Rev., Info. Sys., Total Drivers by Age per County, [http://dor.mo.gov/publicreports/drivers\\_age\\_cnty\\_report.txt](http://dor.mo.gov/publicreports/drivers_age_cnty_report.txt) (last visited May 18, 2018).

deadline); *id.* § 115.430(2) (providing that provisional ballots “shall not be counted” if the voter “was not eligible to vote at that polling place”). This means that an eligible Missouri voter who moves between counties and submits a DOR change-of-address address form online or by mail will be disenfranchised if they do not separately update their voter registration information before the registration cutoff, as Ms. Levine did.<sup>3</sup> In 2016, the League’s received numerous calls to its Election Day hotline, from voters who showed up to vote believing they were registered only to be informed that their voter registration address was not current, meaning they typically could not vote or had to vote by provisional ballot. (Declaration of Jean Dugan (“Dugan Decl.”) (Ex. B) ¶ 11.)

In addition to harming League members and other Missouri voters, Defendants’ policies also affect Plaintiffs as organizations. Because they are aware that many Missouri voters are not registered at their current address, that having an outdated voter registration address can mean total disenfranchisement under Missouri law, and that DOR is failing to provide required registration services during address updates, Plaintiff organizations have dedicated significant resources to helping ensure that the registration information of Missouri voters is up-to-date by:

- Collecting voter registration forms of individuals who are already registered to vote but who need to update their voter registration address, including during voter registration canvassing efforts that in many cases register households that have motor vehicles (Declaration of Patricia Jones (“Jones Decl.”) (Ex. C) ¶¶ 18–19; Declaration of Keith Robinson (“Robinson Decl.”) (Ex. D) ¶¶ 17, 19; Dugan Decl. ¶¶ 9–10, 12);
- Educating voters about the need to be registered to vote at one’s current address, including by responding to voter questions (Jones Decl. ¶ 21; Robinson Decl. ¶¶ 20, 25; Dugan Decl. ¶¶ 9–12); and
- Targeting populations that have recently moved or that move at higher rates (Jones Decl. ¶¶ 15–17; Robinson Decl. ¶ 14).

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<sup>3</sup> This year, Missourians will vote in a primary election on August 7, 2018—the voter registration deadline for which is July 11, 2018—as well as the general election in November 2018. *See* Mo. Sec’y of State, 2018 Elec. Calendar, <https://www.sos.mo.gov/elections/calendar/2018cal> (last visited May 18, 2018).

If Defendants were meeting their voter registration obligations, fewer Missouri voters would require the voter registration update services, education, and other activities that Plaintiff organizations devote resources and effort towards. In turn, this would allow Plaintiffs to free up organizational resources for other activities that are critical to their missions, including GOTV activities, registering more new voters, and educating voters about ballot initiatives. (*E.g.*, Jones Decl. ¶ 25–27, Robinson Decl. ¶¶ 25–26; Dugan Decl. ¶¶ 5, 12–14.)

**B. Plaintiffs Notified Defendants of The Federal Voting Rights Law Violations.**

On July 6, 2017, Plaintiffs sent a Notice Letter to Defendant Ashcroft, copying Defendant Walters, informing them that they were failing to provide Missouri residents with voter registration services required under Section 5 of the NVRA.<sup>4</sup> (Dkt. No. 19-1.) This Letter formally notified Defendants of their noncompliance with federal law under 52 U.S.C. § 20510(b) and initiated a statutory 90-day waiting period before litigation could be commenced. (*Id.* at 5.)

The Notice Letter set out the requirements of Section 5 and the violations known at that time. Relevant here, the Notice Letter informed Defendants that DOR was not providing clients who conducted a change-of-address transaction online or by mail for license purposes with voter registration services as required under the NVRA. (*Id.* at 3.) It stated that instead of providing DOR clients the opportunity to update their voter registration addresses as part of an online change-of-address transaction, as Section 5 requires, DOR clients were directed to the Secretary of State’s website to complete and mail in a separate change-of-address form. (*Id.* at 4.) As for the mail

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<sup>4</sup> Prior to sending Defendants this letter, Plaintiffs engaged in a thorough investigation that confirmed or identified several ways in which Missouri was failing to provide the voter registration services required by Section 5 of the NVRA as part of its driver’s license transactions. This motion does not seek interim relief for all of the violations uncovered in that initial investigation. Plaintiffs only seek the Court’s immediate intervention to address online and mail change-of-address procedures, which represent the only instances when Missouri voters are entirely denied voter registration services.

change-of-address form used for license purposes (DOR Form 4160), the Notice Letter explained that, as of that date, the form not only failed “to provide DOR customers with the opportunity to update their voter registration information,” it did “not even mention how customers completing the form can update their voter registration information.” (*Id.*)

**C. Defendants Failed to Respond to Plaintiffs’ Notice Letter or Address the NVRA Violations Identified Therein, and Amended DOR’s Online Change-of-Address Process to Remove All Mentions of Voter Registration.**

In August 2017, without any notice to Plaintiffs, DOR revised the online and mail change-of-address forms, as Plaintiffs later discovered through their own investigation. Not only did Defendants revise these forms without adopting a single change to address the identified NVRA noncompliance, they also made the online change-of-address portal more problematic. Most notably, Defendants removed all reference to voter registration and the need to update voter address information on DOR’s online change-of-address portal. The pre-August 2017 online form—as well as the pre-August 2017 mail form—contained options to update one’s “license records” as well as income tax record and motor vehicle record. Although the previous online form was not NVRA compliant, it at least stated that “[f]or Voter Registration address changes, visit the [Elections & Voting – Frequently Asked Questions](#) page,” and contained a link to the Secretary of State’s Elections website where voter registration applications were available for download. (Ex. E.) The new online form does not link to the Secretary’s website, or even reference voter registration. Although Defendants never informed Plaintiffs or the public at large of this change, it appears from a public records request that DOR altered the form in August 2017—the month after it received Plaintiffs’ Notice Letter. Defendants also revised the name of the online and mail change-of-address forms from “Request for Change of Address” to “Request for Change of Mail-To Address” and “Address Change Request” to “Mail-To Address Change Request,” respectively.

#### **D. Defendants Ignore Plaintiffs' Repeated Attempts at Outreach.**

After Defendants failed to respond to Plaintiffs' Notice Letter and direct outreach to attorneys for the Secretary of State's office in September 2017 produced no substantive response, Plaintiffs sent Secretary Ashcroft a follow-up letter on October 25, 2017, copying Director Walters. (Dkt Nos. 19-2.) In that letter, Plaintiffs explained that, under the NVRA, both the Secretary of State and the Director of DOR are responsible for ensuring the State meets its obligations under Section 5 of the NVRA. After additional attempts to engage Defendants proved futile, Plaintiffs filed suit on April 17, 2018. (Dkt. No. 1.) Plaintiffs filed their operative amended complaint on April 24, 2018. (Dkt. No. 19.)

#### **ARGUMENT**

When considering whether to grant a preliminary injunction, this Court must consider four factors: (1) the likelihood of the movant's success on the merits; (2) the threat of irreparable harm to the movant in the absence of relief; (3) the balance between that harm and the harm that the relief would cause to the other litigants; and (4) the public interest. *Watkins Inc. v. Lewis*, 346 F.3d 841, 844 (8th Cir. 2003). In this analysis, "[w]hile no 'single factor is determinative,' the probability of success factor is the most significant." *Home Instead, Inc. v. Florance*, 721 F.3d 494, 497 (8th Cir. 2013) (quoting *Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 113 (8th Cir. 1981)). Here, Plaintiffs are very likely to succeed on the merits, and the equities strongly favor preliminary relief because the public interest in NVRA compliance, and the irreparable harm Plaintiffs and Missouri voters will suffer as a result of Defendants' ongoing Section 5 violations greatly outweigh any burden to Defendants.

Courts routinely order preliminary relief in order to rectify NVRA violations in advance of an election. *See, e.g., Scott*, 2008 WL 2787931, at \*8; *Fish*, 840 F.3d at 756 (affirming grant of

preliminary injunction in Section 5 NVRA case); *Action NC*, 216 F. Supp. 3d at 646 (granting in part a preliminary injunction and requiring that certain categories of provisional ballots be counted). In *Scott*, this Court granted a preliminary injunction because of the failure of Missouri public assistance agencies to meet their voter registration obligations under the NVRA and ordered immediate compliance, mandatory notice to subordinates within five business days, and implementation of a monitoring plan within 30 days. 2008 WL 2787931, at \*8. The Court should grant preliminary relief here as well.

**A. Plaintiffs Are Likely to Succeed on the Merits of Their Claim that Defendants' Failure to Offer Voter Registration Services During Online and Mail Change-of-Address Transactions Violates the NVRA.**

Plaintiffs are likely to succeed on the merits. DOR's online and mail address update systems plainly violate the requirements of Section 5(d) of the NVRA, which states:

*Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.*

52 U.S.C. § 20504(d) (emphasis added). This language requires that every time a person updates the address for their driver's license or state-issued identification card<sup>5</sup> with the state motor vehicle agency, the State must update that person's voter registration information unless they opt out of that update. *See* 52 U.S.C. § 20502(3) (defining "motor vehicle driver's license" to "include[] any personal identification document issued by a State motor vehicle authority"). Thus, Section 5 not only requires that DOR provide its clients with an opportunity to opt-out of updating their voter registration addresses but also requires that DOR transfer the new address information to election officials so they can update those clients' voter registration addresses.

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<sup>5</sup> In Missouri, state-issued identification cards are referred to as non-driver's licenses.

Despite any attempts by Defendants to evade this rule by amending the titles of DOR's online and mail change-of-address forms after Plaintiffs sent their Notice Letter (re-naming the forms as requests to change a "mail-to" address rather than a "license address"), both forms are covered by—and violate—the NVRA's change-of-address requirements. There is no factual dispute that neither form mentions voter registration, let alone serves as a "notification of change of address for voter registration." *Id.* Thus, neither complies with Section 5(d) of the NVRA.

As a threshold matter, the plain text of Section 5(d) applies to "any" change-of-address form—not just in-office transactions. The only federal courts to address whether Section 5(d) applies to online and other remote transactions have agreed that Congress's use of the word "any" . . . appears to encompass all address changes without regard to where or how they occur." *Action NC*, 216 F. Supp. 3d at 622. As another federal court articulated earlier this month in an order granting summary judgment on the basis that Texas' online change-of-address process violates Section 5 of the NVRA, "the plain language of the NVRA indicates that it applies to all transactions." *See Stringer v. Pablos*, No. 5:16-CV-257-OLG, 2018 WL 2193034, at \*18 (W.D. Tex. May 10, 2018) (citing 52 U.S.C. § 20504(a)(1); *Ga. State Conf. of NAACP v. Kemp*, 841 F. Supp. 2d 1320, 1331–32 (N.D. Ga. 2012); additional citations omitted)). The U.S. Department of Justice—the federal agency tasked with enforcing the NVRA—agrees with this interpretation, noting that "to the extent that the State provides for remote applications for . . . driver's license changes of address, via mail, telephone, or internet or other means, then provision must be made to include the required voter registration opportunity as well." U.S. Dep't of Justice, *The National Voter Registration Act of 1993 (NVRA): Questions and Answers*, Ans. No. 4 <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra> (last visited May 18, 2018).

Moreover, this understanding supports Congress’s express purpose in crafting the NVRA: “to establish procedures that will increase the number of eligible citizens who register to vote.” 52 U.S.C. § 20501(b)(1). Artificially limiting Section 5’s application to in-person transactions would contravene this goal.

Further, regardless of the titles DOR has given its change-of-address forms, both DOR’s online and mail forms allow a license holder to update the mailing address associated with their license—in other words, each is a “change of address form submitted . . . for purposes of a State motor vehicle driver’s license.” *Id.* § 20504(d). While neither form results in a change to the address on the face of the license itself, both forms allow DOR clients to “update the mailing address on [their] Missouri driver record.” (Dkt. Nos. 19-4, 19-5.) DOR maintains this driver record list, Mo. Rev. Stat. § 302.110, and uses it to send a notice to the license holder about an upcoming expiration date, *id.* § 302.179. In other words, DOR uses this address “for purposes of” a license. Interpreting Section 5(d) to refer only to transactions that result in a change of addresses on the face of a license would improperly render “for purposes of” meaningless. It would also contradict the NVRA’s express goal of increasing voter registration opportunities by allowing states to evade their registration obligations by merely renaming a form.

Both Defendant Ashcroft and Defendant Walters bear responsibility for these violations. Under Missouri law, Ashcroft is “the chief state election official responsible for coordination of state responsibilities under the [NVRA].” *Id.* § 115.136(1); *see also* 52 U.S.C. § 20509 (requiring that “[e]ach State . . . designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under” the NVRA). Further, Walters supervises the operations of DOR and shares responsibility with Ashcroft for ensuring that the policies of DOR’s Motor Vehicle and Driver Licensing Division comply with Section 5 of the

NVRA. *See, e.g.*, Mo. Rev. Stat. § 32.050.2(3) (requiring the Director of Revenue to “[d]ecide questions of policy of the department of revenue and each of its divisions”).

Because Missouri’s online and mail change-of-address processes are covered by Section 5(d) and DOR does not provide the required voter registration updates as part of these processes, Plaintiffs are very likely to succeed in establishing that Defendants are violating the NVRA with respect to these transactions.

**B. The Public Interest, Likelihood of Irreparable Harm to Plaintiffs and Missouri Voters, and the Balance of Hardships All Favor a Preliminary Injunction.**

Here, Plaintiffs have established a likelihood of success on the merits. While this factor is the most significant, *Home Instead*, 721 F.3d at 497, a balancing of the remaining three preliminary injunction factors also strongly weigh in favor of granting Plaintiffs’ requested relief. The public interest—as well as the irreparable harm that Plaintiffs, League members, and other Missouri voters would suffer in the absence of an injunction—greatly outweigh any burden Defendants may experience in implementing the requested relief.

***1. The public interest and the irreparable harm Plaintiffs and Missouri voters will experience in this year’s elections as a result of Defendants’ NVRA violations weigh strongly in favor of preliminary relief.***

In designing the NVRA “to increase the number of eligible voters who register and vote,” Congress acknowledged that “the public interest in the widespread exercise of the franchise.” *Fish*, 840 F.3d at 756; *see also Reynolds v. Sims*, 377 U.S. 533, 562 (1964) (referring to voting as a “fundamental political right . . . preservative of all rights”). Courts routinely have held that granting a preliminary injunction serves the public interest when it helps permit “as many qualified voters to vote as possible.” *Obama for Am.*, 697 F.3d at 437; *see also League of Women Voters of U.S. v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016) (same); *Action NC*, 216 F. Supp. 3d at 648 (“[F]avoring enfranchisement and ensuring that qualified voters’ exercise their right to vote’ is always in the

public interest.” (citation omitted)); *Scott*, 2008 WL 2787931, at \*8 (holding that a preliminary injunction “will serve the public interest by . . . extending the opportunity to vote to Missouri citizens in a meaningful way”).

Here, requiring Defendants to properly provide voter registration services to those conducting license-related change-of-address transactions—and guaranteeing that no voter is denied access to the ballot box as a result of Defendants’ violations—will expand the pool of eligible voters and protect the fundamental right to vote in this year’s elections. Moreover, ordering a “state to comply with a valid federal statute is most assuredly in the public interest.” *Wesley Educ. Found.*, 324 F. Supp. 2d at 1369. Vindicating voting rights and enforcing “a federal statute serve the public interest almost by definition.” *League of Women Voters of Fla. v. Browning*, 863 F. Supp. 2d 1155, 1167 (N.D. Fla. 2012).

Granting the requested relief would also relieve Plaintiffs of the irreparable harm that they and many other Missourians will suffer in its absence. For one, Defendants’ failure to update voter registration information following online and mail change-of-address transactions puts League members and other Missouri voters at risk of total disenfranchisement. This practically defines irreparable harm, as “no monetary award can remedy the fact that [a voter] will not be permitted to vote in the precinct of her new residence.” *Wesley Educ. Found.*, 324 F. Supp. 2d at 1368; *see also Fish*, 840 F.3d at 752 (“[T]he right to vote is a constitutionally protected fundamental right. When an alleged constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary.”).

The harm of disenfranchisement here cannot be overstated. A Missouri resident may not vote “if the person has not registered to vote in the jurisdiction of his or her residence prior to” the registration deadline. Mo. Rev. Stat. § 115.135. Even if they vote provisionally, “such ballot shall

not be counted” if the voter “was not eligible to vote at that polling place.” *Id.* § 115.430(2). Thus, eligible Missouri voters among the more than 200,000 residents who move between counties each year face total disenfranchisement—even if they have updated their address with DOR through an online or by mail. To avoid disenfranchisement, voters including the individual League member identified herein must update their own voter registration through a process that is entirely separate from the DOR process. (*See* Levine Decl. ¶¶ 8–11; 52 U.S.C. § 20504(d).)

In the NVRA context, this Court has previously held in granting a preliminary injunction that “deprivation of the right to vote is irreparable” as “no monetary award could compensate [the plaintiff’s members] for being unable to vote.” *Scott*, 2008 WL 2787931, at \*7; *see also League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014) (noting that courts “routinely deem restrictions on fundamental voting rights irreparable injury”). Further, because “[a]ny burden on the right to vote” injures the individuals affected, League members and other Missouri residents who manage to navigate the obstacles Defendants have erected and update their registration addresses before the voter registration deadline have still suffered a recognizable harm. *Common Cause of Colo. v. Buescher*, 750 F. Supp. 2d 1259, 1271 (D. Colo. 2010); *see also Wesley Educ. Found.*, 408 F.3d at 1352 (stating that a plaintiff “need not have the franchise wholly denied to suffer injury”).

Moreover, Plaintiff organizations themselves face irreparable harm without a preliminary injunction. Each organization will be forced to continue turning additional attention and resources to ensuring that Missouri voters, who have had contact with DOR but were not provided with the voter registration services required under federal law, are properly registered. Filling this need requires Plaintiffs to reduce or eliminate the time and resources devoted to other projects critical to their missions. These opportunities cannot be regained after an election has past. *See, e.g., Action*

NC, 216 F. Supp. 3d at 643 (“That Organizational Plaintiffs would have to divert resources in the absence of such relief is enough to satisfy their burden of showing a likelihood of suffering irreparable harm.”).

Here, Plaintiffs are diverting efforts and scarce organizational resources toward activities to ensure that Missouri voters’ registration information is up-to-date—including by assisting with voter registration updates and conducting education about the need to be registered at one’s current address—due to Defendants’ failure to comply with Section 5(d) of the NVRA. (Jones Decl. ¶¶ 19–20, 24–25; Robinson Decl. ¶¶ 19, 17, 21; Dugan. Decl. ¶¶ 12–14.) The drain of organizational resources toward these voter registration activities means a drain of resources away from other organizational efforts such as richer GOTV efforts, public education about ballot initiatives, and charitable activities. (*E.g.*, Jones Decl. ¶ 26–27; Robinson Decl. ¶¶ 25–26; Dugan. Decl. ¶¶ 5, 13–14.) For Plaintiffs A. Philip Randolph Institute of St. Louis and Greater Kansas City, it also means a drain of resources away from registering additional *new* voters. (Jones Decl. ¶ 27; Robinson Decl. ¶ 26.)

***2. Any burden to Defendants in complying with the NVRA in advance of this year’s elections does not outweigh the harm to Plaintiffs and Missouri Voters or to the public interest.***

While Defendants’ Section 5 violations significantly harm Plaintiffs and the public at large, the steps Defendants would need to take to remedy their violations are straightforward and practicable. Certainly, complying with federal law should not be considered “harm” at all, but to the extent that devoting resources to fixing statutory violations in advance of this year’s elections strains resources, this problem is one of Defendants’ own making. Plaintiffs informed both Defendants of the NVRA violations at issue in July 2017. When they received no response, Plaintiffs followed up with calls, emails, and additional letters throughout the Fall of 2017 in the

hopes of resolving this matter without litigation. Nevertheless, Defendants not only continued to ignore this outreach while actively updating DOR's mail and online change-of-address forms, but DOR also made their NVRA violations worse with respect to online changes of address.

Plaintiffs seek preliminary relief—laid out in detail in the accompanying motion and conclusion below—requiring that Defendants update DOR's mail and online change-of-address processes such that they provide DOR clients with NVRA-compliant address-update services. This includes updating language on the forms to comply with Section 5(d), establishing a system in which updates to clients' addresses for license purposes are properly shared with election officials, and providing remedial services to DOR clients who previously used the mail and online change-of-address forms such as conducting outreach to and counting provisional ballots cast by such individuals. Updating mail and online forms is not a significant burden for Defendants, as DOR adjusted both its online and mail forms since Plaintiffs sent their Notice Letter in July 2017. Defendants, therefore, have already displayed that DOR can quickly adjust the language and content of its online portal.

Moreover, there is currently a system in place by which DOR shares voter registration information with election officials it receives through paper applications. In Missouri, active duty military personnel or their dependents can obtain a new, renewal, or duplicate permit or license through the mail using DOR Forms 4317 or 4318. (Dkt. Nos. 19-6, 19-7.) While the process does not comply with the NVRA, it does provide an opportunity to register to vote. Given that DOR includes voter registration forms as part of other mail forms, creating an NVRA-compliant change-of-address mail application should be possible.

Further, the State already administers the Missouri Voter Registration System ("MVRS"): a centralized, interactive voter registration database maintained by the Secretary of State that

contains the name and registration information of all legally registered Missouri voters. *See, generally*, Mo. Rev. Stat. § 115.158; *see also* 52 U.S.C. § 21083. MVRS must be “coordinated with other agency databases in Missouri[,]” Mo. Rev. Stat. § 115.158.1(3), and can receive information transferred electronically from state and local authorities. *See id.* § 115.158.1(5) (allowing local election officials to electronically transfer information to the MVRS); *see also United States v. Missouri*, No. 05-4391-CV-C-NKL, 2007 WL 1115204, at \*3 & n.4 (W.D. Mo. Apr. 13, 2007), *rev’d in part & remanded on other grounds*, 535 F.3d 844 (8th Cir. 2008) (explaining that the MVRS receives regular, electronic reports of state felony convictions and recent deaths). This centralized infrastructure suggests Defendants can create a process for DOR to share the address updates it receives from online and mail transactions so that individual voter registration records can be updated easily and electronically.

Similarly, Defendants can send DOR clients remedial mailings providing them with (1) a Missouri voter registration application and (2) information on their polling location.<sup>6</sup> Defendants already have contact information for Missourians who, on or after November 8, 2016, updated their address for license purposes online or by mail. Defendants can use this information to send the remedial notices by mail or by email when a DOR client’s email address is available.

As for the provisional ballots, election officials are already required to: (a) provide all people who appear to vote but who are not registered at their current address with a provisional ballot; and (b) review the provisional voter’s registration information to determine whether the provisional ballot will be counted. Requiring that such ballots be counted for individuals who are not registered at their current address as a result of DOR’s failure to provide voter registration services merely adds one small layer to the provisional ballot process and can be easily

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<sup>6</sup> An example of the remedial mailing proposed is attached as Exhibit F.

implemented. In 2016, another federal court ordered that North Carolina count the provisional ballots of voters who did not appear on the voter rolls or had not had their address updated as a result of the state motor vehicle agency's failure to provide the voter registration services required by the NVRA. *See Action NC*, 216 F. Supp. 3d at 648. It ordered this relief less than two weeks before the 2016 General Election. *Id.*

In sum, the real and significant harm Plaintiffs face and the public interest greatly outweigh the burdens to Defendants here, most of which are self-imposed due to their refusal to address their noncompliance despite many attempts at outreach.

### **CONCLUSION**

Defendants' violations of the NVRA are clear-cut and will result in irreparable harm to Plaintiffs, League members, and other Missouri voters if not addressed before this year's elections. Defendants have been repeatedly informed of their noncompliance with the NVRA, and yet have refused to take basic remedial steps, necessitating this litigation and this motion. Because all relevant factors weigh decisively in favor of granting Plaintiffs request for preliminary injunctive relief, the Court should order that the Defendants:

- a. Devise a process that allows the state to identify and count the provisional ballots of DOR clients who used the mail or online address update system on or after November 8, 2016, but whose registrations were not updated and who are denied a regular ballot because the voter registration address they have on file does not match the address on file with DOR.
- b. Count the provisional ballots of all voters identified through the process described in (a), regardless of whether the voter moved within the county where they were previously registered or to a new county in the State of Missouri.
- c. Send a directive or other public document to local election officials and other relevant state actors detailing how the process described in (a) will work by July 11, 2018.
- d. Place posters at each polling location informing voters of the requirements of 52 U.S.C. § 20504(d) and the provisional ballot process described in (a).

- e. Update DOR's online and mail change-of-address processes to provide the voter registration services required under 52 U.S.C. § 20504(d) of the NVRA by September 1, 2018. This requires: (1) updating the language on the online portal and mail form to inform individuals that their voter registration will be automatically updated when they report a change-of-address to DOR, unless they request that their registration not be changed; and (2) establishing a system by which Defendants will share, and election officials will update, voter registration information from these changes of address within the five business days required by Missouri law or the timeframe required by 52 U.S.C. § 20504(e), whichever is shorter. These updates must be conducted regardless of whether a voter moved within an election jurisdiction or between election jurisdictions.
- f. Send a mailing to all individuals who used a DOR mail or online change-of-address form on or after November 8, 2016, and until DOR's mail and online systems are updated, which provides such individuals the opportunity to update their voter registration information. This mailing should include (1) a Missouri voter registration application and (2) information on their polling location, as proposed in Exhibit F. This mailing can be sent by U.S. mail or email, in instances where the Defendants have a DOR client's email address. All mailings should be completed by September 1, 2018.

Dated: May 18, 2018

Respectfully Submitted,

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49(c)(3).

**CERTIFICATE OF SERVICE**

I certify that on May 18, 2018, I filed the foregoing Suggestions in Support of Plaintiffs' Motion for a Preliminary Injunction with the Clerk of the Court using the CM/ECF system, and a copy was made available to all electronic filing participants.

/s/ Anthony E. Rothert

**DECLARATION OF SARA ANN LEVINE  
(Pursuant to 28 U.S.C. § 1746)**

My name is Sara Ann Levine and I am over the age of 18 and fully competent to make this declaration. Under penalty of perjury, I declare the following:

1. I am 29 years old.
2. I have lived in Missouri since 2011.
3. I am a member of the League of Women Voters of Missouri's St. Louis Chapter because I believe voting is fundamental and that every qualified person should be able to participate in electing our political leaders and deciding issues that affect our everyday lives.
4. I first registered to vote in Missouri in or around May 2016, and I am currently registered to vote in St. Louis City, Missouri.
5. I have a Missouri driver's license, which I originally acquired in or near May 2016.
6. In February of 2018, I moved within the State of Missouri to my current address in St. Louis City. I still reside at this address.
7. Shortly after I moved, I used the Missouri Department of Revenue's ("DOR") online system to update the address associated with my driver's license to my current address.
8. When I submitted my change of address to DOR through its online change-of-address form, the agency did not update my voter registration address.
9. DOR's online system also did not indicate that I needed to update my registration separately and did not provide any information explaining how I could update my voter registration address. Similarly, it did not explain the consequences of failing to do so.
10. After I updated the address associated with my driver's license using DOR's online form, I had to fill out an entirely separate voter registration form from the Secretary of

State's website and mail it in to the St. Louis City Election Board. I only knew I had to do so because of the experience of my friends.

11. I am currently looking into purchasing a house in Missouri, and thereby moving within the State again in the near future. When I move, I plan to update the address associated with my driver's license using DOR's online form.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 17, 2018.

  
Sara Ann Levine

**DECLARATION OF JEAN DUGAN**  
(Pursuant to 28 U.S.C. § 1746)

I, Jean Dugan, hereby declare as follows:

1. I am over the age of 18, have lived in Missouri since 1995, make this declaration from my personal knowledge and, if called upon to do so, could and would competently testify to the matters set forth herein in a court of law.

2. From March 2018 until the present, I have been the Administrative Manager of the League of Women Voters of Missouri's (the "League") Joint Office. In that capacity, I am responsible for staff leadership for LWV of Missouri and LWV of Metro St. Louis.

3. The League is a nonpartisan political organization with a membership of approximately 1000 individuals and eight local chapters in Metro St. Louis, Southwest Missouri (Springfield), Southeast Missouri (Cape Girardeau), Moberly-Randolph County, Mexico-Audrain County, Columbia-Boone County, Sedalia-Pettis County, and Kansas City/Jackson/Clay/Platte Counties. It encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

4. To meet these objectives, the League undertakes a number of activities related to voter registration, including: organizing and running voter registration drives; designing and executing public information campaigns using press releases and social media about how to register and update one's voter registration; creating brochures about voter registration and such specific topics as absentee voting and felon enfranchisement; creating and running an election day voter registration hotline to answer questions of voters experiencing voting challenges; and educating voters about the new photo ID law through public presentations.

**Exhibit B**

5. The League also conducts activities outside of voter registration, including voter education and mobilization. These activities include hosting candidate forums, developing voter guides, and conducting get-out-the-vote efforts.

6. The League conducts voter registration regularly, including voter registration drives at high schools, colleges, libraries, food pantries, senior centers, public events such as community festivals, job, health/wellness, and affinity group fairs, outdoor concerts, theatre performances, and naturalization ceremonies.

7. Among other activities, from April 2016 through March 2017 alone, League members in the Metro St. Louis area helped register over 1,700 people to vote at their current addresses. In that process, the League spent 880 volunteer hours at 76 separate voter registration events. League registrars have been even more busy in 2018.

8. In Southwest Missouri, the League hosted 12 voter registration events in September 2016, which included partnerships with local libraries and a focus on certain neighborhoods in need of extra resources. These events included participating in several National Voter Registration Day events at a library, community center, and a neighborhood festival, as well as a Rock the Vote event at the Missouri State University library center.

9. Voter registration efforts by the League require significant volunteer hours and other resources. The need for voter registration work is increased by the existence of structural impediments to voter registration.

10. From the experiences that other League members have conveyed to me, some of those registered through the League's efforts had previously been registered to vote in Missouri at some point but still needed to complete a new voter registration application during our drive because they had moved. Many of these individuals have a Missouri Driver's License, because

they provided their Missouri Driver's License information as part of their voter registration application.

11. I also know that many Missourians who experience problems voting do so because their registrations were not updated when they moved. League members who worked on the election-day hotline in 2016 said the majority of Missourians to whom they spoke were unable to vote or to vote using a regular ballot because they had moved and their voter registration address had not been updated.

12. Recognizing these problems with change-of-address updates, and particularly that such voter registration updates are unavailable for online and mail transactions with the Department of Revenue, a significant part of the voter registration work the League performs concerns updating the registration addresses of previously registered voters who have moved. It also includes educating Missourians about the need to update their address. Specifically, the League has diverted and will continue to divert its resources in such a manner in part because Missourians were denied the opportunity to update their voter information as part of online and mail change-of-address transactions with the Missouri Department of Revenue.

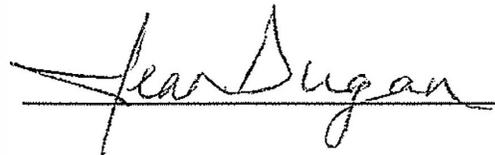
13. If the Missouri Department of Revenue was meeting its voter registration requirements by updating Missourians' voter registration address when they change the address associated with their driver's license online or by mail, the League would not have to devote the same significant level of resources to ensure Missourians are not foreclosed from our democracy. Specifically, the League could spend less of its volunteer resources and time on voter registration and education around address updates and more on other mission critical areas including new voter ID requirements.

14. Instead, because the Missouri Department of Revenue does not meet its voter registration requirements, the League has had to sacrifice significant resources from other

programmatically areas, including candidate forums, Speakers Bureau and Voter's Guides. The League would be able to devote significantly more resources to improve voter turnout of already registered voters, especially in underserved communities. It would also be able to devote more resources to educating the public about ballot issues, through additional media such as radio advertisements.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 16, 2018

A handwritten signature in black ink, reading "Sean Dugan", written over a horizontal line. The signature is cursive and includes a large, stylized initial "S".

**Declaration of Patricia Jones**  
**(Pursuant to 28 U.S.C. § 1746)**

My name is Patricia Jones and I am over the age of 18 and fully competent to make this declaration. Under penalty of perjury, I declare the following:

**Personal Background**

1. I was born in Fayette, Mississippi and raised in Kansas City, Missouri.
2. I am 67 years old.
3. I graduated from Paseo High School in 1968 and received a Bachelor of Science in elementary and secondary education, with an emphasis on special education, from The University of Kansas. I also took some post-grad classes on special education at the University of Missouri-Kansas City.
4. I taught special education in the Kansas City Public School District for about 5 years before serving as a field representative for the Kansas City Federation of Teachers, Local 691 of the American Federation of Teachers, for approximately 3 years.
5. After working for Local 691, I worked for about 3 years as a lobbyist and field representative for the Missouri American Federation of Labor and Congress of Industrial Organizations (“AFL-CIO”). I then became a national representative for the American Federation of Teachers (“AFT”). I worked for AFT until I retired in 2014.
6. I was first introduced to the A. Philip Randolph Institute (“APRI”) by a national AFL-CIO representative, while I was working for Local 691. I went to a meeting approximately 38 years ago and have been a member of the A. Philip Randolph Institute’s Greater Kansas City Chapter (“APRI GKC”) ever since.
7. I have served as President of APRI GKC for the past 20 years.

8. In this role I determine the community activities APRI GKC engages in, including our voter registration and election protection work, coordinate with other state and local organizations, and represent APRI GKC publically.

**The Greater Kansas City Chapter of the A. Philip Randolph Institute**

9. APRI is a national organization of African-American trade unionists and community activists that was established in 1965 to forge an alliance between the civil rights and labor movements. APRI is a senior constituency group of the AFL-CIO.
10. APRI GKC is a local chapter of APRI and has approximately 25 members.

**APRI GKC's Voter Registration and Engagement Efforts**

11. APRI GKC engages in voter registration, education, Get-Out-the-Vote ("GOTV"), and election protection efforts across the Greater Kansas City area. It also engages in other charitable activities, such as coordinating a food drive around Christmas that provides food to families in need and elderly individuals who are largely confined to their homes, and partnering with the Greater Kansas City Chapter of the Coalition for Black Trade Unionists to put on a health fair for the Kansas City community that provides health screenings and bags of fresh vegetables.
12. APRI GKC conducts voter registration drives at schools, libraries, churches, health fairs, when conducting voter education events, and in neighborhoods where large numbers of Missouri residents are not registered at their current address.
13. In addition, APRI GKC has distributed voter registration forms at local businesses for National Voter Registration Day and then collected completed forms and delivered them to the appropriate election board.

14. We have also partnered with the Kansas City Missouri Branch of the National Association for the Advancement of Colored People (“KC NAACP”) to bring in representatives from the local election board to train people on how to conduct voter registration drives.
15. We plan on continuing our voter registration efforts in 2018, as well as conducting more targeted campaigns aimed at registering low-wage workers and individuals who are not registered at their current address.
16. In 2018, our voter registration activities will be expanded to include people who tend to move at higher rates and, as a result, are less likely to have updated their registration information to reflect their current address.
17. For example, we plan on registering voters at union meetings and continuing to hold a Troost Fair, where we register voters living in the Troost-area—a neglected area populated by a large number of people of color and low-income individuals who tend to move at higher rates—and try to attract new people and businesses to the area immediately east of Troost.
18. A number of the households we register as part of our voter registration work have vehicles.
19. During our voter registration efforts, APRI GKC members and volunteers often collect voter registration forms from Missouri residents who are already registered but need to update their voter registration address.
20. Members and volunteers often must expend time and resources to educate Missouri residents on the state’s voter registration requirements, especially the requirement that voters be registered at their current address.

21. Beyond pure voter registration—to increase interest in elections, inform Missouri residents of the issues on the ballot, and educate Missouri citizens about who has the right to vote and how they can exercise that right—APRI GKC also engages in voter education campaigns. For example, we hold community forums to educate voters about issues appearing on the ballot and distribute literature and placards that provide information on the state’s voter identification and felon disenfranchisement laws to barbershops and beauty parlors.
22. We also engage in Get-Out-the-Vote (“GOTV”) activities and work with election protection at the polls.
23. We collaborate with the KC NAACP and other local organizations on GOTV work. As part of this work, APRI members and volunteers provide voters in the Kansas City area with rides to the polls and call newly registered voters to remind them to vote.
24. As part of our election protection work, APRI GKC members and volunteers frequently encounter people who have moved but not updated their addresses. We expend time educating such people about state voter registration laws—reducing the time APRI GKC volunteers have to assist and respond to questions from other people experiencing problems casting a ballot at the polls. In addition, when Missouri’s voter identification law went into effect, we made thousands of copies of a pamphlet designed to educate voters on the new law, and we distributed these pamphlets at polling places.
25. Because so many Missouri voters are not registered at their current addresses, and because state law results in people who have moved election jurisdictions being denied their right to vote if their registration is not up-to-date, APRI GKC has prioritized voter registration efforts. APRI GKC has also expended resources educating Missouri residents

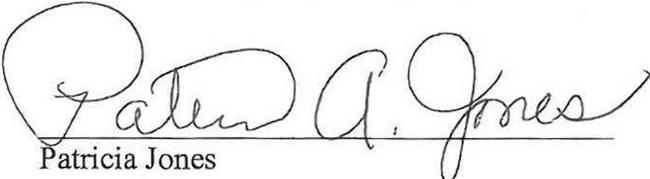
about the state's voter registration rules both during voter registration drives and at polling sites.

26. Were Missouri providing the voter registration opportunities required under federal law to state residents who interact with the Department of Revenue, APRI GKC would be able to expend fewer resources educating Missouri residents on the state's voter registration requirements and ensuring Missouri residents are properly registered at their current address.

27. If we did not need to provide Department of Revenue customers with the address update services the agency failed to provide, we would be able to dedicate more resources to charitable activities. We would also be able to spend more time registering *new* voters and educating Missouri citizens on ballot measures and state voter identification requirements, as well as more deeply resourcing GOTV activities. This would help increase the number of Missourians registered to vote and ensure that voters are informed, excited to vote, and able to both make it to the polls and cast a ballot.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 8, 2018

  
Patricia Jones

**Declaration of Keith Robinson**  
**(Pursuant to 28 U.S.C. § 1746)**

My name is Keith Robinson and I am over the age of 18 and fully competent to make this declaration. Under penalty of perjury, I declare the following:

**Personal Background**

1. I was born and raised in St. Louis, Missouri.
2. I am 58 years old.
3. I graduated from Central High School in St. Louis, and took courses in accounting and electronics at St. Louis University and St. Louis Community College–Florissant Valley, respectively.
4. I worked as a communication technician with AT&T for about 32.5 years and retired in December 2013.
5. While at AT&T, I became involved with Communication Workers of America (“CWA”) Local 6300. I served as a steward and later the Vice President of that union.
6. During my time at CWA Local 6300, I was introduced to the A. Philip Randolph Institute (“APRI”).
7. I have been a member of the A. Philip Randolph Institute’s St. Louis Chapter (“APRI St. Louis”) since 2002.
8. I have served as President of APRI St. Louis for about 9 years.
9. In this role I help decide on and coordinate our community activities, including our voter registration and engagement work, and am responsible for securing financial support and conducting membership drives.

**The St. Louis Chapter of the A. Philip Randolph Institute**

10. APRI is a national organization of African-American trade unionists and community activists that was established in 1965 to forge an alliance between the civil rights and labor movements. APRI is a senior constituency group of the American Federation of Labor and Congress of Industrial Organizations (“AFL-CIO”).
11. APRI St. Louis is a local chapter of APRI and has approximately 60 members.

**APRI St. Louis’s Voter Registration and Engagement Efforts and Other Charitable Activities**

12. APRI St. Louis engages in voter registration, engagement, education, and Get-Out-the-Vote (“GOTV”) efforts across St. Louis and its surrounding areas, including St. Louis and St. Charles Counties. It also engages in other charitable activities, such as assisting with food drives and school supply drives.
13. In 2016 and 2017, APRI St. Louis registered voters at the Annie Malone parade, health fairs, high schools, and at least three large churches, some of which had more than 1000 members.
14. We plan on continuing our voter registration efforts in 2018, as well as conducting more targeted campaigns aimed at registering low-wage workers and community college students—people who tend to move at higher rates and, as a result, are less likely to have updated their registration information to reflect their current address.
15. Specifically, we will be working with Jobs for Justice and the Fight for 15 to target and register fast-food and other low-wage workers.
16. On March 19, 2018 and March 26, 2018, we plan to canvas low voter-turnout communities to educate voters on Proposition A—a “right-to-work” referendum—and help people update their voter registration information or register anew. One to two dozen

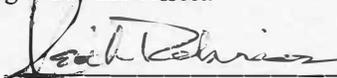
**Exhibit D**

volunteers will support this effort.

17. Many of the households we register as part of canvassing and voter registration drives have vehicles.
18. We also recently held a student summit at St. Louis Community College—Forest Park to register community college students and will be setting up a booth at the Annie Malone May Day Parade again this year to help Missouri residents register and update their registration information.
19. During our voter registration efforts, APRI St. Louis members and volunteers often collect voter registration forms from Missouri residents who are already registered but need to update their voter registration address.
20. Members and volunteers often must expend time and resources to educate Missouri residents on the state's voter registration requirements, especially the requirement that voters update their registration address if they have moved.
21. APRI St. Louis also engages in community education events, some of which are tied to educating voters on ballot initiatives that are important to the working class, such as the minimum wage and right-to-work laws, as well as voter identification laws.
22. In order to educate voters on these issues, we host forums and print fliers, which we distribute in traditionally underserved communities. For example, in 2016, we printed thousands of flyers to educate voters on the voter identification proposal that was on the ballot.
23. Our GOTV efforts also are resource intensive, requiring both money and volunteer time. For example, these efforts require us to find a headquarters, rent a building, purchase disposable cell phones, print materials, including yard signs that provide numbers Missouri voters can call for rides to the polls, engage in door-knocking, and disseminate printed materials to individuals and other community organizations. Depending on financial resources, we may also compensate volunteers providing rides to the polls and reimburse for mileage.
24. Because so many Missouri voters are not registered at their current addresses, and because state law results in people who have moved election jurisdictions being denied their right to vote if their registration is not up-to-date, APRI St. Louis has prioritized voter registration efforts.
25. Were Missouri providing the voter registration opportunities required under federal law to state residents who interact with the Department of Revenue, APRI St. Louis would be able to expend fewer resources educating Missouri residents on the state's voter registration requirements and ensuring Missouri residents are properly registered.
26. If APRI St. Louis did not need to provide Department of Revenue customers with the address update services the agency failed to provide, we would be able to dedicate more resources to charitable activities. We would also be able to spend more time registering *new* voters and educating voters on ballot measures, as well as more deeply resourcing GOTV activities to help ensure that voters are informed, excited to vote, and able to make it to the polls to cast a ballot.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 17, 2018



Keith Robinson

# Missouri Department of Revenue

IP  
option # 1  
selected  
SOA - 4

Jay Nixon, Governor  
Nia Ray, Director  
[Home](#) » [Change of Address](#)

## Request for Change of Address

Thank you for using the online address change request service!

This online service may be used to update your address for Driver License, Motor Vehicle, or Individual Income Tax records.

For Voter Registration address changes, visit the [Elections & Voting - Frequently Asked Questions](#) page.

3

**Note: For Business Tax Records** - At this time you cannot submit an address change for business tax records. If you need to add or change a location you can:

- Download [Form 126 Change Request](#), and mail it in.
- For corporation registration changes, [visit the SOS website](#).
- Call (573) 751-5860 for business tax address change questions.

An asterisk (\*) indicates a required field.

### Personal Information

**\*First Name:**

**\*Last Name:**

**Middle Name:**

**\*Last four digits of SSN:**

example: NNNN

**\*Daytime Phone Number:**

(\_\_\_\_)\_\_\_\_-\_\_\_\_

example: (NNN) NNN-NNNN

**E-mail Address:**

**Exhibit E**

(Recommended)

COA-5

Confirm E-mail Address:

Old Address

New Address

\*Street Address:

\* Street Address:

\*City:

\*City:

\*State:  
Select a State



\*State:  
Missouri



\*Zip:

\*Zip:

\*County:

\*County:

Records To Be Updated

Driver License Records

Driver License Records

This change includes instruction permits and nondriver licenses. You must complete a Driver License Application at a Missouri License Office if you want your Missouri Driver License to reflect your new address.

1. \*Driver License Number:

2. \*Date of Birth:



CDA-6

Individual Income Tax Records

Individual Income Tax Records

Motor Vehicle Records

Motor Vehicle Records

List all Motor Vehicle Records below:

1. Type:  
Select 

2. Number:

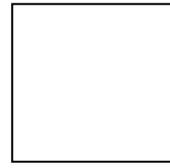
3. Expiration Year:  


4. **Add to list**

5.

\*  By submitting this request, I affirm that I am the applicant listed on the above referenced record(s).

**Submit Address Change Form**



**Register to Vote by October 10, 2018**  
Our records indicate that you are not  
registered at this address

[Voter's Address on File with DOR]

**IMPORTANT VOTER INFORMATION**  
**OUR RECORDS INDICATE THAT YOU ARE NOT REGISTERED AT THIS ADDRESS**

Dear XXX:

You are receiving this letter because you updated your driver's or non-driver's license address on record with the Department of Revenue ("DOR") between November 8, 2016 and September 1, 2018. Under federal law, DOR must provide you with the opportunity to have your registration information updated during these transactions. Because you did not receive voter registration services when you last had contact with DOR, we are included a voter registration form/address update form here.

If you would like to be registered at this address, the "Missouri Voter Registration Application" is enclosed. The forms must be **postmarked by October 10, 2018** in order for your registration to be fully processed before the November 6, 2018 election.

**Where to Vote**

The polling location for this address is:

[Address of polling location here]

**If you do not submit the voter registration application by October 10, 2018, you will still be able to vote provisionally.**

If this address is the address from which you wish to vote, and you do not submit the voter registration application attached by October 10, 2018, you will be able to vote a provisional ballot at the polling location listed above. These ballots will be counted in *the November 6, 2018 election*.

Please do not hesitate to contact [phone number] if you have any questions.

Sincerely,