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# Motor Vehicle Departments: Bedrock of American Democracy

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# Introduction

In the past 30 years, state departments of motor vehicles (DMVs) have evolved into a bedrock of the modern system of election administration — especially, but not exclusively, related to voter registration. Reliance on DMVs began with the National Voter Registration Act of 1993 (NVRA or “motor voter”) and subsequently expanded to include multiple types of voter registration mechanisms, identity verification, and maintenance of accurate voter registration lists. The current scope of DMV involvement in election administration is relatively unappreciated; raising the level of recognition of the agency’s role — among policymakers, state agency officials, advocates, and the public — is important to improve the functioning of our democracy.

It is worth emphasizing: This is not just about motor voter compliance or implementation. Election officials rely on the DMV to accomplish many election responsibilities, which, among other things, include:

1. supporting five distinct mechanisms for registering voters;
2. matching new voter registrants against motor vehicle databases or, alternatively, providing such information for matching with the Social Security Administration (SSA) database, as appropriate, for identity verification;
3. identifying unregistered DMV customers who may want to become registered;
4. identifying existing registrants who have moved elsewhere; and
5. issuing identification cards that allow citizens to vote.

DMVs and election administrators often get blamed for each other’s mistakes — for example, a voter who changes her address at the DMV but does not understand that her voter registration is not automatically updated, or a voter who shows the

wrong form of ID at a polling place, may simply blame the government for her poor voting experience, not knowing which agency is actually responsible. Significantly, our election system would not function without DMVs, yet DMVs often do not receive funding (or adequate funding) for this function, and election and motor vehicle officials too often remain siloed from each other.

The level of reliance on DMVs for election administration is now so great that the public, policymakers, and DMV and election officials should reconceptualize DMVs as integral partners in implementing American democracy. Rather than a non-election entity, DMVs — on an everyday basis — are providing irreplaceable support in delivering aspects of our election systems. Succinctly stated, DMVs are part of elections and, through stakeholder recognition of this fact, DMV implementation of its responsibilities can be greatly enhanced. For example, when policymakers understand DMV responsibilities, state election resources and funding are more likely to be

allocated to support DMVs’ roles in election administration. When election officials appreciate the extent to which DMVs are everyday frontline implementers and partners in multiple facets of election administration — and not voter registration agencies alone — communication between the agencies is likely to improve, leading to a greater level of cooperation. When DMV administrators appreciate the breadth and scope of their work, and how it provides an underpinning for much of election administration, they are more likely to prioritize their role in our democracy. Finally, when advocates understand that there are state officials — beyond election officials — whose everyday work impacts the functioning of our democracy, they will have another appropriate venue for persuasion about improved policy implementation.

While the story of the evolution of DMVs into election administration partners might seem unimportant, the role of the modern DMV is better understood when viewed through the historical lens of its role in society. DMVs are the front door and

the face of state government. They are the state offices where most of a state’s residents personally interact, which results in one of the state’s most complete databases of information on residents. In addition to responsibilities related to driver and vehicle safety and election administration, DMVs serve additional societal functions — for example, selective service registration, organ donation, and fraud investigations. As a result, it makes sense that DMVs should play a role in supporting individuals’ ability to undertake the activities of citizenship.

At a logistical level, the development of DMVs into a cornerstone of state election administration has been largely spurred by:

1. the evolution of DMVs into identity management agencies and driver’s licenses as *de facto* identity cards; and
2. the IT infrastructure created in the wake of implementation of the National Voter Registration Act and Help America Vote Act, connecting DMVs and state election administrators.

Unfortunately, this evolution of the DMVs happened without buy-in from DMV administrators or an expansion of resources for DMVs to fulfill their growing role.<sup>1</sup> Rather, in most states, state reliance on DMVs has expanded without a commensurate expansion of available funding. Sustained and regular interaction, discussion, and consideration with respect to DMVs’ role in election administration is happening only now, over a quarter century after passage of the NVRA.

## DMVs as Identity Management Agencies: The Many Uses of Driver’s Licenses

When driver’s licenses were first required in the early 20th century, they were primarily an identity card.<sup>2</sup> As cars became more common, however, so too did car crashes, and safety evolved to become the principal concern in licensing drivers. In 1933, the American Association of Motor Vehicle Administrators (AAMVA) was formed, and a few years later, it issued the first basic standards for licensing drivers.<sup>3</sup>

The many data elements within current driver’s licenses make them well suited for purposes beyond satisfactory proof of the ability to safely operate a motor

vehicle. AAMVA has recognized four additional “functional requirements for the DL/ID card”: (i) identification; (ii) age verification; (iii) address/residence verification; and (iv) automated administrative processing.<sup>4</sup> Among other items, the data on driver’s licenses include “a number or alphanumeric code issued by the issuing state’s Department of Motor Vehicles (or equivalent), usually show a photograph of the bearer, as well as a copy of his or her signature, the address of his or her primary residence ... the physical characteristics of the bearer (such as height, weight, hair color, eye color, and sometimes even skin color) and

birth date.”<sup>5</sup> As a result of the federal REAL ID Act, most new driver’s licenses also indicate that their holder is legally present in the United States, which the holder establishes by providing DMVs with relevant documents — for example, proof of citizenship, permanent residency, or some non-immigrant authorization to be in the United States.<sup>6</sup>

Credentials issued by DMVs have become the *de facto* identity card that most people use in the United States.<sup>7</sup> (States also issue non-driver identification cards for individuals who do not have driver’s licenses to serve non-driving purposes.<sup>8</sup>) Proof

of age for alcohol consumption — starting in the 1980s — seems to be the first known regular use beyond driving,<sup>9</sup> and driver’s license usage as a credential has exploded since that time. In recognition of this fact, AAMVA consulted government and non-government users of the card to prepare its most recent 2020 guidance document related to driver’s licenses and identification cards.<sup>10</sup>

Election administration, foundational to this country’s democratic system of government, is one of those non-driving purposes and relies heavily on driver’s licenses and the driver’s licensing process.

# Governing Federal Law

## Framework Established by NVRA

### WHAT IS THE NVRA?

The first broadscale reliance of state election administration on driver’s licenses and motor vehicle departments came with passage of the National Voter Registration Act of 1993, 52 U.S.C. §20501 *et seq.* This federal law requires all but six states<sup>11</sup> to offer voter registration opportunities of at least the three different types specified in the law, as well as to maintain accurate voter registration lists with procedures that safeguard against the removal of eligible voters. Known as the “Motor Voter Law,” its central provision requires voter registration to be integrated with driver’s license applications and renewals, and voter registration changes of address to occur as part of the driver’s license change of address process. Specifically, states must provide individuals with “an opportunity to register to vote (or change their voter registration data) ... when applying for or renewing a driver’s license or other personal identification document issued by a State motor vehicle authority.” States must also treat “any change of address submitted for a motor vehicle driver’s

license ... as a notice of change of address for voter registration purposes,” unless the individual states otherwise.<sup>12</sup> Other NVRA provisions require voter registration services to be provided through public agencies, states to accept a federal mail-in voter registration form, and states to maintain their voter registration lists in a methodical manner.

Passage of the NVRA, four years after its first introduction as a bill, was motivated in part by a concern for low voter turnout in federal elections.<sup>13</sup> Significantly, prior to the law’s passage, there was “a lack of uniform voter registration availability across the states, low overall registration rates, and significant gaps in registration rates for various demographic subgroups.”<sup>14</sup> In the view of the House of Representatives, failure to get registered was the primary reason eligible citizens were not voting.<sup>15</sup> According to the Senate, of the many reasons eligible citizens were not voting, challenges with voter registration could be corrected by legislation.<sup>16</sup>

### WHY DID THE NVRA RELY SO HEAVILY ON DMVS?

Under the law, motor vehicle departments are presumed to be the primary location at which individuals will register to vote. Often called “the face of state government,”<sup>17</sup> DMV offices “serve a wide swath of Americans in all states” and its “services are among the most widely used services offered by the government in the USA.”<sup>18</sup> It is often the first state agency individuals visit when moving to a new state, and residents interact with their state DMV when they experience a host of life events: when they come of age (by getting a driver’s license or non-driving identification card), get married or divorced (to change a name), transition from one gender to another (to correct gender on a driver’s license), or report any move (to change an address). At the time of the law’s consideration, 90 percent of individuals had a driver’s license or non-driver identification card through a state DMV, and it was therefore clear that the overwhelming majority of eligible citizens would interact with the agency.<sup>19</sup> In addition, 27 states and

the District of Columbia already had a voter registration process through their motor vehicle departments.<sup>20</sup>

Most significantly, the NVRA included motor voter because voter registration through motor vehicle departments makes sense: There is a considerable overlap of needed information between driver's licensing and voter registration, as well as verification of such information in the driver's license process. The Senate report accompanying the NVRA explained the thinking behind motor voter:

A voter registration system tied to the application for or the renewal of a motor vehicle driver's license would be an ideal way to register most people of voting age throughout the country.

The driver's license procedure appears to be ideally suited to the purpose of registering voters. A procedure for licensing motor vehicle drivers is in place in every State. The States have developed exacting procedures to assure proper and correct identification of all licensees and to assure that a person has but a single license. Driver's license applications require most of the information needed to determine the eligibility of a voting registration applicant, and include the additional protection of a photograph. This provision for simultaneous motor voter applications permits the voter registrars to piggy-back on the identification techniques developed to assure accuracy in the licensing process.<sup>21</sup>

Significantly, the law's presumption about the primacy of motor vehicle departments for voter registration has proven true: In every biennial report to Congress regarding the NVRA since the law's passage, motor voter registration applications have been the most common source of voter registration activity in the jurisdictions where it applies. Perhaps unsurprisingly then, DMV closures during the COVID pandemic shutdowns were one of the causes of reduced numbers of new voter registrations prior to the 2020 presidential election.<sup>22</sup> (See Figure 1.) Depending on the year, motor voter registration ranges between 30 percent and 46 percent of all voter registration activity.<sup>23</sup>

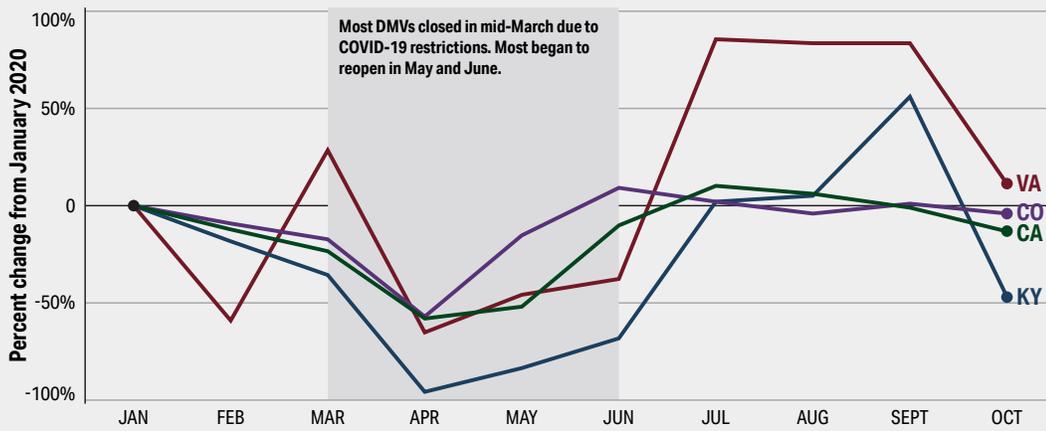


**FIGURE 1**

Monthly motor voter registration data from a sample of states clearly show the role of the DMV in voter registration, as well as the pandemic’s impact on voter registration during 2020. As the following chart shows, motor voter registration activity in California, Colorado, Kentucky, and Virginia was drastically reduced during the pandemic shutdowns.

## Voter registration activity plunged when DMVs were closed due to COVID-19.

Monthly change in motor voter registration activity by state relative to pre-COVID numbers.



Sources: Kentucky Board of Elections, Colorado Secretary of State, Virginia Department of Elections, and California Secretary of State. See Appendix A for full data.

- California closed its DMV field offices on March 27, 2020, and began to reopen select offices on May 8.<sup>24</sup> The remaining DMV field offices reopened on May 28 and June 11.<sup>25</sup> In April, motor voter registration was at approximately half of its previous level, rising by a small amount in May, and returning to pre-pandemic levels in June.
- Colorado closed its DMV offices on March 18. All DMV offices remained closed during the entirety of April, with the state reopening the first 10 offices on May 6 and slowly reopening remaining offices. The Denver DMV reopened on June 29.<sup>26</sup> During the DMV closures, motor voter registration activity dropped from 88,479 transactions in February to 42,358 in April.<sup>27</sup>
- Kentucky’s DMVs closed on March 17 and reopened for limited in-person services on May 18.<sup>28</sup> Motor voter registration activity during April, the only full month during which all the state’s DMV locations were closed, plummeted to 2,462 from 35,278 in February, and did not return to pre-pandemic levels until July.<sup>29</sup>
- Finally, in Virginia, the governor announced the closure of the commonwealth’s 75 DMV locations on March 17. Nine centers reopened in mid-May, 35 offices reopened in June, 49 reopened by the end of July, and the rest reopened in mid-August.<sup>30</sup> Motor voter registration activity in April — when all locations were closed — was roughly one-third of the number in January. May and June also had reduced activity, but motor voter registration activity returned to pre-pandemic levels in July.<sup>31</sup>

Beyond recognizing the suitability of DMVs for providing voter registration services, Congress also recognized that the NVRA’s mandated procedural requirements were “ideally suited for automation,” even while allowing needed flexibility in how states administered the law. As the Senate report explained:

Although the bill does provide a procedure for registration that is ideally suited for automation in conjunction with the driver’s license records, it does, however, permit each State some discretion as to how to administer this process and how to integrate it with its driver’s license process. That discretion would range from a fully integrated, automated process, a single application form for use by both agencies requiring minimal duplication of information, or separate application forms to be completed as part of a single, simultaneous application process at the driver’s license agency.<sup>32</sup>

In their initial implementation of the law, several states automated the transfer of voter registration data from motor vehicle databases to voter registration databases.<sup>33</sup> These systems — in which the DMV sent information to election databases — provided the first electronic communications between the agencies.

## Another Federal Law: Help America Vote Act (HAVA)

The next broadscale step in election administration reliance upon the DMVs, and their data in particular, occurred with the passage of the Help America Vote Act of 2002, 52 U.S.C. §20901 — a law enacted to improve election administration in the wake of the complications that arose during the 2000 presidential election. Among its several provisions, HAVA requires states to:

1. set up statewide voter registration databases;
2. include a voter registration applicant’s driver’s license number — or the last four digits of the applicant’s Social Security number if the applicant has no driver’s license — on every voter registration application (for federal elections) so that states can verify the information submitted by the applicant; and
3. require presentation of certain identification, when casting a ballot, from new voters who register by mail.<sup>34</sup>

HAVA’s verification requirements apply to all states and the District of Columbia, with a limited modification for certain states.<sup>35</sup> To effect its voter registration verification requirements (number 2 above, using the driver’s license number or last four digits of the Social Security number), HAVA specifically requires each state’s “motor vehicle authority” to enter into defined relationships and to undertake specific actions:

1. The official responsible for the state motor vehicle authority and the state’s chief election official are required to enter into an agreement to match information between the agencies’ databases (the HAVA-required statewide voter registration database and the motor vehicle authority’s database).<sup>36</sup>
2. Both the state motor vehicle authority and the chief election official have responsibility to verify the accuracy of the

information provided on voter registration applications.<sup>37</sup>

3. The official responsible for the state’s motor vehicle authority also must enter into an agreement with the Commissioner of Social Security so that it can verify information when an applicant provides the last four digits of his or her Social Security number rather than a driver’s license number.<sup>38</sup>

It is worth noting that some states use HAVA verification only for first-time mail voter registration applications, while other states verify all voter registration applications this way, even though HAVA does not require it.<sup>39</sup>

Thus, states verify almost all voter registration applicant information through mechanisms reliant on DMVs. For the majority of voter registration application verifications, the verification occurs during the motor voter process or as a result

of data matching based on an individual's driver's license number. When an applicant submits the last four digits of his or her Social Security number rather than a driver's license, it is still the state's motor vehicle department that interacts with the Social Security Administration to verify the applicant's information.<sup>40</sup> AAMVA, the association referenced earlier that represents motor vehicle authority administrators, developed and provides to jurisdictions the information systems that allow

their motor vehicle departments to verify voter registration and identity information with SSA records.<sup>41</sup>

First-time mail voter registration applicants whose identities are not successfully verified through HAVA database matching must provide identification at the polls.<sup>42</sup> While a photographic identification document, like a driver's license, is not required, many individuals use their driver's license as a form of identification.

With the initial implementation of HAVA, DMV and election databases began communicating for the first time in "both directions." In other words, layered on top of NVRA implementation (by which DMVs were already sending information to election databases), HAVA required election databases to send information and data *back* to the DMV. Thus, the combination of NVRA and HAVA led to information technology (IT) infrastructure allowing two-way communication between the agencies' databases.

## Other Ways Voter Registration Relies on DMVs

Catalyzed by one or both of the above federal election laws, as well as the IT developed to support implementation of those laws, other election-related mechanisms and processes relying on motor vehicle departments have evolved organically.

### Online Voter Registration (OVR)

By the late 1990s and early 2000s, use of the internet exploded and citizens began to expect to access services online.<sup>43</sup> Online voter registration — now available in 40 states and the District of Columbia, with a 41st state phasing in implementation,<sup>44</sup> and the second most common voter registration method (after motor voter)<sup>45</sup> — developed, prior to passage of HAVA. OVR is heavily reliant on DMVs; indeed, its origin story is the story of the development of the

Arizona Motor Vehicle Division's online web portal.<sup>46</sup>

In the late 1990s, Arizona's Motor Vehicle Division (MVD) initiated "Service AZ," its online web portal. In 1997, online vehicle registration became the first service provided through Service AZ. From there, ServiceAZ added additional services, developing a sizable online presence for the state's MVD. Knowing the potential of ServiceAZ (and before the 2000 presidential election), the chief information officer in the office of the Arizona Secretary of State (SOS) proposed to the MVD that their offices work together to create OVR. His idea was to utilize the ServiceAZ platform, which was already established and visited by a huge number of Arizona residents to renew vehicle registration. Because voter registration applications require a signature, his innovative idea was to use the digitized signature that the MVD already had

stored with an individual's driver's license. As the MVD was trying to expand its online presence, the agency was quite receptive to the idea and a cooperative partnership developed between MVD and the SOS. Arizona's OVR system went live in 2002.

When OVR was first adopted in Arizona, the state had yet to build the statewide voter registration database required by HAVA, and voter registration information received by election officials was entered manually into databases. Specifically, the voter registration applications "were created by the EZ Voter program," the office of the Secretary of State accessed and printed the forms and sent them with the digitized signature via facsimile to the counties, and the county officials then entered the information into their individual voter registration systems.<sup>47</sup> In 2004, post-HAVA, Arizona implemented its

required statewide voter registration database (SVRD), and the MVD then began sending the voter registration information directly into the SVRD, which subsequently routed the voter registration information to individual counties, if appropriate.<sup>48</sup>

After Arizona's implementation of OVR, several years passed before a second state adopted this innovative approach to voter registration. In 2008, Washington adopted OVR, housed with its Secretary of State rather than its DMV. Since that time, 37 additional states plus the District of Columbia have adopted or authorized OVR.<sup>49</sup> Although the systems vary in their operation, all rely in large part on data from their state's respective DMV databases. In addition, all states rely on DMV databases to verify identity as part of the OVR process.

## Electronic Registration Information Center (ERIC)

Though better known for its functions in keeping state voter registration rolls up to date (described below), the Electronic Registration Information Center — a nonprofit organization, formed in 2012 and governed and managed by states that choose to join — also does significant work assisting states to register voters. Through regular data matching of voter registration and motor vehicle licensee data, ERIC is able to identify “likely eligible, but unregistered residents” of a state.<sup>50</sup> ERIC provides that information to its members, who must, “at a minimum, initiate contact with each and every

eligible or possibly eligible citizen and inform them how to register to vote.”<sup>51</sup> Through this process, over 34 million potential voters have been identified;<sup>52</sup> it is estimated that millions of these identified potential voters have registered to vote.<sup>53</sup>

## Automatic Voter Registration (AVR)

Largely but not exclusively working from the systems set in place through implementation of the NVRA, automatic voter registration streamlines voter registration by putting the onus of voter registration on the government, rather than on each citizen. Oregon was the first state to adopt this type of system in 2016. In the four-plus years since then, 17 other states and the District of Columbia have adopted some version of this reform; several are still in the process of implementing the policy.<sup>54</sup>

For purposes of this discussion, AVR systems have two specific and defining characteristics:

1. When a voter-eligible individual interacts with a government agency — which in all AVR states except Alaska includes the DMV — that individual will get registered to vote unless he or she “opts out” by specifically declining the opportunity.
2. The government agency at issue electronically transfers the voter registration information to election officials.<sup>55</sup>

Thus, for the overwhelming majority of driver's license applications, renewals, and changes of address, DMV customers will be added to

the voter registration rolls or their address will be updated on the existing list.

Generally speaking, there is a particular policy difference in AVR systems — the time at which an individual has the opportunity to decline voter registration — that impacts the process a DMV must follow to implement AVR. Fourteen states and the District of Columbia provide (or will provide) customers the opportunity to decline voter registration during the agency transaction, i.e., at “the point-of-service.”<sup>56</sup> This process is similar to preexisting motor voter registration, except for the presumption that a customer will get registered versus a requirement that the customer must request to get registered to vote (opt-out rather than opt-in). In three states, there is a small amount of voter registration information presented (or will be presented) to the customer during the agency transaction but no choice to be made; rather, the customers are provided (or will be provided) with the opportunity to decline voter registration via a mailer sent to the customer after the agency transaction.<sup>57</sup> Only Michigan has yet to determine the time at which an individual will have the opportunity to decline registration.<sup>58</sup>

In the second type of AVR system, often called “back end AVR,” DMV clerks play no role in the process; the DMV's entire role is in transferring voter registration information of voter-eligible customers from its database to election officials. Significantly, the ability to implement this second type of system relies on DMVs, under the REAL ID Act, having received documents relating to legal presence in the United

States.<sup>59</sup> For example, if an individual has produced a citizenship document (e.g., a passport), then his or her information is transferred to election officials. If, on the other hand, an individual has produced a document that shows legal presence without citizenship (e.g., a permanent resident card), the individual's information will not be transferred to election officials. Thus, the data available to DMVs as a result of REAL ID allow states, even without a direct voter registration interaction with customers, to provide safeguards that limit automatic voter registration to citizens.<sup>60</sup>

## Same Day Registration (SDR)

Twenty-one states plus the District of Columbia have adopted same day registration, which allows eligible citizens to register to vote and cast a ballot in a single day, either during early voting or on Election Day.<sup>61</sup> Every jurisdiction with SDR requires, as part of the process, that the voter prove residency and verify identity, and doing so frequently occurs through use of a driver's license. Some states, like Nevada — which used SDR for the first time in 2020 — even require a driver's license or state identification card issued by the DMV to use the service.<sup>62</sup>

Notably, Nevada's DMV — recognizing both the integral role it plays in facilitating voter registration, as well as the impact of the two-month pandemic shutdown in reducing voter registration in the state — proactively took steps to facilitate same day registration during the 2020 presidential election.<sup>63</sup> When DMV offices reopened after the pandemic shutdown, they reopened by appointment only, thereby limiting issuance of new driver's licenses and state identification cards, necessary for many to register to vote. Nevada's voter registration deadline for in-person and mail voter registration was October 6. Afterward, new Nevadans could get registered to vote only by using OVR or SDR, each of which require the individual to have a driver's license or state ID.<sup>64</sup> Recognizing that the lack of a needed credential could deprive new Nevadans of their fundamental right to vote, and not wanting to cause disenfranchisement, Nevada's DMV leadership implemented walk-in hours during the week and on Saturdays, starting on October 12, for new Nevada residents to obtain credentials. In addition, Nevada's DMV held walk-in hours for new residents all day on Election Day itself. In taking these actions, the Nevada DMV actively facilitated new residents' enfranchisement.

## Preregistration

Preregistration is a policy that allows individuals under the age of 18 to apply to register to vote, and to become registered voters upon their 18th birthday, enabling them to cast a vote once they turn 18, the eligibility age in all states.<sup>65</sup> Twenty-three states plus the District of Columbia allow some form of preregistration. Fourteen states and the District of Columbia allow preregistration of 16-year-olds; four states allow preregistration of all 17-year-olds.<sup>66</sup> In addition, another five states allow preregistration before a voter's 18th birthday.<sup>67</sup> Preregistration may be accomplished through several different voter registration mechanisms, including the motor voter registration process.

While implementation of this policy is not exclusive to motor voter registration, preregistration frequently occurs as part of the motor voter process when a teenager first applies for his or her driver's license. Of the 19 jurisdictions that allow preregistration of 16- and all 17-year-olds, the preregistration age in 16 of those jurisdictions allows a first-time driver's license applicant to simultaneously preregister to vote.<sup>68</sup> The existing database connections between DMVs and election officials allow for easy preregistration of teenagers.

# Reliance on DMV for List Maintenance

Beyond initial voter registration and verification that allow citizens to vote, states also rely extensively on their DMVs, and especially their databases, for effective list maintenance. In other words, DMVs play an outsized role in helping states make sure their voter registration lists are accurate and up to date.

## Electronic Registration Information Center

One of the most common (and methodical) mechanisms states employ for list maintenance is through ERIC, the nonprofit state membership organization described above. ERIC assists states with list maintenance by “identifying out-of-date records found by comparing voter registration data between states, to motor vehicle licensing agency data, and to the Social Security Administration master death index list.”<sup>69</sup> Through its sophisticated data matching of the data sets provided by its 31 members every 60 days, ERIC is able to alert its members of inaccurate and out-of-date voter registration records.<sup>70</sup> In particular, at least once a year but as frequently as states request, ERIC provides each member state with “reports that show voters who have moved within their state, voters who have moved out of state, voters who have died, [and] duplicate

registrations in the same state ...”<sup>71</sup> The member states must then contact voters, in compliance with the NVRA and state regulations, to urge them to update their voter registration and must take action themselves to update voter registration information.<sup>72</sup>

As of the date of this publication, 30 states plus the District of Columbia are members of ERIC and use the ERIC system. As of the end of 2019, with 26 members and in its first seven years of existence, ERIC identified and alerted its members to a total of 3,612,516 registered voters who moved to a different state; 9,495,641 registered voters who moved within a state; 334,833 voter registration records that were duplicates of other existing voter registration records; and 412,685 deceased individuals that needed to be removed from voter registration rolls.<sup>73</sup> This would have been impossible without the role that DMV databases play in the process.

## NVRA Section 5(d)

Although motor voter registration was addressed earlier, one particular aspect of the NVRA is worth mentioning in this discussion of keeping voter registration information up to date. In particular, Section 5(d) of the NVRA<sup>74</sup> regards changes of address and requires that any driver’s license (or state ID) change of address must also serve as notification of a voter registration

change of address, unless the individual specifically states that the change of address shall not be for voter registration purposes. This same process is used in automatic voter registration systems.

In states that have implemented the motor voter law effectively and in full compliance with that provision, the vast majority of DMV voter registration activity regards changes of address. For example, Colorado upgraded its motor voter registration technology between March 2016 and June 2018, which led to an increase in the proportion of address updates from approximately 60 percent of all voter registration activity to 85 percent of motor voter registration activity.<sup>75</sup> (Absolute numbers also increased dramatically.) These address updates, flowing from driver’s license changes of address, keep voter registration lists more accurate.

Thus, compliant DMV motor voter implementation (as well as AVR) plays a significant role in keeping voter registration information accurate and up to date.

# DMVs as Primary Providers of Voter ID at the Polling Place

Laws requiring or requesting that voters present identification at the polling place have passed throughout the country and are currently in effect in 35 states.<sup>76</sup> Some states require photo identification documents while others allow non-photo identification documents; some states require presentation of identification in order to cast a regular ballot, while other states allow alternatives to the prescribed forms of identification.<sup>77</sup> Although other forms of identification are permitted in all 35 states that have passed voter ID laws, DMV-issued forms of identification are the primary form used by voters.

The first voter identification law was passed in 1950, when South Carolina passed a law to request that each voter show some document with his or her name at the polling place.<sup>78</sup> Between 1970 and 1980, four more states passed voter ID laws — some requiring photos and others not.<sup>79</sup> In each of these first five state laws, voters were able to cast a regular ballot — through alternative mechanisms — if they did not have the requested identification. By 2000, 14 states had such laws.<sup>80</sup> Starting in the mid-2000s, states began to pass more stringent voter ID laws, requiring photo identification at the polling place in order to cast a ballot. Under these more stringent laws, any voter without an acceptable photo ID must vote a provisional (rather than a regular) ballot and take additional post-Election Day steps for the ballot to be counted.<sup>81</sup> Georgia and Indiana were the first states to implement such laws in 2008.<sup>82</sup> Since then,

four additional states have adopted and have in effect the strictest form of photo ID requirements for voting (like the laws in Georgia and Indiana).<sup>83</sup> Another 12 states have adopted photo ID laws that are less strict.<sup>84</sup> The remaining 17 states have adopted various non-photo voter ID requirements.<sup>85</sup> Regardless of the particular voter ID policy, many voters in states with such laws use their driver's licenses to satisfy the requirements.

Because of the importance of DMV-issued forms of identification for voting, states have a clear obligation to make sure that citizens can obtain them from their DMVs. For example, when the Wisconsin legislature passed a voter ID law, it included a requirement that the DMV must provide free ID limited to the purposes of voting for citizens who lack any other acceptable ID.<sup>86</sup> When the state executive branch implemented an “ID Petition Process” (IDPP) for such free IDs, the procedure proved onerous for individuals who — with reasonable effort — could not provide needed documentation sufficient to obtain a free ID (e.g., could not locate a birth certificate, could not produce a Social Security card, and could only produce documents with names whose spelling did not match).<sup>87</sup> In response to litigation, Wisconsin modified its statutes and administrative regulations, instituting safeguards to allow individuals without needed documentation to obtain the DMV-issued free voter ID.<sup>88</sup>

The DMVs' important role in this aspect of election administration also arose quite starkly in Alabama in 2015, when the state planned to close 31 part-time drivers' license offices, primarily in the state's “Black Belt,” an area of rural communities in the state.<sup>89</sup> While the governor and others described the office closures as necessary in light of budget considerations, there was significant public outcry over the curtailment of government services, especially the inevitable restriction on citizens' abilities to obtain photo ID for voting.<sup>90</sup> After the announced closures, the U.S. Department of Transportation launched a civil rights investigation, and U.S. Department of Justice lawyers met with the governor, civil rights and voting rights lawyers, and community members to understand the impact of the closures and ensure that the right to vote would not be affected.<sup>91</sup> The state ultimately did not close the offices.<sup>92</sup>

It is interesting to note that both the Wisconsin and Alabama examples demonstrate the impact of insufficient DMV funding on voting. In Wisconsin, for example, the IDPP process required the state (rather than the petitioner) to obtain certain records in order to provide a free ID, but “the state had not appropriated any funds to pay for vital records”<sup>93</sup> as part of the IDPP process. As a result, the free ID petitions for some of the people who could not otherwise prove their identity fell into limbo, and they could not obtain their IDs.<sup>94</sup> On the eve of the trial, “the state started paying for

the underlying documents (e.g., birth certificates) that citizens needed to submit to obtain these free IDs,”<sup>95</sup> curing this particular problem. In Alabama, the state identified insufficient DMV funding as the reason for the planned branch closures, even though those DMV offices provided an essential service allowing many citizens to vote. With a recognition of the election administration role that DMVs play and adequate funding dedicated to such purposes, the state legislatures in each of the states might have avoided the problems they encountered.

## Unique State Reliance

Different states have developed their own unique election administration processes that are reliant on DMVs. For example, Colorado was the first state in the country to allow vote centers, where any voter may drop off or cast his or her ballot, rather than precinct-based polling places.<sup>96</sup> Of roughly 265 vote centers in Colorado during the 2018 general election, 82 (or 31 percent) were located in or with the DMV office.<sup>97</sup> Arizona, discussed in more detail below, has relied broadly on its motor vehicle department for varied parts of its election administration. There are undoubtedly other unique ways that states use DMVs as part of their election administration.

Arizona has built strategically and extensively upon both its motor voter infrastructure and database. For example, beyond online voter registration’s reliance on the Arizona MVD (discussed earlier), Arizonans are able to sign up for the permanent early voting list in conjunction with voter registration applications — including the motor voter process (through which the state receives 59 percent of all voter registration applications) and online voter registration (through which the

state receives 20 percent of all voter registration applications).<sup>98</sup> Each voter who signs up for the permanent early voter list receives, through postal mail for each election, an early ballot approximately 27 days before Election Day.<sup>99</sup> More than 80 percent of Arizonans are on the list, many through motor voter or online registration, and vote using this mechanism.<sup>100</sup>

In addition, the connection of the MVD database to the Secretary of State’s “E-Qual” system provides significant support during campaign seasons, both to candidates for statewide and legislative office and to election officials who must verify information submitted by candidates about their supporters. To get on the ballot, a candidate must collect a certain number of signatures from individuals in certain districts, and state law allows candidates to get a certain percentage of those signatures through electronic means.<sup>101</sup> In addition, “clean election candidates” must collect a certain number of \$5 qualifying contributions from registered voters to qualify for public funding, and this can also occur electronically.<sup>102</sup> E-Qual provides the mechanism:

Voters’ electronic signatures — for both candidate petitions and qualifying contributions — originate from the MVD database, and the system also authenticates the voter’s identity (through personal information including the driver’s license number).<sup>103</sup> When these electronic signatures and qualifying contributions come through E-Qual, election officials need not verify the identity of the specific voters because that has already occurred, reducing administrative work after submission of petition signatures or qualifying contributions.<sup>104</sup> Thus, E-Qual’s reliance on the MVD database facilitates an easier way to sign petitions for citizens, an easier way for candidates to obtain signatures and qualifying contributions, and an easier verification mechanism for the Secretary of State.

# Conclusion

Election administration relies broadly on state DMVs, yet DMVs' foundational role is largely unknown and rarely recognized by state legislatures or advocates. The vast majority of election administration reliance upon DMVs relates to voter registration: registering voters through the NVRA, OVR, AVR, SDR, ERIC, or preregistration; verifying voter registration information under HAVA; and keeping voter registration lists accurate and up to date through ERIC and compliant NVRA (and AVR) implementation. Beyond voter registration, many states rely on driver's licenses as the needed identification document on Election Day, and certain states make unique use of their DMVs for signature use, for identity verification, or as polling places. In short, election administration reliance on DMVs is broad, encompassing many aspects of the election process.

Unfortunately, through the invisibility of the DMVs' specific yet broad role underlying election administration and the concomitant failure to devote sufficient attention and resources, the lack of awareness often impedes (or at best makes more difficult) effective implementation of processes undergirding our democracy. With greater attention and resources, DMVs can streamline and improve the election processes they are undertaking — thus upgrading both DMV and election administration services.

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# Appendix A

	CALIFORNIA	COLORADO	KENTUCKY	VIRGINIA
<b>Jan-20</b>	421,249	97,372	43,146	102,977
<b>Feb-20</b>	372,782	88,479	35,278	42,843
<b>Mar-20</b>	324,401	80,750	28,006	132,013
<b>Apr-20</b>	180,042	42,358	2,462	36,978
<b>May-20</b>	207,152	82,316	7,758	56,570
<b>Jun-20</b>	379,919	105,941	14,292	64,387
<b>Jul-20</b>	462,680	99,234	44,221	188,997
<b>Aug-20</b>	446,835	93,857	45,504	187,530
<b>Sep-20</b>	414,998	98,287	66,965	187,656
<b>Oct-20</b>	366,147	93,548	23,088	114,498

# Endnotes

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- 13 Royce Crocker, “The National Voter Registration Act of 1993: History, Implementation, and Effects,” p. 2-3, Congressional Research Service (September 18, 2013), Accessed January 25, 2021. Available at: <https://fas.org/sgp/crs/misc/R40609.pdf>. See also “H.R. 15 – National Voter Registration Act of 1989: Summary,” Accessed January 25, 2021. Available at: <https://www.congress.gov/bill/101st-congress/house-bill/15>.
- 14 J. Mijin Cha, “Registering Millions: The Success and Potential of the National Voter Registration Act at 20,” *Demos*, 2013, pp. 4, Accessed September 5, 2019. Available at: [https://www.demos.org/sites/default/files/publications/RegisteringMillions-NVRA-Demos\\_2.pdf](https://www.demos.org/sites/default/files/publications/RegisteringMillions-NVRA-Demos_2.pdf).
- 15 United States, Congress, House, Committee on House Administration, “National Voter Registration Act of 1993,” report to accompany H.R. 2, 103rd Cong., 1st sess., H.R. Rep. No. 103-9, 1993, pp. 3.

- 16 S. Rep. No. 103-6, 1993, pp. 2.
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- 18 James B. Martin, Joyendu Bhadury, James Cordeiro, Melissa L. Waite, and Kwasi Amoako-Gyampah (2018), “Service Operations in DMV (Division of Motor Vehicles) Offices of the USA - A Comparative Study,” *Management Research Review*, Vol. 41 No. 4, pp. 504-523, Accessed September 5, 2019. Available at: <https://www.emerald.com/insight/content/doi/10.1108/MRR-02-2017-0060/full/html>.
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- 20 S. Rep. 103-6, pp. 7.
- 21 *Ibid.*, pp. 5.
- 22 “New Voter Registrations in 2020,” The Center for Election Innovation and Research, June 10, 2020, pp. 3, Accessed January 21, 2021. Available at: [https://electioninnovation.org/wp-content/uploads/2020/06/New\\_Voter\\_Registrations.pdf](https://electioninnovation.org/wp-content/uploads/2020/06/New_Voter_Registrations.pdf).
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34 52 U.S.C. § 21083.

35 The five states that were using an applicant’s 9-digit Social Security number for verification purposes before HAVA’s passage — New Mexico, Kentucky, South Carolina, Tennessee, and Virginia — are allowed to continue to use that system. North Dakota does not have voter registration and therefore has no use for a registration verification system. “What Is HAVV?” Social Security Administration, Accessed January 20, 2021. Available at: <https://www.ssa.gov/open/havv/#havv>.

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39 52 U.S.C. § 21083(a)(5)(B); See also Interview with Michelle Tassinari, Massachusetts Election Director (May 20, 2019) (Massachusetts performs HAVA verification only for mail voter registrants who have not previously registered to vote); See also Interview with Craig Stender, former Arizona HAVA Project/Implementation Manager (June 4, 2019) (Arizona performs HAVA verification of all voter registration applicants).

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- 47 E-mail from Craig Stender to Lisa Danetz (October 8, 2019).
- 48 Because Maricopa and Pima Counties retained their own voter registration databases, the SVRD accepted voter registration information about registrants from those counties and also forwarded the information to them. Interestingly, in 2005, having successfully implemented OVR, Arizona leveraged its new system to make enhancements to its already-existing *in-office motor voter processes* (and not just online applications). The in-office motor voter registration process had been paper-based and fraught with logistical problems: the offices distributed paper voter registration applications that would be collected and distributed to county recorders — which was complicated because the MVDs did not operate by county. Instead, with the new system, the driver’s license application and renewal forms were redesigned to integrate voter registration questions and a MVD customer service representative would enter the voter registration into the MVD database. Using the electronic communication flow established with OVR, the voter registration application data and digitized signature would be electronically transferred to election officials and instantly recorded. This eliminated logistical challenges affecting the timing and accuracy of transmittal of voter registration applications from MVD to county recorders.
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- 51 “Electronic Registration Information Center, Inc. Bylaws, Exhibit A,” Electronic Registration Information Center, November 30, 2018, pp. 16–17, Accessed September 11, 2019. Available at: [https://ericstates.org/wp-content/uploads/2019/01/ERIC\\_Bylaws\\_2018-11-30.pdf](https://ericstates.org/wp-content/uploads/2019/01/ERIC_Bylaws_2018-11-30.pdf).
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- 53 E-mail correspondence from David Becker to Lisa Danetz (July 31, 2020).
- 54 “History of AVR & Implementation Dates,” Brennan Center for Justice, December 22, 2020, Accessed January 20, 2021. Available at: <https://www.brennancenter.org/analysis/history-avr-implementation-dates>. Among those jurisdictions that have adopted AVR, not all have implemented the policy as of publication.
- 55 The phrase “automatic voter registration” can mean different things to different audiences and, for this reason, the phrase is specifically defined for use in this publication. See, e.g., “Automatic Voter Registration,” Brennan Center for Justice, Accessed October 17, 2019. Available at: <https://www.brennancenter.org/issues/ensure-every-american-can-vote/voting-reform/automatic-voter-registration> (defining “automatic voter registration” as systems that both register government agency customers, unless such customers “opt out,” and transfer voter registration information electronically from agency to election databases); See also “Automatic Voter Registration,” National Conference of State Legislatures, April 22, 2019, Accessed October 17, 2019. Available at: <http://www.ncsl.org/research/elections-and-campaigns/automatic-voter-registration.aspx> (defining “automatic voter registration” more broadly as all automated systems in which voter registration information is

electronically transferred from government agency to election databases). This publication adopts the Brennan Center definition.

- 56 The states include California, Georgia, Illinois, Maine, Maryland, Massachusetts, Nevada, New Jersey, New York, Rhode Island, Vermont, Washington, and West Virginia. “Policy Differences of Automatic Voter Registration,” Brennan Center for Justice, December 22, 2020, Accessed January 20, 2021. Available at: <https://www.brennancenter.org/analysis/policy-differences-automatic-voter-registration>. Note that Connecticut and Utah are not included in this list because they are “opt in,” rather than “opt out.” “History of AVR & Implementation Dates,” Brennan Center for Justice.
- 57 “Policy Differences of Automatic Voter Registration,” Brennan Center for Justice. The three states are Alaska, Colorado, and Oregon.
- 58 Ibid.
- 59 Christy Rodrigues, “The REAL ID Act: What It Means, State by State Requirements, & Updates [2021],” *UPGRADEDPOINTS*, January 19, 2021, Accessed January 21, 2021. Available at: <https://upgradedpoints.com/real-id-act>.
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- 67 Ibid. Alaska, Georgia, Iowa, Missouri, and Texas permit eligible citizens to preregister between 17.5 years old and 17 years 10 months.
- 68 A first-time driver’s license applicant in California, Colorado, Delaware, the District of Columbia, Florida, Hawaii, Louisiana, Maryland, Massachusetts, New Jersey, New York, North Carolina, Oregon, Rhode Island, Utah, and Washington would be able to preregister to vote as part of the motor voter registration process. Compare driver’s license ages listed in Denise Witmer, “Driving Age By State: What You Need to Know for Your Teen to Safely and Legally Drive,” *Verywell Family*, July 18, 2019, Accessed January 21, 2021. Available at: <https://www.verywellfamily.com/driving-age-by-state-2611172>, with preregistration ages listed in “Preregistration for Young Voters,” National Conference of State Legislatures.
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70 “Who We Are,” Electronic Registration Information Center, Accessed July 30, 2020. Available at: <https://ericstates.org/who-we-are/>; See also “Electronic Registration Information Center, Inc. Bylaws, Exhibit A” Electronic Registration Information Center, pp. 14.

71 “FAQ’s: What Reports Do States Receive from ERIC?” Electronic Registration Information Center, Accessed September 12, 2019. Available at: <https://ericstates.org/>.

72 Electronic Registration Information Center, Inc. Bylaws, “Exhibit A,” Electronic Registration Information Center, pp. 17.

73 “ERIC at Work,” Electronic Registration Information Center.

74 52 U.S.C. § 20504(d).

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76 In addition, a 36th state — North Carolina — has a voter ID law that is enjoined by court order. “Voter Identification Requirements: Voter ID Laws,” National Conference of State Legislatures, August 25, 2020, Accessed July 31, 2020. Available at: <http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx>.

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81 “Voter Identification Requirements: Voter ID Laws,” National Conference of State Legislatures. “Strict: Voters without acceptable identification must vote on a provisional ballot and also take additional steps after Election Day for it to be counted.”

82 “Voter ID History,” National Conference of State Legislatures.

83 “Voter Identification Requirements: Voter ID Laws,” National Conference of State Legislatures; See also “Voter ID History,” National Conference of State Legislatures.

84 “Voter Identification Requirements: Voter ID Laws,” National Conference of State Legislatures. “Non-strict: At least some voters without acceptable identification have an option to cast a ballot that will be counted without further action on the part of the voter.”

85 Ibid.

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87 See, e.g., *Frank v. Walker*, 196 F. Supp.3d 893, 905-908 (E.D. Wis. 2016) (referring to modification of rule for obtaining free state ID and identifying IDPP as process for those without needed documents), *aff’d in part, rev’d in part by Luft v. Evers*, 963 F.3d 665 (7<sup>th</sup> Cir. 2020).

88 *Frank v. Walker*, 835 F.3d 649 (7<sup>th</sup> Cir. 2016); See Wis. Stat. 343.50(1)(c)2; Wis. Stat. 343.50(3)(c)2; Wis. Stat. 343.50(5)(a)3; Wis. Stat. 343.165(8); Wis. Admin. Code Trans. § 102.15(2)(d); Wis. Admin. Code Trans. § 102.15(5m); Wis. Admin. Code Trans. § 102.5(5M).

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