



TITLE:	MOTOR VOTER REGISTRATION: COLORADO CASE STUDY
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DATE:	DECEMBER 2021 UPDATE

Introduction

Across the country, states have been improving motor voter registration services provided as part of driver's license transactions – through modernized policy and updated technology. Consistent with that trend, over a 6-year period, the Colorado Department of State (CDOS), the Colorado Department of Revenue (CDOR), (which houses the Division of Motor Vehicles), and the Colorado County Clerks' Association (CCCA) upgraded the technology underlying the state's motor voter program, administratively moved from the NVRA's traditional "opt-in" voter registration process to an "opt-out" process offered at the point-of-service of the driver's license transaction, and then legislatively transitioned the "opt-out" process from point-of-service to a post-transaction mailer. Under a system that uses a post-transaction mailer, an individual's information is automatically transferred from the DMV to state election offices, elections officials use already available information to confirm voter eligibility, and a mailer is sent informing the individual that he or she will be automatically registered to vote unless he or she returns the mailer indicating a desire not to be registered.¹ As part of these multiple transitions, CDOS kept and maintained scrupulous data to understand the impact of the changes.

Colorado's upgrades and modifications transformed the state's motor voter process. From a technical perspective, the technological and process improvements modernized an inefficient paper process to a streamlined electronic process with better customer service and a higher usage rate of voter registration services -- increasing approximately eightfold. At a governmental services level, the more consequential transformation occurred in the relationship among the three institutions that share responsibility for the state's implementation of the "motor voter" portion of the National Voter Registration Act. That relationship transformation is what cleared the path for the process flow improvements.

Due to the breadth of the upgrades and the robust data available about the impact of the state's administrative and legislative motor voter process improvements, an examination of the state's different voter registration systems is instructive for states that choose to adopt an automatic voter registration system. The original analysis –which addressed all upgrades that occurred prior to the legislatively required transition to an opt-out post-transaction mailer-- was published in December 2019. In light of the May 2020 implementation of the legislative opt-out requirements, the analysis has now been updated. What follows is the story of Colorado's administrative and legislative transformations, the resulting improvements in DMV-based customer service, and the resulting increased rate of motor voter registration. It is a story of persistence, relationship-building, communication, and resource allocation.

IN THE BEGINNING: ORIGINAL NVRA PROCESS AND VISION FOR CHANGE

In 2009, at the time the current Colorado Elections Director Judd Choate assumed his position, the state's motor voter registration process –jointly developed by the Secretary of State's office and the state's Division of Motor Vehicles-- was paper-based and opt-in, meaning that each customer had to affirmatively choose to register to vote. As part of the Colorado driver's license issuance transaction at a Driver's License Office,² a clerk behind the counter asked each customer a voter registration question.

¹ Danielle Root, "The Case for Back-End Opt-Out Automatic Voter Registration" (May 28, 2019), at <https://www.americanprogress.org/article/case-back-end-opt-avr/> (last viewed November 17, 2021).

² Colorado has 52 customer-facing Driver's License Offices. Fourteen counties, under the auspices of the county clerk or recorder, provide some level of driver services at 20 different offices. In addition, there are 32 state offices that provide full service at all locations.

- (1) a statute change;
- (2) a process improvement including training and procedure changes for DMV clerks; and
- (3) a significant technology upgrade.

Choate hoped these changes could be accomplished in five to seven years. His first step in the plan was to establish a relationship with the head of the Division of Motor Vehicles at CDOR. In 2011, Mike Dixon joined the Colorado Department of Revenue's Division of Motor Vehicles as its Senior Director. Shortly after taking on his new role with the then-new Governor John Hickenlooper Administration, Choate held a meeting with Dixon and his team to discuss CDOR's obligations under the NVRA.

NVRA WORKING GROUP: TRANSFORMING RELATIONSHIPS BETWEEN CDOR, CDOS, AND CCCA

When Dixon came on the job as head of the Division of Motor Vehicles, his primary focus was the development of a strategy to improve DMV customer service, in particular addressing office wait times and drivers' services. With respect to the motor voter process, as far as he was aware, it was working as intended. There was a Memorandum of Understanding in place between CDOR and CDOS, processes had been approved by the Secretary of State, and he believed that the DMV was sharing data as agreed. His initial assessment was motor voter was working as intended and there were other pressing priorities.

Nevertheless, after his initial assessment, it did not take long to identify communication challenges among all the agencies involved in motor voter registration. The DMV provides operational support to the counties for DMV vehicle services. Through his outreach efforts with county clerks and recorders (whose offices also administer elections) to improve customer service, Dixon began to hear concerns about accessing voter registration information. The concerns were surprising as he understood the DMV was meeting its obligations under the MOU between CDOR and CDOS.

When several County Clerks and County Election Directors brought this issue directly to Dixon, he recommended the establishment of a working group. Fortunately, each of the three agencies agreed and the NVRA Working Group was established. From the beginning, the Working Group included personnel from the Division of Motor Vehicles, CDOS, and CCCA. In addition, the state's Office of Information Technology and relevant vendors were occasional participants. Several years after its formation, state voting rights advocates became important regular participants.

Over several years, Choate, Dixon, folks from CCCA, and their teams developed a strong working relationship. The NVRA Working Group fostered alignment and allowed personnel from the different agencies to problem-solve their communications and perspective differences. CDOR developed an understanding of Choate's vision and, working collaboratively, the NVRA Working Group both was able to identify process improvements that did not require legislation and, for those that required legislation, agree on what was needed. Several of CDOS' legal staff – including Ben Schler, Melissa Polk, Caleb Thornton, and Theresa Conley – worked closely with Rosalie Johnson, the DMV's Driver's License Manager, and respective project teams to improve the motor voter process before and as part of two significant DMV technology upgrades.

HAPPY CIRCUMSTANCE OF CDOR TECHNOLOGY UPGRADE: OPPORTUNITY FOR MOTOR VOTER PROCESS IMPROVEMENTS

In 2012 – like many current DMVs around the country – the Colorado DMV embarked on a system modernization project. The legacy "Driver's License System" (the IT system that guided DMV driver's license transactions) had significant shortcomings, preventing the DMV from fully meeting customer service expectations and imposing risk on the state due to limited availability of IT staff with sufficient knowledge of the workings of the system to provide support. As part of a DMV five-year strategy to improve customer service, CDOR and the Governor's Office of Information Technology (OIT) began the procurement process for modernization of the DMV's IT systems with the Hickenlooper Administration's and General Assembly's support.

The DMV's IT system modernization provided a fortunate opportunity for improvement and concomitant upgrade of Colorado's motor voter registration processes. Because of the regular communication of the NVRA Working Group members, improvement of motor voter registration was contemplated from the beginning stages of the DMV modernization process. There were two parts to the DMV's IT system modernization:

- (1) Upgrade of the legacy Driver's License System to a new system, DRIVES; and
- (2) Replacement of the driver license issuance hardware and software, which notably included the addition of signature pads.

Prior to and during the two projects, the NVRA Working Group was involved in configuring the new system to meet Colorado's motor voter requirements. In the procurement process, the Secretary of State's office drafted the requirements related to motor voter registration. The cost of the voter registration technology upgrades was subsumed within the larger costs of the driver's licensing system modernization.

These two upgrades allowed the NVRA Working Group to implement a technologically improved motor voter process fully compliant with the NVRA. The upgrade to DRIVES, initiated at the end of August 2015, allowed electronic streamlined capture and transfer of motor voter registration related data. The new signature pads, which captured electronic signatures, were especially useful for simplifying election administration since Colorado was moving toward becoming an all-mail ballot state and had need of digital signatures. By adding signature pads to the DMV transactions, digital signatures could be transferred directly to the statewide voter registration database, streamlining what had been a paper-based multi-step process.³

The CDOS team approached the modernization as an opportunity to fully implement their elections objectives as well as Choate's earlier vision. Actual implementation of the motor voter registration portion of the DMV's system modernization began with the addition of signature pads in 2016 and continued through February 2017, when the new DRIVES system went live.

IMPLEMENTATION OF MOTOR VOTER PROCESS IMPROVEMENTS: IN-OFFICE

In March 2016, the first phase of the upgrade – introduction of the signature pads – converted the in-office motor voter process to one that was all electronic. The legacy Driver License System was modified to incorporate the new signature pads. For the motor voter registration process flow, rather than using paper voter registration forms, the new in-office system prompted clerks to ask voter registration questions, enter information, and direct customers to use the signature pads. Subsequently, the voter registration information and signature were electronically transmitted to the statewide voter registration database. Because the legacy Driver License System was still in use, DMV clerks needed to type the answers to certain questions – like name and address – during both the driver's license portion and the voter registration portion of clerk-customer interactions. In practice, this meant that the clerk asked voters to provide the same information twice, a time-inefficient but necessary process that also violated the National Voter Registration Act.⁴

The transition to DRIVES, the next stage of the in-office implementation and which included modification of the “back end” of the computer system used by the DMV clerks, eliminated the duplicate question problem, a high priority for CDOS. DRIVES, which went live in February 2017, allowed answers needed for both drivers' licensing and voter registration to automatically populate both electronic “forms.” In addition, and significantly, the prompting language about voter registration was changed from opt-in (e.g., “*Do you want to register to vote?*”) to opt-out (e.g., “*We are going to register you to vote unless you tell us not to do so*”). Under the new process, a customer was told, “*We are going to use the information that you provided today to register you to vote or update your registration unless you decline at this time.*” If the customer did not decline, the clerk then asked the customer a few remaining voter registration-specific questions, like party affiliation, voting qualifications, and whether the person wished to receive voting information electronically. The voter was then directed to sign the signature pad. CDOS provided DMV with written training memos about the new system, which the DMV required every clerk to read and acknowledge.

IMPLEMENTATION OF MOTOR VOTER PROCESS IMPROVEMENTS: ONLINE

Also in February 2017, DMV and CDOS made changes to the online motor voter registration process. In March 2017, the new DRIVES system integrated voter registration services such that completion of a driver's license renewal also included the address update or completion of a new voter registration form, as relevant. The new system incorporated a mandatory question about updating voter registration and, if voter registration was not declined, the customer needed to answer questions about party preference, election related delivery choices, and ballots preferences for primary elections. Like the in-office transactions, new voter registration and voter registration address updates became an opt-out process rather than an opt-in process. Thus, for the first time, DMV was offering:

- (1) Integrated;
- (2) Simultaneous; and
- (3) Opt-out voter registration applications and address updates.

Prior to 2017 and the DRIVES upgrade, online driver's license renewals and attendant voter registration services were not simultaneous or even integrated. In large part, this omission was due to lack of resources to modify antiquated technology. Rather, after a customer submitted an electronic driver's license renewal, the customer would be directed to the separate

³ In administering the mail system prior to adoption of the signature pads, elections clerks had been collecting signatures from the “tall and skinny” by scanning and cropping them from the hard forms.

⁴ In delineating the requirements of motor voter registration, the NVRA states that the voter registration portion of a driver's license transaction “may not require any information that duplicates information required in the driver's license portion of the form,” except for a second signature and an attestation of eligibility. 52 U.S.C. § 20504(c)(2)(A)-(C).

Colorado online voter registration page. A legal memo explaining why this process violated the NVRA, drafted by Colorado Department of State attorneys, was shared and discussed by the Working Group, and ultimately assisted in ensuring that the DRIVES upgrade of the online portal included motor voter registration technology upgrades.

IMPLEMENTATION OF MOTOR VOTER PROCESS IMPROVEMENTS: LANGUAGE MODIFICATION

After the process changes were implemented in-office and online, advocates (through the Working Group) encouraged the state to measure the effectiveness of the changes—by comparing the number of voter registration transactions to the number of motor vehicle transactions during the same period. In April 2017, the DMV began to provide statewide voter registration data from the new DRIVES system. It was clear from the data that, while motor voter registration activity had increased, additional intervention was necessary.

When the first numbers were published, the in-office voter registration numbers were lower than expected. While CDOS was uncertain about the exact standard, approximately two-thirds of online DMV customers were availing themselves of voter registration services compared with only 15-25% of in-office customers. As this seemed low, the Working Group decided to visit DMV offices to observe the motor voter registration process.

The Working Group could see that the new voter registration language (“*We are going to use the information that you provided today to register you to vote or update your registration unless you decline at this time*”) was not working as intended, causing DMV clerks to create their own variations in communications with customers. Some read the language on the screen, which customers found awkward, while other simply asked, “*Do you want to register to vote?*” For the DMV, the extra service time necessary to complete the transaction created a customer service concern. CDOS was concerned that customers would not understand the voter registration services being offered. Ultimately, CDOS staff went to a DMV Central Managers meeting to explain their concerns. When the Working Group discussed the issue, they agreed that the language needed modification, and Colorado Common Cause recommended bringing in the Center for Civic Design (CCD) to help rethink the language.⁵

In late August 2017, CCD sent a team to the Arapahoe County DMV office to conduct a two-day “usability test” to identify the most effective language for the DMV voter registration interaction, both in-office and online. The data and results of the CCD usability testing were synthesized into a PowerPoint presentation, which led the Working Group to recognize the need for adoption of language that presented voter registration in a clear and easy-to-understand manner. The recommended language was as follows:

- **For in-office interactions:** “*While you’re here, let’s make sure you get your ballot for the next election. I’ll use the information you’ve given me today to keep your voter registration up-to-date or register you to vote, if that’s ok with you.*”

The screenshot shows a web form titled "A few extra questions" with a sub-header "Voter registration". On the left, there is a vertical navigation menu with categories: ID APPLICATION, LICENSE, and QUESTIONS + FEES. Under "ID APPLICATION", "Voter registration" is selected. The main content area contains several questions and input fields:

- Question 1: "While you're here, let's make sure you get your ballot for the next election. I'll use the information you've given me today to keep your voter registration up-to-date or register you to vote, if that's ok with you." Below this is a checkbox labeled "If they say no, check here".
- Question 2: "Great! Now, I just have a few more questions." followed by "Citizenship: Just to confirm, are you a US citizen?" with radio buttons for "Yes" and "No".
- Question 3: "Political party: Do you want to choose a political party affiliation? [If they say no] Ok, I'll mark you as unaffiliated. [If they say yes] Ok, which one?" with a dropdown menu.
- Question 4: "Primary ballot: You didn't select a party, but you can still vote in the next primary election: Do you want to choose now which party's ballot to get or would you rather I mark you as no ballot preference? [If they say no ballot preference] Ok, I'll mark you as no ballot preference. [If they say yes] Ok, which one?" with a dropdown menu.
- Question 5: "Email: Would you like to receive email reminders from your local election office about upcoming elections?" with a checkbox.

At the bottom of the form are four buttons: "Cancel", "Previous", "Next", and "Submit".

⁵ CCD is a non-profit organization whose mission revolves around the improvement of the voting experience, election administration, and election participation through better design. See <https://civicdesign.org/about/> (last visited February 14, 2019).

- **For online interactions:** “Let’s make sure you get your ballot for the next election. The information you’re entering today will be used to keep your voter registration up-to-date or register you to vote unless you decline by checking the box below.”

Adoption of this new recommended language, however, required new code development for the DRIVES system. The most immediate obstacle to implementing CCD’s recommendations was identifying who would pay for the language modifications. CDOS ultimately drafted the requirements and paid for the attendant programming changes to both the signature pad and within the new DRIVES system. The signature pad changes, which affected in-office motor voter registration transactions only, were more expensive than the changes to DRIVES, which impacted in-office and online transactions. CDOS paid approximately \$60,000 in total for these modifications, which were fully implemented in April 2018.

RETURNING TO THE ORIGINAL VISION: AUTOMATIC ADDRESS CHANGES, FINALLY

Despite these many changes, as of April 2018, Colorado still didn’t have an “automatic address update” law like Michigan’s – Choate’s initial vision – allowing only one address for driver’s license and voter registration purposes. The Working Group aligned in its belief that such a law would be beneficial to the state—to keep voter registration lists up-to-date and to improve DMV customer service through additional process streamlining. In April 2018, the Colorado General Assembly passed an elections bill requiring a move to the Michigan-style system for voter registration addresses. The law had two parts:

Part 1, which became effective June 1, 2018, created a “back end” process to automatically update every address for an already registered voter. However, because the DMV currently lacked information on whether the person was already registered, voter registration was still raised – by the clerk or online in text – with the customer.⁶

Part 2, implemented in June 2019, addressed the DMV’s lack of information about voter registration status. Under that system, CDOS began to transmit voter registration data to the DMV DRIVES system on a daily basis, providing real-time registration information on each person who undertook a driver’s license related transaction. The DRIVES system was programmed to take appropriate action depending on a customer’s voter registration information. Thus, if a customer was already registered to vote but was updating his or her driver’s license address, that new address automatically transferred to CDOS. Conversely, if a customer was already registered to vote at his or her correct address, the workflow included nothing related to voter registration. Finally, if the customer was not registered to vote, he or she was informed that s/he would be registered but would receive an opportunity to opt out of voter registration.

⁶ To navigate the opt-out language, customers who declined a voter registration address update received a mailing asking whether the address change was accurate.

A LEGISLATIVE MODIFICATION

In May 2019, the Colorado General Assembly passed a bill, signed by the governor, requiring the adoption of a “back-end” automatic voter registration system as of July 1, 2020. Under the back-end system, all eligible Colorado citizens undertaking a driver’s license transaction are registered to vote with the opportunity to decline voter registration occurring through a postcard option sometime after the driver’s license transaction.

Colorado went live with the back-end system ahead of schedule, in May 2020. Under that system, customers have different experiences with voter registration questions, depending on the circumstances. After the system determines – based on electronically available information – whether the customer is already registered to vote and, if not, whether citizenship information is available, it slots the customer into a particular category that determines the customer’s experience. A customer is asked voter registration questions *only if* he or she is not registered to vote and has not provided definitive citizenship information as part of the transaction.

- If the customer is already registered at his or her current address, there are no voter registration questions and no information is transferred to CDOS.
- If the customer is already registered but his or her address has changed, there are no voter registration questions but information related to the address update is transferred to CDOS.
- If the customer is not registered to vote and provides proof of U.S. citizenship as part of the transaction, there are no voter registration questions and his or her information is transferred to CDOS to automatically register the customer. The customer will later receive a mailing in English and Spanish (*English version shown below*), offering the opportunity to decline the voter registration.

04/02/2020

FIRST NAME LAST NAME
ADDRESS
CITY, STATE ZIP

Congratulations, you are now registered to vote!
You were registered (or pre-registered if under 18) during your recent DMV visit.

You have 3 options:

- Do nothing with this form and you will start receiving your ballots in the mail. You are registered as unaffiliated; OR
- Choose to affiliate with a political party; OR
- Decline to register to vote. Voting is for US citizens only. Choose this if you are not eligible (see back for details) or you do not want to be registered.

<p>1 Choose one political party If you want to be affiliated with a party, select one below.</p> <ul style="list-style-type: none"> <input type="radio"/> American Constitution <input type="radio"/> Approval Voting <input type="radio"/> Democratic <input type="radio"/> Green <input type="radio"/> Libertarian <input type="radio"/> Republican <input type="radio"/> Unity <p><small>(Or do nothing and remain Unaffiliated)</small></p>	<p style="text-align: center;">OR</p> <p>Decline voter registration Choose this if you:</p> <ul style="list-style-type: none"> • are not a citizen • are not eligible (see back for details) • do not want to be registered <p><input type="checkbox"/> I decline to register or pre-register to vote.</p>
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2
I affirm that I am the person to whom this form was issued and made the above selection(s).
X _____ Date _____
Signature

3
Return this form using the postage paid envelope, by email
(<county email>), or fax (<fax #>)

In Colorado, you may register (or pre-register) to vote if you are:

- A United States Citizen; and
- A Colorado resident for at least 22 days immediately before the election you intend to vote in; and
- Not currently serving a term of imprisonment for a felony conviction; and
- At least 18 years old (or if you're 16 or 17 years old you can pre-register to vote.)

IMPORTANT: You should DECLINE to register if you do not meet all of these criteria.

What you need to know:

- Many eligible people who visit a DMV will be automatically registered to vote.
- You will receive your ballot in the mail and can return it through the mail or take it to a drop box or vote center.
- A primary election is held to decide who will be the party's candidate in the following general election. If you choose a party affiliation, you will receive your party's primary ballot. If you remain unaffiliated, you will receive a ballot from each major party holding a primary election but you can only vote one ballot.
- **Voting at 17?** If you are an eligible 17 year old but will be 18 by the next general election, you can vote in the primary election that comes before the general election (even if you are not 18 by the primary date).
- If you are pre-registered you will automatically become registered to vote once eligible.
- Anyone who has been released from prison, on parole, or on probation is eligible to register and vote. You are not eligible to register to vote if you are currently incarcerated due to a felony conviction.
- **Your choice is confidential.** If you decline to register to vote, this will be kept confidential and will be used only for voter registration statistical purposes. If you choose to remain registered to vote, the office where you were registered will remain confidential and only be used for statistical purpose. If you are under 17 your voter registration information will be kept confidential.

Questions?
Visit www.govotecolorado.gov or call our office at 720-913-8683.

Thank you,

<<CLERK NAME>>
Clerk And Recorder
<<COUNTY>> County, Colorado

Turn over for more information →

Turn over for options →

- If the customer is not registered to vote and provides proof of non-citizenship as part of the transaction, there are no voter registration questions and no information is transferred to CDOS for voter registration.
- If the customer is not registered to vote and does not provide proof of U.S. citizenship or non-citizenship as part of the transaction, the signature pad presents the customer with several voter registration questions, allowing the customer to register to vote if he or she is a citizen.

MEASURING THE IMPACT

LOWER AVERAGE DMV TRANSACTION AND WAIT TIMES, INCREASED VOTER REGISTRATION ACTIVITY (NEW APPLICATIONS AND ADDRESS UPDATES)

The impact of the technological upgrades, the move from opt-in to opt-out motor voter registration, and the final move from point-of-service to back-end automatic voter registration has been significant—in terms of DMV customer service, customers taking advantage of the motor voter process, and list maintenance of the state’s voter rolls. It has therefore made the process better for the DMV, for customers/voters, and for CDOS. Moreover, Colorado, as the only state that has employed traditional NVRA processes as well as both modes of automatic voter registration (*opt-out at the point-of-service* and *via a post-transaction mailer*), provides a rare case study on how the different models perform.

Impact on Transaction Time and Wait Time

The two significant metrics measuring the impact of the DMV’s IT driver’s license system modernization are transaction time and initial wait time. In the view of the DMV team project team, the motor voter registration process upgrades – excluding the legislative transition to back-end automatic voter registration – led to a decrease in the amount of time, possibly by as much as 20-30 seconds, for each in-office driver’s license transaction in which voter registration questions were would normally have been asked. The transition to back-end automatic voter registration reduced the transaction time by a further one minute thirty seconds, but *only* for those customers who provided proof of citizenship or non-citizenship as part of the transaction (because there are no voter registration questions for known citizens, who are automatically registered, or known non-citizens, who are not eligible to register to vote).⁷ For those customers whose citizenship was not established by documentary evidence as part of the transaction, the process and associated time remained the same as it had been prior to the adoption of the back end automatic voter registration system.

With respect to impact on initial wait time, there is no way to specifically isolate the impact of the motor voter process changes (again, excluding the legislative modifications) from the changes to the system as a whole. Nevertheless, the change in wait times from the overall administrative system modernization was significant. Prior to the February 2017 DRIVES implementation, initial wait time was 15:09 (across all Drivers License Offices); post-DRIVES implementation, the initial wait time dropped to 11:16—a 26% improvement attributable to the DMV’s change focus on organization, processes, facilities, and IT systems.

The DRIVES implementation also led to increased online services, which –by reducing office traffic—has had a positive effect on driver’s license transactions. Online service transactions have increased significantly: In Feb 2017, the DMV averaged approximately 30,000 online transactions per month; by March 2019, that number increased to roughly 50,000 per month. Concurrently, there was a decrease in in-office transactions over the same time period: in Feb 2017, the DMV averaged roughly 126,000 office transactions per month yet by March 2019, that number decreased to an averaged of roughly 122,000 office transactions per month. This shift is good news for motor voter registration: As you can see below, a much higher proportion of online customers make use of motor voter registration opportunities.

Impact on Total Motor Voter Registration Activity

Data makes clear that Colorado’s motor voter process upgrades increased overall motor voter registration activity. Chart 1 includes a timeline for significant process changes, which are then plotted on Graphs 1 through 5.

⁷ Email communication from Rosalie Johnson, September 9, 2021; Interview with Rosalie Johnson (Driver License Director, CDOR), September 29, 2021.

CHART 1: TIMELINE OF PROCESS UPGRADES

Point as Identified on Graphs	Date	Process Upgrade
1	March 2016	(1) Signature pads are integrated at DMV offices (2) All voter registration is entered into the Driver's License System (3) Voter registration signature and data is electronically transferred from DMV to CDOS
2	February 2017	As a result of the implementation of DRIVES: (1) Information required for both driver's licensing and voter registration are asked only once, with the system sharing information between the two "forms" (2) Language of voter registration question is modified to incorporate opt-out (rather than opt-in) voter registration (3) Voter registration is integrated within the CDOR web portal for driver's license transactions
3	April 2018	Implementation of language changes recommended by Center for Civic Design
4	June 2018	Implementation of phase 1 of automatic address change or name change update
5	June 2019	Implementation of phase 2 of automatic address change or name change update
6	May 2020	Implementation of back-end automatic voter registration

Using data from the last five EAC biennial NVRA reports to Congress, *Graph 1*⁸ includes data for the last five federal election cycles, which roughly corresponds to the tenure of Colorado's elections director Judd Choate. The bars for the first three reports (2011-2012, 2013-2014, 2015-2016), which correlate to a time period in time in which there were few technology or process changes in Colorado's motor voter system, show a pattern that is generally representative of data for reports that include presidential election years and those that do not. Specifically, the voter registration activity for those periods that include presidential years (2011-2012 and 2015-2016) are higher than the period that includes a mid-term election (2013-2014). Indeed, without any process changes, it would be expected that the data for 2017-2018 would similarly dip below the number of motor voter registrations that were undertaken in 2011-2012 and 2015-2016.

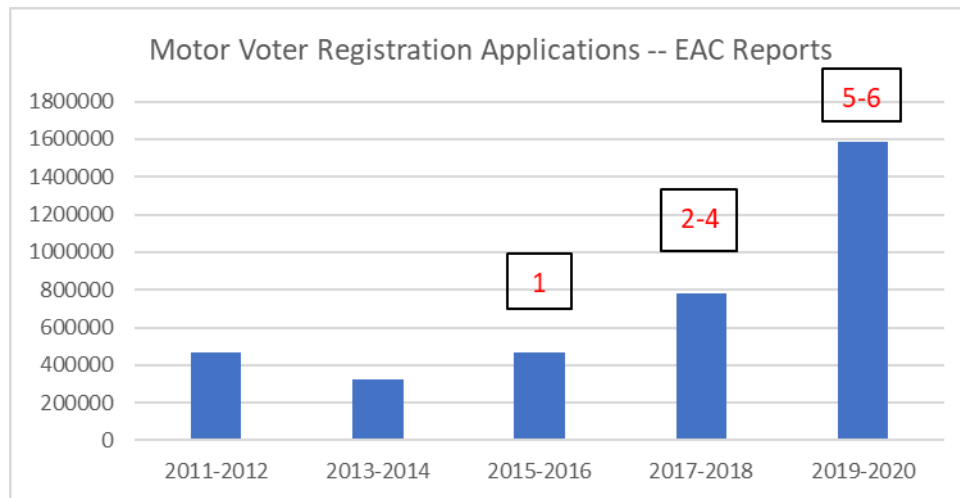
The bars for the last two reports (2017-2018, 2019-2020) differ from the norm, and show the impact of all the process changes. The number of motor voter registration transactions during the mid-term 2017-2018 report, when most of the administrative process upgrades occurred, dwarfs the number in the previous presidential election time period (2015-2016). Similarly, and significantly, the number of voter registration transactions during the 2019-2020 cycle (during which phase 2 of the address change update and the back-end AVR system were implemented) dwarfs even those numbers in the mid-term 2017-2018 report, more than doubling them.

While an increase in motor voter registration transactions between a mid-term election cycle and the subsequent presidential election cycle is the norm and so we would expect the 2019-2020 bar to be greater than the 2017-2018 bar, the magnitude of this increase is remarkable. Looking at previous differences between mid-term and subsequent presidential election cycles, the increase has been just under 1.5 times; a doubling of registration numbers is simply unprecedented.⁹ This unprecedented increase is even more incredible when considering that, because of the COVID-19 Public Health Emergency, DMV branch offices initially shut down and then slowly transitioned to an appointment-only system for in-person transactions during this period. When looking at the months preceding the pandemic and comparing those to during the pandemic (from April 2020 – August 2021), overall traffic at DMVs in Colorado dropped approximately 15% per month, so there were far fewer opportunities for a motor voter registration transaction to take place.¹⁰ In total, the process changes over a four-year period led to more than tripling of the number of motor voter registration transactions.

⁸ See "Election Administration and Voting Survey 2018 Comprehensive Report," at 64 (Table 2a) (last viewed September 18, 2019); "2016 EAVS Data Brief: Colorado," [https://www.eac.gov/assets/1/6/Colorado - EAVS 2016 Data Brief - 508.pdf](https://www.eac.gov/assets/1/6/Colorado_-_EAVS_2016_Data_Brief_-_508.pdf) (last viewed March 7, 2019); "The 2014 EAC Election Administration and Voting Survey Comprehensive Report," at 80 (Table 2a), https://www.eac.gov/assets/1/1/2014_EAC_EAVS_Comprehensive_Report_508_Compliant.pdf (last viewed March 7, 2019); "The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 2011-2012," at 41 (Table 2a), https://www.eac.gov/assets/1/28/EAC_NVRA%20Report_lowres.pdf (last viewed March 7, 2019).

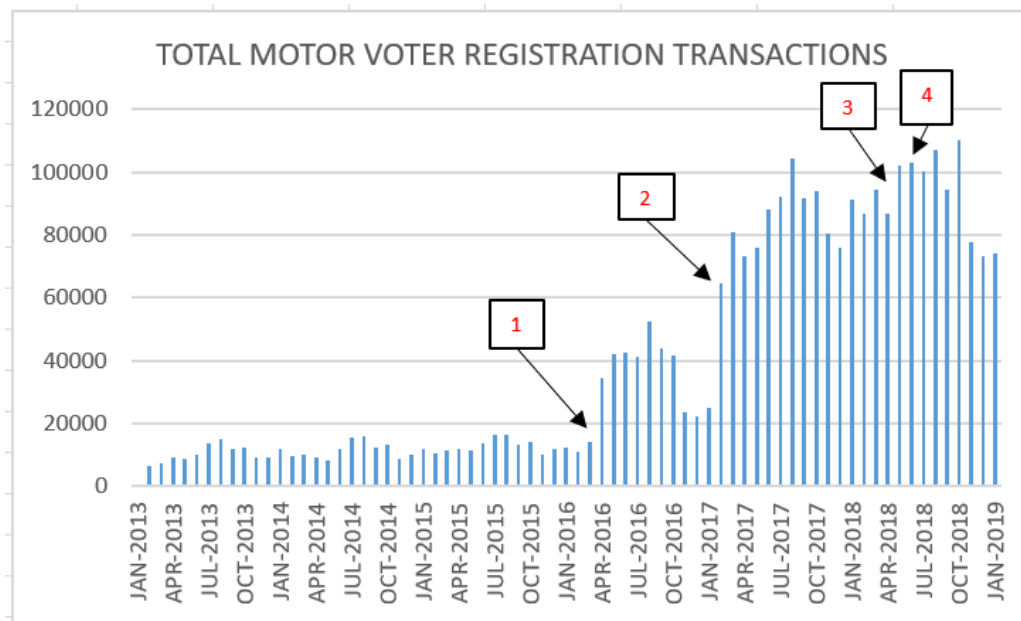
⁹ Compare 2005-2006 to 2007-2008 data, and 2013-2014 to 2015-2016 data. <https://www.eac.gov/voters/national-voter-registration-act-studies>.

¹⁰ Data, on file with author, provided by Colorado Department of State. Data for 2020 and 2021 available at <https://www.sos.state.co.us/pubs/elections/VoterRegNumbers/VoterRegNumbers.html> (last viewed December 1, 2021).



Graph 1

We can assess the impact of the process changes at a more granular level by reviewing the monthly data of overall motor voter registration activity from January 2013 through August 2021, in *Graphs 2a and 2b*¹¹, below. Normally, there is a voter registration spike in July and August just preceding any November election. Although the scale is small, you can see this on *Graph 2a* in 2013, 2014, and 2015. For 2016, however, the spike preceding the November 2016 election starts in April, reaching its peak in July, and continues through the election. Not coincidentally, Colorado’s first set of motor voter technology changes – the addition of signature pads at DMV offices, the transition to all electronic voter registration data entry into the Driver’s License System, and electronic transfer from DMV to CDOS of the voter registration signature and data – were implemented in March 2016, and the April 2016 data are the first that can show any impact.

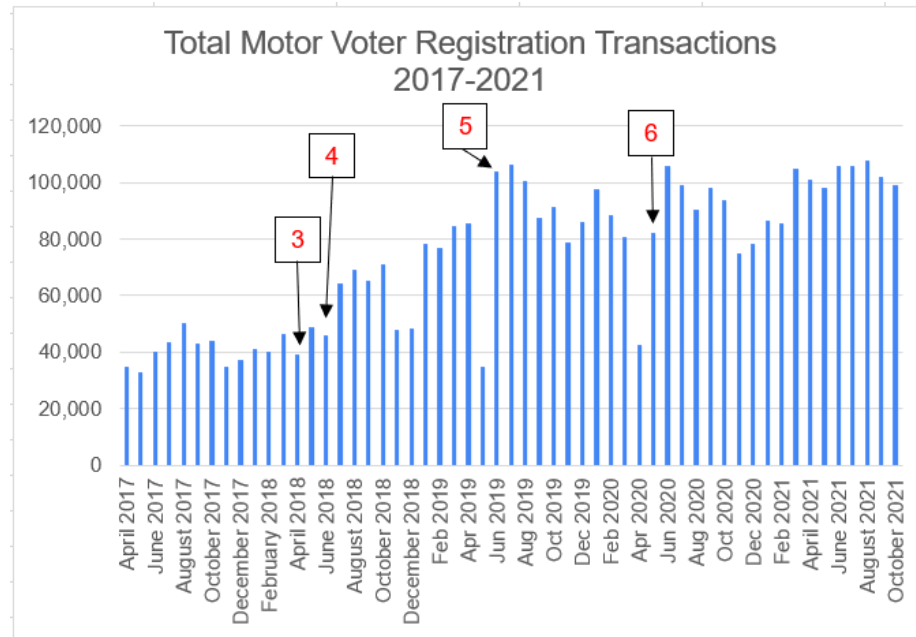


Graph 2a

Graph 2a, however, clearly shows more than the 2016 bump. Beginning in February 2017 – a notable date because it is not in proximity to any election – there is a sustained increased in motor voter registration activity. The graph also shows that

¹¹ *Id.*

motor voter registration activity stabilized at a much higher level over the succeeding months than previous to February 2017. And, indeed, this transition coincides with the second round of motor voter upgrades with the DMV’s implementation of the new DRIVES system in February 2017: (1) Duplicate information required for both driver’s licensing and voter registration, e.g. name and address, began to be asked only once, with the system automatically populating both “forms”; (2) the language of the voter registration question presented to customers, both in-person and online, was modified to incorporate opt-out (rather than opt-in) voter registration; and (3) for the first time, voter registration services were integrated into DMV’s web portal for driver’s license transactions (rather than existing on a different web paged). After the November 2018 election, the motor voter registration activity decreases but drops only to the elevated level of February 2017. *In other words, Colorado’s early motor voter process changes (prepopulating the voter registration application, shift to opt-out, integration of voter registration into the CDOR web portal) effected a permanent change in the expected rate of motor voter registration activity.*



Graph 2b

Graph 2b, using a slightly different data set than graph 2a, shows the impact of changes through the current day.¹² In looking at the data during 2020, it is hard to draw *definitive* conclusions about the impact of the May 2020 transition to back-end automatic voter registration because of the impact of both the pandemic and the presidential election on voter registration activity. In looking at Graph 2b, for example, the total voter registration activity plummeted in April 2020, when DMV offices were closed to in-person activity.¹³ Over the next several months when offices slowly opened and/or were available by appointment only, DMV transactions occurred at a lower level than normal (and therefore motor voter registration levels were likely lower as well). At the same time, that period corresponded with the summer before the presidential election—when we expect to see elevated levels of motor voter registration activity because of higher interest. Indeed, the data and shape of the graph in the summer of 2020 looks very consistent with the data and graph shape in the previous summers—a peak over the summer and then a reduction at the very end of the calendar year.

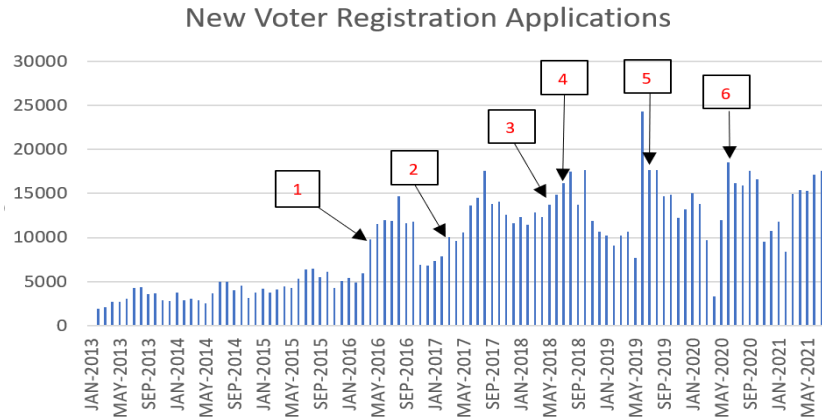
Nevertheless, the data on *graph 2b* seems to differ (and get interesting) in 2021; we begin to see what looks like a more sustained elevated rate of voter registration activity that we wouldn’t expect. In particular, voter registration activity in February through May (when numbers tend not to be at their peak) seems just as high as during the subsequent summer months (when numbers tend to be at their maximum). *It thus seems likely that the impact of the transition to back end automatic voter registration is that the level of total voter registration activity will be sustained at an elevated rate, comparable to the period before a November election.* This is something that will need to be observed over a longer period of time to confirm.

¹² The dataset used for Graph 2b did not cover January through March 2017.

¹³ Colorado closed its DMV offices on March 18, 2020. All DMV offices remained closed during the entirety of April 2020, with the state reopening the first 10 offices on May 6, 2020 and slowly reopening remaining offices. The Denver DMV reopened on June 29, 2020. See Lisa J. Danetz, “Motor Vehicles Departments: Bedrock of American Democracy,” at 7 (January 2021), available at https://democracyfund.org/wp-content/uploads/2021/02/2021_DF_MotorVehicleDepartmentReport.pdf.

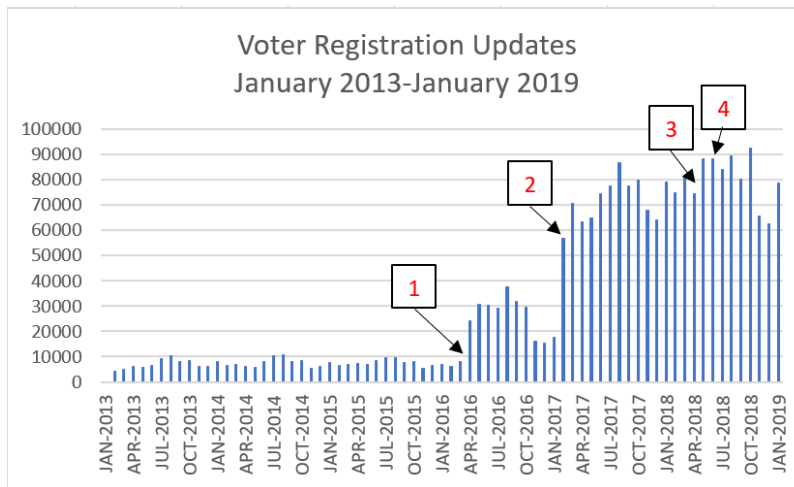
Impact on New Voter Registration Applications Versus Voter Registration Updates

Beyond knowing the impact of process changes on total motor voter registration activity, it is also helpful to know how the process changes may differently or similarly impact new voter registration applications and voter registration updates, respectively. Indeed, both new voter registration applications and voter registration updates increased substantially as a result of the administrative and legislative process changes that were undertaken in March 2016 through May 2021. The impact on new voter registration applications is shown in *Graph 3*¹⁴ while updates are shown in *Graph 4a* and *4b*¹⁵. New voter registration applications and updates are also shown together, on the same scale, in *Graph 5*.



Graph 3

In *Graph 3*, we can see in a more pronounced way what we saw for total motor voter registration activity and what seems to be the impact of the legislatively-required shift to a back-end automatic registration system. Specifically, the number of new voter registration applications in February through May 2021 is at a sustained elevated rate comparable to that in the summer before a presidential election. This is unprecedented; in no other year is the rate of voter registration applications so high in the February through May period.

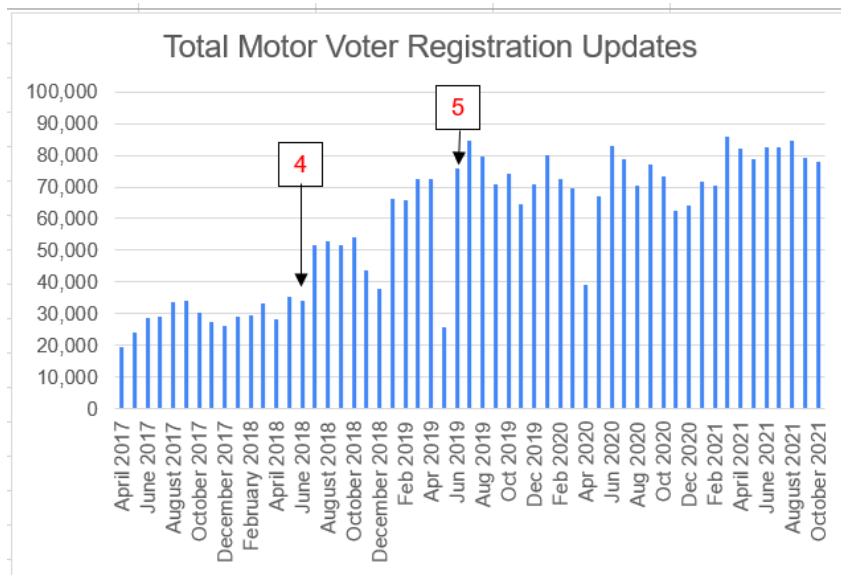


Graph 4a

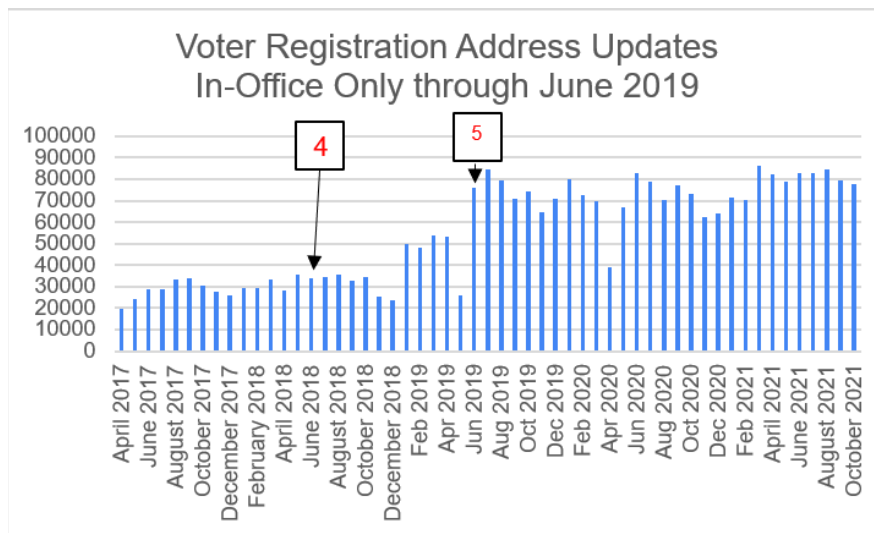
¹⁴ *Id.*

¹⁵ *Id.*

Graph 4a shows, for the period between January 2013 and January 2019, an enormous and sustained increase in voter registration updates resulting from the collective process upgrades that occurred prior to the shift to back-end automatic voter registration (i.e., from technology, the shift to opt-out, automatic address changes, post-transaction mailer). As such, these upgrades played an important role, not just in generating new voter registrations but also in list maintenance by keeping voter rolls accurate. This impact is under-recognized yet quite significant. Indeed, as can be seen in Graph 5¹⁶ further below, the volume of voter registration updates so dwarfs the number of new voter registration applications that it is hard to discern the impact on new voter registration applications without disaggregating the data (as is done between Graph 3 and Graphs 4a, 4b, and 4c).



Graph 4b

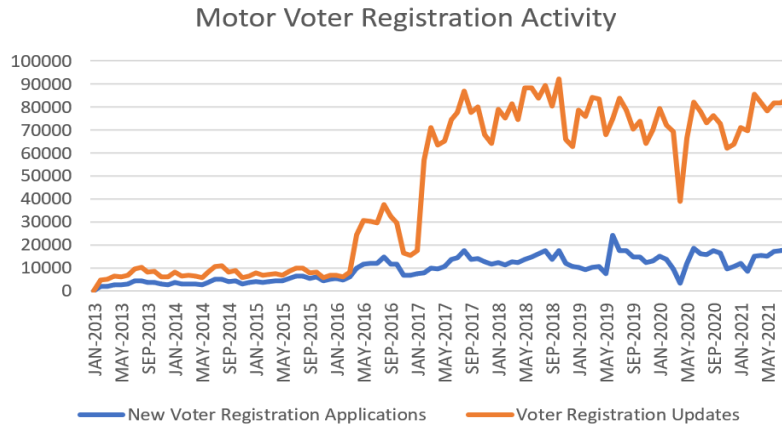


Graph 4c

Graphs 4b and 4c, representing a different but overlapping time window from Graph 4a and based on a different voter registration address update data set, show at a deeper level the impact of (1) the move to automatic voter address updates, and (2) the impact of different mechanisms for achieving those updates. To repeat what was stated above, Colorado implemented its

¹⁶ *Id.*

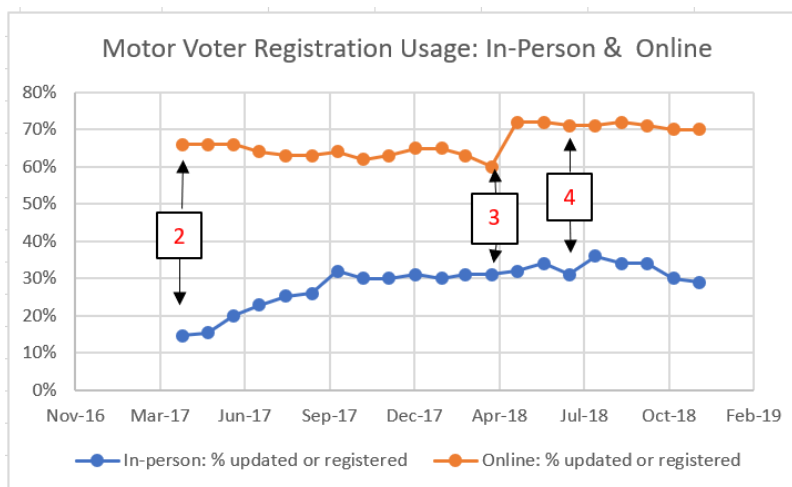
automatic address update law in two parts, between June 2018 and June 2019. While both graphs show voter registration address updates, for the period June 2018 through May 2019 graph 4b shows the *total* number of updates (including those who updated in the office and those who were updated automatically). For that same period, *Graph 4c* shows the updates of only those who updated their addresses in the office, but not those who were automatically updated. Comparing the graphs therefore shows the list maintenance impact of back-end address updates. Specifically, during the relevant year, 176,502 voter registration addresses would not have been updated without automatic updates.



Graph 5

Impact on In-Office Versus Online Transactions

With respect to the systems in place prior to the transition to automatic voter registration with a post-transaction mailer, it is useful to know the difference between the utilization rate of voter registration services during in-office motor voter transactions versus online transactions. As seen in *Graph 6*¹⁷, those customers interacting online used the voter registration services at a much higher rate than those in the office. As voter registration was not integrated into the DMV web portal until February 2017, and the collection of DMV data did not begin until April 2017, we can't know how many online motor voter transactions took place earlier. However, since the integration, between 60% and 70% of online DMV customers used a voter registration service. Indeed, there was a large bump after April 2018, when the CCD language was adopted. At that point, online motor voter registration use increased from a norm of the low 60s% to a sustained rate of about 70%.



Graph 6

¹⁷ *Id.*

The rate of in-office use of motor voter registration appears low in *Graph 6*, although the rate doubled after the motor voter process upgrades in February 2017, a significant increase. The motor voter registration rate for in-office transactions stabilized at 30% to 35%, half the usage rate of online customers, six months after the initial implementation of process upgrades. *Chart 2*, below, provides some insight as to why the in-office rate may be so low. Specifically, in almost every month, there is no reason to use voter registration services for 43% to 47% of customers because:

- (1) they are already registered; and
- (2) they have no need to update their voter registration information.

Taking account of such a proportion of people without need for voter registration services, and that more customers who need to change their addresses are likely to interact online, suggests a higher usage rate of in-office motor voter registration services (than indicated by the graph) for *those customers who need the service*.

CHART 2: PERCENTAGE OF CUSTOMERS MAKING DIFFERENT VOTER REGISTRATION CHOICES¹⁸

	Customers with no voter registration record who declined to register	Existing voters with Current Registration Information	Customers who Registered New	Customers Whose Voter Record Were Automatically Updated
January 2018	23%	44%	10%	24%
February 2018	20%	47%	8%	25%
March 2018	20%	48%	8%	24%
April 2018	20%	48%	8%	24%
May 2018	20%	45%	8%	27%
June 2018	20%	47%	7%	26%
July 2018	20%	47%	8%	26%
August 2018	20%	43%	10%	27%
September 2018	20%	43%	10%	27%
October 2018	19%	43%	12%	27%
November 2018	26%	29%	4%	41%
December 2018	19%	48%	9%	23%

Conclusion

Over a six-year period, Colorado implemented a huge number of motor voter registration process upgrades, transforming an inefficient multi-step paper-based system into a modern streamlined electronic automatic system. These changes included:

- incorporation of signature pads in DMV offices,
- elimination of paper forms (and a move to all-electronic data entry),
- electronic transfer of information between DMV and CDOS,
- new DMV software programmed to eliminate duplicate questions,
- a change in the presumption about voter registration (from opt-in to opt-out),
- integration of voter registration into the DMV web portal to eliminate confusion and maximize participation,

¹⁸ Percentages were calculated based on the following monthly data, provided to the author by the Colorado Department of State: Customers with no record who declined to register; Existing Voters with Current Registration Info; Customers Who Registered New; and Customers Who Updated Their Voter Record. The figures do not include pre-registration data. Those customers who declined to update their voter registration address are included within the category “Existing Voters with Current Registration Info.”

- adoption of motor voter registration language specifically tested for usability,
- new legislation allowing for automatic address and name changes, and
- new legislation requiring automatic voter registration with an opportunity to decline through a post-transaction mailer (rather than during the DMV transaction itself).

It is not easy for a state to make process modifications that involve multiple agencies, especially so many in such a short period of time. Common obstacles include differing agency priorities, resource shortages, bureaucratic resistance, and technology challenges. These things occurred in Colorado, but several factors contributed to overcoming the obstacles. Most notably through relationship development, internal advocacy, and resources.

RELATIONSHIP DEVELOPMENT

Relationship development was key. Shortly after he became elections director, Mr. Choate prioritized the development of a relationship with his CDOR counterpart and communicating about elections needs and legal mandates. When he became Colorado DMV Senior Director, Mike Dixon recognized the need to work collaboratively on motor voter registration issues. Over several years, the development of a more trusting relationship between their two teams allowed the process upgrades to come to fruition.

The state's Working Group brought multiple stakeholders into the process, giving a place at the table for input and buy-in. In addition, it allowed stakeholders to recognize the potential of the DRIVES IT DMV modernization project jointly and collaboratively. Beyond state and county officials, it was especially important to have advocates involved in the NVRA Working Group, both to make sure that well-intended process changes would not cause any unforeseen problems and to get access to additional (free) resources like the services of Center for Civic Design.

INTERNAL ADVOCACY

Different agency missions lead to different priorities. In particular, while voter registration is one of the core concerns of elections agencies, like CDOS, it is simply one of many identity-related responsibilities that driver's license agencies handle and for which they often do not receive direct funding. That can make it difficult for an entity like a DMV to prioritize process changes when what's in place seems to work. The legal memos and explanatory presentations that CDOS prepared for CDOR helped move along the understanding of the need to make process fixes.

RESOURCES

More frequently than not, process changes involve the investment of significant resources, both time and money. Improving Colorado's NVRA implementation, and creating institutionalization that ensures compliance, required significant investment in upgrading technology. Fortunately, the DMV was already planning an upgrade of its driver's license system as part of its customer service improvement strategy. Including motor voter registration modifications as part of the DMV IT modernization and driver's license issuance upgrade was the most cost-effective method of accomplishing this objective. The costs for the motor voter changes were easily absorbed in both projects.

In addition, for those upgrades that were not part of the original system modernization, CDOS paid for the DMV motor voter registration technology upgrades and worked with CDOR to write the requirements for them. Because DMV is funded from general appropriations in Colorado, there must be accounting for every expense. Thus, for DMV to pay for several of these upgrades, there would have needed to be a legislative appropriation. CDOS, by contrast, is cash funded, receiving money from fees placed on businesses. CDOS therefore has more flexibility and is nimbler with respect to its expenses. CDOS ultimately paid between \$50,000 and \$70,000 for the additional CCD-recommended modifications on the signature pads and in the new DRIVE driver licensing system.

The result of the motor voter registration technology overhaul has been decreased driver's license transaction time and a sustained dramatic eight-fold increase in motor voter registration activity. Significantly, within the sustained increase of motor voter registration activity, customer updates of voter records dwarf the number of new voter registration applications—making motor voter registration process upgrades an important part of voter registration list maintenance as well as a generator of new voters.

About the Author

Lisa J. Danetz, consultant to Democracy Fund, has worked in the voting rights, money in politics, and democracy field as a policy expert, advocate, and lawyer for 20 years. She has developed a particular expertise on voter registration through government agencies and, for several years, has been doing work within the AAMVA (DMV) community to provide information

and support related to voter registration and election administration responsibilities. In addition to her work with Democracy Fund, she has worked with the Brennan Center for Justice, the Ash Center at Harvard Kennedy School, Demos and National Voting Rights Institute, among others.

Ms. Danetz has published and been a frequent speaker on voting rights issues, including testimony regarding agency-based voter registration before the Senate Rules and Administration Committee, the Subcommittee on Elections of the Committee on House Administration, and the United States Commission on Civil Rights. She's been quoted in *The New York Times*, *The Washington Post*, and *Bloomberg*, among other publications. She has also appeared on television and radio.

Ms. Danetz received her B.S. from Yale University and her J.D. *cum laude* from New York University School of Law.