

POLICY PLAYBOOK

AUTOMATIC VOTER REGISTRATION



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INTRODUCTION

Our registration and voting system generally works well, but in the age of computers, modernizing our outdated, paper-based voter registration system is just common sense. A system of automatic voter registration (AVR) is a small but important change that would replace our current paper-based voter registration system with an electronic process in which states would automatically identify and register all eligible citizens when they have their driver’s license or other state I.D. issued or renewed. If they prefer not to be registered to vote, citizens would be able to opt out either at the time of registration or afterward when they receive their registration confirmation in the mail. And, just as now, any person may cancel his or her registration at any time.

An AVR system also creates a secure voter registration database to make it easier for election officials to identify and correct potential errors, and since a voter’s address would be updated regularly, it would move with the voter when he or she changes addresses. This proposal will protect the fundamental right of eligible citizens, who can sometimes find it a challenge to keep their registration updated, to participate in our democracy and have their vote counted—like those in the military who move frequently or face deployment. Moreover, tens of thousands of paper voter registrations are processed every year, and each one costs almost 30 times more than an electronic registration. So a paperless AVR system would save dollars for taxpayers, which is particularly important in this era of perennially tight state budgets.



POLICY OPTIONS

While this brief focuses on automatic voter registration (AVR), and we recommend full implementation of opt-out AVR as an ultimate policy goal for all states, we also recognize that for reasons both political and practical (the current condition of the state election system, capacities of key state agencies, etc.), AVR is not an immediate option in some states. So we want to emphasize that there are many less comprehensive policies that improve voter registration system accuracy and efficiency while also serving as interim steps or building blocks toward full AVR. Some of those include: electronic voter registration, online registration, permanent portable registration, pre-registration of 16- and 17-year-olds, and same-day/Election Day registration. And, of course, there are also myriad salutary policies in the related areas of voter protection, voting rights, and redistricting. Please contact us if you are looking for support or are interested in exploring policy options in any of those areas.

In 2016, 28 states plus the District of Columbia considered measures that would automatically register citizens who interact with government agencies and ensure voter information is electronically and securely sent to election officials. So far, AVR has become law in six of those states: Alaska, California, Connecticut, Oregon, Vermont, and West Virginia, as well as the District of Columbia. In 2015, Oregon passed the first AVR law in the nation, which directs the Oregon Department of Transportation to automatically provide the Secretary of State with electronic records containing the name, age, residence, citizenship information (which is documented and recorded by the DMV in OR), and electronic signature of each person who may qualify as an elector. The Secretary of State provides this information to local election officials, who are required to check eligibility for each individual and then notify him or her by mail of the process to select a party affiliation or opt out of the registration process. If individuals choose to opt out, election officials will not register them. If an individual takes no action, and is eligible but not yet registered, he or she will be automatically registered to vote. A voter's data is then automatically updated when he or she updates a record with the Department of Motor Vehicles or another relevant agency.

California became the second state with an AVR law, following the governor's signature in October 2015. The law requires the Department of Motor Vehicles to electronically provide the Secretary of State with the records of each person who is issued an original or renewed driver's license or state ID card, in addition to each person who provides the department with a change of address. Under California's law, individuals are required to answer certain questions—including attesting to their eligibility—at the point of service (currently the DMV), and their registration application will not be considered complete unless they do so.

In 2016, the District of Columbia, West Virginia, Connecticut, Alaska, and Vermont all put an AVR law on the books—generally with strong bipartisan support. The Illinois (also with bipartisan support) and New Jersey legislatures also passed AVR bills in 2016, but they were vetoed by their respective governors.

There are a number of important components that states designing an AVR system should consider, and we touch on some of the key considerations below, including: determination of source agencies, automatic electronic data sharing from source agencies, voter registration and review of eligibility by election officials, opting out of voter lists, privacy and security, and reporting. For each, we provide examples of relevant legislative language and hope that this improves understanding of the policy options and how these



policies translate into statutory language. As always, SiX Action recommends working with policy experts and advocacy organizations to workshop policy decisions and draft specific bill language, and we are happy to help connect legislators to those resources or directly assist with drafting efforts.

Determination of Source Agencies

Optimally, to ensure that all populations are included, states should allow a range of agencies—DMVs, the Department of Public Health, public universities, Departments of Corrections, public assistance agencies, etc.—to automatically register eligible individuals as long as these agencies have reliable data and the technological capacity to do this work. This is particularly important in states with large urban centers, where many potential voters rely on public transportation and may have little interaction with the DMV. Also, those who lack driver’s licenses tend to be disproportionately people of color: in Wisconsin and Texas, for example, federal trials have shown that registered voters without state photo IDs are disproportionately black and Latino.

2015 New York Senate Bill 2538 (Amends Election Law Section 5-200):

2. Be automatically registered to vote as provided in this section provided that the person consents to voter registration. The State Board of Elections or County Board of Elections shall register to vote or update the registration record of any person in the state qualified to vote pursuant to section 5-102 of this article who consents to the registration or update and does any of the following:

- (a) completes an application for a new or renewed driver’s license, non-driver identification card, pre-licensing course certificate, learner’s permit or certification of supervised driving with the department of motor vehicles, or notifies such department in writing of a change of his or her name or address;*
- (b) completes an application for services, renewal or recertification for services, or change of address relating to such services from agencies designated in section 5-211 of this title (the offices include the department of labor, office for the aging, division of veterans’ affairs, office of mental health, office of vocational and educational services for individuals with disabilities, commission on quality of care for the mentally disabled, office of mental retardation and developmental disabilities, commission for the blind, office of alcoholism and substance abuse services, the office of the advocate for the disabled);*
- (c) completes an application for services, renewal or recertification for services, or change of address relating to such services from any municipal housing authority as set forth in article thirteen of the public housing law;*
- (d) registers for classes at institutions of the State University of New York and the City University of New York;*
- (e) completes a maximum sentence of imprisonment or is discharged from parole;*
- (f) completes an application for unemployment insurance;*
- (g) becomes a member or employee of the New York Division of Military and Naval Affairs; or*



(a) completes an application with any other state or federal agency designated as a source agency pursuant to paragraph (b) of subdivision three of this section.

2017 Illinois Senate Bill 1933 (Amends Section 2-105 of the Vehicle Code):

(c) Pursuant to Sections 1A-16.1, 1A-16.6, and Section 1A-25 of the Election Code, the Secretary of State shall make driver services facilities available for use as places of accepting applications for voter registration.

(e) Each person applying at a driver services facility for a driver's license or permit, a corrected driver's license or permit, an Illinois identification card or a corrected Illinois identification card shall be notified, under the procedures set forth in Sections 1A-16.1 and 1A-16.6 of the Election Code, that unless he or she affirmatively declines, his or her personal information shall be transferred to the State Board of Elections for the purpose of creating an electronic voter registration application.

Sample Language – DEMOCRACY INITIATIVE “GOLD STANDARD” MODEL LAW:

3. SOURCE AGENCIES COLLECTING RELIABLE ELIGIBILITY INFORMATION

(a) The source agencies in the state that currently collect the necessary information to determine eligibility to vote, including citizenship status, are designated as source agencies for voter registration under this Act.

(b) The Secretary of State [or state's chief election official] may designate additional agencies or institutions that collect the necessary information to determine eligibility to vote, including citizenship status, to serve as sources for voter registration. In designating an agency under this paragraph, the [State's chief election official] shall consider—

- 1. the likelihood that source records reflect a large number of eligible citizens;*
- 2. the extent to which source records reflect eligible citizens who would not otherwise be registered under this Act;*
- 3. the accuracy of personal identification data in source records;*
- 4. the cost of processing source data; and*
- 5. any additional factors designated by the [state's chief election official] as reasonably related to accomplishing the purposes of this Act.*

Automatic Electronic Data Sharing from Source Agencies

A key component of automatic registration is that data from agency interactions are securely electronically transferred to the state elections authority. States should, therefore, first assess the technical capacity of affected agencies, including the DMV, and include any needed upgrades or changes in the legislation.

2015 Oregon House Bill 2177 / Chapter 8 (Amends ORS 247.017):

(1) The Secretary of State shall by rule establish a schedule by which the Department of Transporta-



tion shall provide to the secretary electronic records containing the legal name, age, residence and citizenship information for, and the electronic signature of, each person who meets qualifications identified by the secretary by rule.

2015 Arkansas House Bill 1616 (to Amend the Constitutional Amendment 51):

(B)(i) The Office of Driver Services and State Revenue Offices shall provide to the Secretary of State electronic records containing the legal name, age, residence, and citizenship information for and the electronic signature of each person who the Secretary of State determines by rule qualifies to be automatically registered to vote.

2015 California Assembly Bill 1461 / Chapter 729 (Adds Chapter 4.5 starting with Section 2260 to Division 2 of the Elections Code):

2263(a) The Department of Motor Vehicles, in consultation with the Secretary of State, shall establish a schedule and method for the department to electronically provide to the Secretary of State the records specified in this section.

(b) (1) The department shall provide to the Secretary of State, in a manner and method to be determined by the department in consultation with the Secretary of State, the following information associated with each person who submits an application for a driver's license or identification card pursuant to Section 12800, 12815, or 13000 of the Vehicle Code, or who notifies the department of a change of address pursuant to Section 14600 of the Vehicle Code:

(A) Name.

(B) Date of birth.

(C) Either or both of the following, as contained in the department's records:

(i) Residence address.

(ii) Mailing address.

(D) Digitized signature, as described in Section 12950.5 of the Vehicle Code.

(E) Telephone number, if available.

(F) Email address, if available.

(G) Language preference.

(H) Political party preference.

(I) Whether the person chooses to become a permanent vote by mail voter.

(J) Whether the person affirmatively declined to become registered to vote during a transaction with the department.

(K) A notation that the applicant has attested that he or she meets all voter eligibility requirements, including United States citizenship, specified in Section 2101.

Sample Language — COLLECTING AND MAINTAINING RELIABLE QUALITY DATA:

- For any individual who applies for a driver's license or non-driver's identification at the state's De-



partment of Motor Vehicles (“DMV”) after XXXX date, the DMV shall scan, copy, and keep records of the documentation provided.

- The scan of the document shall be in a searchable, auditable format and retained in a DMV database.
- Individuals who in the course of business with the DMV provide a document that incontrovertibly proves U.S. citizenship shall be flagged in the DMV database as fulfilling the citizenship eligibility requirement to register to vote.
- This system shall be audited for quality of data prior to implementation of the AVR system and subject to regular audits and random checks to ensure accuracy and reliability thereafter.

Sample Language — ELECTRONIC TRANSMISSION OF VOTER REGISTRATION DATA:

- With respect to individuals flagged in the database, the Department of Motor Vehicles (“DMV”) is required to transmit electronically to election officials certain basic information about individuals as enumerated below, in a format that can be reviewed by election officials and translated and uploaded onto the statewide computerized voter registration database. The DMV shall also transmit for review by election officials [designee who manages voter database] any address or name updates to its records to ensure that the voter rolls are kept up to date.
- Upon receiving the electronic record for information, election officials shall notify each person of the process to:
 - Decline being registered as an elector; and/or
 - Adopt a political party affiliation (if party affiliation is offered in the state).
- Any notification must comply with the language requirements of Section 203 of the 1965 Voting Rights Act.
- If a person notified under subsection (x) of this section does not decline to be registered as an elector within [XXX] calendar days after the election officials issue the notification, the person’s electronic record submitted under subsection (x) of this section will constitute a completed registration.

Voter Registration and Review of Eligibility by Election Officials

Another important consideration in designing AVR legislation is screening for voter eligibility. For instance, as in any voter registration effort, the registering entities (in this case, state agencies) will need to take steps to try to ensure that ineligible people are not accidentally registered to vote; among other things, accidental registration can have significant negative consequences for non-citizens. Oregon has been recording which applicants have presented a document demonstrating citizenship, meaning the state can already confirm whether hundreds of thousands of unregistered individuals are eligible citizens by looking at the documents they provided to the DMV. Further safeguards are built in since election officials are responsible for confirming each individual’s eligibility, and individuals have the opportunity to opt out of registration before being registered to vote by returning a card.

Since California does not currently distinguish between citizens and non-citizens in its DMV records, the



California bill requires individuals to affirm eligibility, and it gives them the opportunity to affirmatively opt out at the point of registration (in this case at the DMV). It also directs the Secretary of State to develop a process for removing inadvertent registrants and to conduct a public education campaign in all languages covered under the Voting Rights Act.

2015 Oregon House Bill 2177 / Chapter 8 (Amends ORS 247.017):

(2) Upon receiving the electronic record for, and electronic signature of, a person described in subsection

(1) of this section, the Secretary of State shall provide the information to the county clerk of the county in which the person may be registered as an elector. The secretary or county clerk shall notify each person of the process to:

(a) Decline being registered as an elector.

(b) Adopt a political party affiliation.

(3) If a person notified under subsection

(2) of this section does not decline to be registered as an elector within 21 calendar days after the Secretary of State or county clerk issues the notification, the person's electronic record and electronic signature submitted under subsection (1) of this section will constitute a completed registration card for the person for purposes of this chapter. The person shall be registered to vote if the county clerk determines that the person is qualified to vote under Article II, section 2, of the Oregon Constitution, and the person is not already registered to vote.

Regardless of the process for determining eligibility, we recommend that this policy model include statutory safeguards to shift the legal burden and provide safe harbors should any inadvertent registrations take place. For instance, the Vermont legislation establishes that if an ineligible individual is registered or if a non-eligible individual registered through this process votes, and it cannot be proven that the individual knowingly violated the law, then the fault rests with the state and not with the individual.

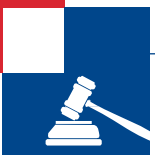
2016 Vermont Senate House Bill 458 (Amends Section 1. 17 V.S.A. § 2145a):

(g) If a person who is ineligible to vote becomes registered to vote pursuant to this section in the absence of a violation of subsection 2145(f) of this chapter, that person's registration shall be presumed to have been effected with official authorization and is not the fault of that person.

2015 California Assembly Bill 1461 / Chapter 729 (Adds Chapter 4.5 starting with Section 2260 to Division 2 of the Elections Code):

2268. If a person who is ineligible to vote becomes registered to vote pursuant to this chapter in the absence of a violation by that person of Section 18100, that person's registration shall be presumed to have been effected with official authorization and not the fault of that person.

2269. If a person who is ineligible to vote becomes registered to vote pursuant to this chapter and



votes or attempts to vote in an election held after the effective date of the person's registration, that person shall be presumed to have acted with official authorization and shall not be guilty of fraudulently voting or attempting to vote pursuant to Section 18560, unless that person willfully votes or attempts to vote knowing that he or she is not mentitled to vote.

Sample Language – EXEMPLARY LANGUAGE DEVELOPED WORKING WITH IMMIGRATION ATTORNEYS:

Unless an ineligible individual willfully and knowingly takes affirmative steps to register to vote knowing that he or she is not eligible to do so, the record and signature of an ineligible individual transmitted through an electronic system by a government agency to any elections or voter registration authority shall not constitute a completed voter registration form, and that individual shall not be considered to have registered to vote. Therefore, if such registration is processed by the state, it shall be presumed to have been effectuated and officially authorized by the state, and the individual cannot be subject to any penalty under any relevant laws.

Opting Out of Voter List

All automatic voter registration systems must include the option to opt out of registration (whether for reasons of ineligibility or preference). Some models, such as California, offer this option at the point of agency interaction, while others include the option to opt out at the back end—for instance, through a mailed card, like in Oregon. Along with the attestation of eligibility, this also determines when other information like choice of political party is gathered.

2015 California Assembly Bill 1461/Chapter 729 (Adds Chapter 4.5 starting with Section 2260 to Division 2 of the Elections Code):

2265. (a) The records of a person designated in paragraph (1) of subdivision (b) of Section 2263 shall constitute a completed affidavit of registration and the Secretary of State shall register the person to vote, unless any of the following conditions is satisfied:

(1) The person's records, as described in Section 2263, reflect that he or she affirmatively declined to become registered to vote during a transaction with the Department of Motor Vehicles.

Sample Language – DEMOCRACY INITIATIVE “GOLD STANDARD” MODEL LAW:

2. REGISTRATION UPON REVIEW.

(b) Notwithstanding paragraph (a) of this section, the Secretary of State [or the State's chief election official] shall ensure that any person who has declined voter registration is not automatically registered as a voter.

3. SOURCE AGENCIES COLLECTING RELIABLE ELIGIBILITY INFORMATION

(e) Upon receiving the electronic record for information, election officials shall notify each person of the process to:



(i) Decline being registered as an elector

5. VOLUNTARY EXCLUSION FROM VOTER LIST

(a) The Secretary of State [or state's chief election official] shall ensure that, upon receipt and verification of a person's express request to opt out of voter registration, the person's name and registration record is so designated, unless and until the voter consents to registration. Nothing in this section shall preclude a person who has previously declined voter registration from subsequently registering to vote.

(b) The Secretary of State [or state's chief election official] shall ensure that election officials shall not provide the record of any person who has opted out of voter registration, in whole or in part, to any third party for any purpose other than the compilation of a jury list.

Privacy and Security

The privacy of individuals' registration data is another important concern, both for citizens at large and for certain vulnerable populations such as survivors of domestic violence or law enforcement officials. Many states have a preexisting statute that flags those records for special privacy protection (Address Confidentiality Programs), which can be used to do much of the work of addressing this issue.

2015 Oregon House Bill 2177 / Chapter 8 (Amends ORS 247.016):

SECTION 8. (3) If a person who registers to vote under subsection (1) of this section will be under 18 years of age on the date of the next election held on a date listed in ORS 171.185 or the next special election, the person's voter registration information, including but not limited to the person's name and any identifying information, may not be disclosed as a public record under ORS 192.410 to 192.505.

2015 California Assembly Bill 1461 / Chapter 729 (Adds Chapter 4.5 starting with Section 2260 to Division 2 of the Elections Code):

2264. (a) The willful, unauthorized disclosure of information obtained from the Department of Motor Vehicles pursuant to Section 2263 to any person, or the use of any false representation to obtain any of that information or the use of any of that information for a purpose other than as stated in Section 2263, is a misdemeanor punishable by a fine not exceeding five thousand dollars (\$5,000) or imprisonment in the county jail not exceeding one year, or both fine and imprisonment.

(b) The Secretary of State shall establish procedures to protect the confidentiality of the information acquired from the Department of Motor Vehicles pursuant to Section 2263. The disclosure of this information shall be governed by the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code), and the Secretary of State shall account for any disclosures, including those due to security breaches, in accordance with that act.



Sample Language – SECURITY AND PRIVACY PROTOCOLS:

The Secretary of State [or state’s chief election official] shall review current privacy and security measures applied to the existing electronic voter registration files, and, as provided in this section, establish enhanced standards and procedures to further safeguard the privacy, integrity, and security of the information used pursuant to this Act.

(a) Security

- (1) All source agencies and the Secretary of State shall work individually and jointly to:
 - (i) Ensure the confidentiality and integrity of all of the data they collect, maintain, receive, or transmit.
 - (ii) Identify and protect against any anticipated threats to the security and integrity of the information, including impermissible uses or disclosures.
 - (iii) Train all workers who handle or have access to such data regarding implementation of the security protocols established.
 - (iv) Before implementing the registration process, conduct a risk evaluation and implement security measures to address any risks to the data or databases identified.
 - (v) Conduct regular audits [either through a neutral third party or the state’s audit agency] and risk management assessments and pursue measures that are indicated as necessary.
 - (vi) Provide the highest level of physical security to facilities, computers, and other sensitive equipment.
 - (vii) Employ available software to detect anomalies and irregularities.
 - (viii) Implement measures to ensure against unauthorized access or changes in data through the process of transmitting data from one agency to another.
 - (ix) Develop procedures in the case of a breach of any kind to immediately address it, and appropriately inform the public and other necessary parties.

(b) Privacy

- (1) The Secretary of State [or state’s chief election official] shall publish and enforce a privacy policy that—
 - (i) Specifies each class of internal users who shall have authorized access to the statewide voter registration list, specifying for each such class the permissions and levels of access to be granted, and setting forth other safeguards to protect the privacy of the information on the statewide voter registration list.
 - (ii) Prohibits public disclosure of any information not necessary to voter registration.
 - (iii) Protects against public disclosure of Social Security numbers and digits, driver’s license numbers, and signatures.
 - (iv) Prohibits public disclosure of an individual’s decision not to register to vote.
 - (v) Prohibits agencies from transmitting to election officials information other than that required for voter registration or specified information relevant to the administration of elections, such as language preference and demographic information.



(vi) Prohibits the disclosure of information relating to persons in categories designated confidential by federal or state law, including victims of domestic violence or stalking, prosecutors and law enforcement personnel, and participants in a witness protection program.

Reporting

When it comes to states' registration systems, reporting is another important consideration.

2015 Maryland House Bill 1049 (Amends Section 3-204 of the Election Law):

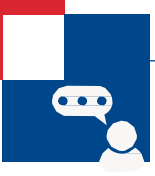
3) A voter registration agency subject to this subsection shall:

(ii) On or before January 15, 2016, submit a report, in accordance with § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the Committee on Ways and Means that describes:

1. The efforts of the voter registration agency to register voters in the preceding calendar year;
2. The status of implementation of a fully automated voter registration system;
3. The number of individuals who completed an applicable transaction in the preceding calendar year at the voter registration agency and the number of those individuals who successfully registered to vote or updated a voter registration record; and
4. Any other efforts the voter registration agency plans to make to increase the number of individuals who register to vote at the agency; and

(iii) On or before January 15, 2017, and January 15 of each subsequent year, submit a report, in accordance with § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the Committee on Ways and Means a report that describes:

1. The number of individuals who completed an applicable transaction in the preceding calendar year at the voter registration agency and the number of those individuals who successfully registered to vote or updated a voter registration record; and
2. Any efforts the voter registration agency plans to make to increase the number of individuals who register to vote at the agency.



COMMUNICATIONS & MESSAGING

Background:

The following section is for informational purposes only. This section should inform thinking on automatic voter registration. Subsequent sections provide message points:

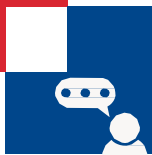
- (1) Almost one fourth of eligible American voters are not registered to vote. One in eight registration records is invalid or has serious errors, which creates unnecessary headaches for election clerks and prevents eligible Americans from voting. Tens of millions of paper voter registrations are processed every year, and each one costs almost 30 times more than an electronic registration. At a time when state budgets are tight, we need to save the taxpayers every dollar we can.
- (2) Automatic voter registration is a process that states are adopting to replace outdated, paper-based systems with secure, modern, electronic systems. It electronically updates voter registration lists using motor vehicle and change of address databases, which will help reduce the 2 million deceased voters, 12 million incorrect addresses, and 2.75 million duplicate state registrations currently on the voter rolls nationally.
- (3) Voters agree that we should have a voting system that protects the fundamental right of all eligible Americans—Democrat, Republican, or independent—to have their voices heard. Seventy-eight percent of Americans support automatic voter registration, and an overwhelming majority believe that registration should automatically follow them when they move.

Topline Message:

Automatic voter registration will modernize our voting systems to save time and money, strengthen security, and protect the fundamental right of every American to participate in our democracy and have his or her voice heard.

Talking Points:

- **EFFICIENT:** Automatic voter registration is a small, commonsense update to our registration process that uses modern technology to protect the integrity of our elections, make government more efficient, and ensure all eligible voters have an opportunity to have their voices heard on Election Day.
- **AMERICAN:** Automatic voter registration will protect the fundamental right of every American—Democrat, Republican, or independent—to have his or her voice heard on Election Day. And it will help ensure that those who find it challenging to vote, including active military, senior citizens, and people with disabilities, are able to participate fully in our democracy.
- **MODERN:** Technology has dramatically changed the way we live. In the last 20 years, the way we find information, shop, and communicate with each other has greatly evolved. But our nation's voting system has been left behind, as we continue to rely on inefficient processes that can easily be abused. Modernizing our outdated system helps voters by identifying errors that could prevent



their vote from being counted. It also saves election officials money because they don't have to process paper applications.

- **SECURE:** Automatic voter registration will help modernize the outdated voter registration systems and databases in most states. It will make it easier for election officials to make sure that only eligible voters are able to cast ballots by maintaining accurate lists and verifying that only American citizens are registered.
- **RIGHTS:** Our democracy is strongest when every vote is counted and everyday Americans have their voices heard. Because of voter registration errors, 3 million eligible Americans were denied the right to vote in recent elections. Automatic voter registration will protect the fundamental right of all eligible Americans—Democrat, Republican, or independent—to have their vote counted by making sure their registration is accurate and up to date.

Supporting Facts:

It's always good to have supporting evidence to strengthen your message. Here are a few helpful statistics to get you started:

- Automatic, permanent voter registration would harness proven technology to ensure that every eligible voter is registered—adding as many as 50 million voters to the rolls, lowering costs, and curbing the potential for fraud. (See Brennan Center for Justice; [The Case for Automatic, Permanent Voter Registration.](#))
- The state of Oregon replaced its outdated system with automatic voter registration. Experts called the change a success because it helped register 270,000 eligible citizens (97,000 of whom voted) while also streamlining government, saving taxpayer dollars, and making their voting system more secure. (Source: Oregon Secretary of State, [“Official Voter Registration and Turnout Statistics,” Nov. 8, 2016.](#))
- Every Election Day, tens of thousands of eligible, responsible citizens are not able to exercise their constitutional right to vote. That's because at least one in four eligible voters is not registered, and one in eight registration records is invalid or has serious errors. (See Pew Center on the States; [Inaccurate, Costly, and Inefficient: Evidence That America's Voter Registration System Needs an Upgrade.](#)) Automatic voter registration updates our election processes and ensures that all eligible citizens have an equal opportunity to have their say in our democracy.
- More and more states are updating their voting systems to make them more secure, accessible, and accurate. We've seen automatic voter registration in Connecticut, Alaska, Oregon, California, West Virginia, and Vermont as well as the District of Columbia; online registration and preregistration laws for young voters are on the books in dozens of states; and more than a dozen states allow more flexible registration around Election Day.
- One in four voters wrongly believes his or her voter registration is automatically updated when he or she changes his or her address with the Postal Service. (See Brennan Center for Justice; [The](#)



Case for Automatic, Permanent Voter Registration.)

- Automatic voter registration is also cost-effective and has the potential to save states millions of dollars each year when fully implemented.
 - Delaware's paperless voter registration at DMVs saves election officials more than \$200,000 on personnel costs annually.
 - Electronic registrations saved Maricopa County, Arizona, more than \$450,000 in 2008 (See Brennan Center for Justice; [Voter Registration in a Digital Age](#)). The county spends an average of just 3¢ to process applications received electronically through the DMV or online, compared to 83¢ for a paper registration form. (See Washington Institute of the Study of Ethnicity and Race; [Online Voter Registration \(OLVR\) Systems in Arizona And Washington: Evaluating Usage, Public Confidence, and Implementation Processes](#)).
- In 2012, more than 3.6 million Americans experienced voter registration problems. Inaccurate voter rolls also contribute to long lines at the polls. A more reliable registration system will mean fewer errors, and Election Day options mean eligible voters are less likely to be denied the ability to vote.

Opposition Messaging & Responses:

Opposition Message #1: Not Needed: Some have argued that there are no barriers to registration and that automatic voter registration is a solution in search of a problem. Others have gone so far to say voters should have to jump through hoops in an effort to prove they are worthy of voting.

“The assumption that by making what is already easy automatic that will somehow bring people to the polls is just erroneous, I just think it’s a bad idea. It’s not going to increase participation rates.”

- Kansas Secretary of State Kris Kobach

“At some point citizens of this country need to say, ‘I want to be involved in the process so much that I’m going to make the effort to stand up and verify who I am,’ and say, ‘I want to be part of this process.’”

- Illinois Senator Kyle McCarter.

Sample Response: Not much changes for voters with this policy. You must still be a citizen and be a resident of [STATE] in order to vote. All this proposal does is help those who are eligible to vote get registered, providing them with all the tools they need to cast a ballot—but it doesn’t force them to vote, they still have to take personal responsibility to have their voice heard. All this does is make sure that the choice of whether or not to vote in an election is a purely personal decision, one that is not restricted by government bureaucracy. In 2012, more than 3.6 million Americans experienced voter registration problems. Inaccurate voter rolls also contribute to long lines at the polls. A more reliable registration system will mean fewer errors, and Election Day options mean eligible voters are less likely to be denied the ability to vote.

Opposition Message #2: Privacy: Opponents of AVR have argued that the policy would be an invasion of privacy and have raised genuine concerns about the privacy of domestic violence victims and law enforcement, who need to maintain their privacy for their own protection.

Oregon Senator Kim Thatcher said in a statement that she was “very disappointed” AVR legislation passed in the state. She said she voted against it because it “will expose Oregon citizens’ private information.”

Sample Response: Because automatic voter registration happens in state offices and involves eligible voters showing multiple forms of identification, it actually increases security and decreases errors, duplicate registrations, and the already small chance of voter impersonation. The process of verifying eligibility, moreover, occurs twice: first by the agency and then by the election official. Such a system is efficient and ensures the safety of both the individual and the election process. To be sure, no system is entirely foolproof. For this reason, it’s necessary for states to include provisions to deal with ineligible individuals who are inadvertently registered by the state.

Opposition Message #3: Fraud: Opponents have argued that the door to voter fraud problems is being thrown open, and it could lead to undocumented immigrants voting or in-person voter impersonation. They argue that this fraud is prevalent and a serious threat to our democracy.

“I’ve got some bills sitting on my desk now that would automatically register people when they went to renew their driver’s license unless they said affirmatively ‘I don’t want to be registered to vote.’ This is just like a cocktail of fraud. I don’t think it’s a lot to ask someone if you want to exercise your right and the privilege to vote to actually register.”

- New Jersey Governor Chris Christie

“To the contrary of the president’s comment, the fact is voter fraud is rampant. And in Texas, unlike some other states and unlike some other leaders, we are committed to cracking down on voter fraud.”

- Texas Governor Greg Abbott, reacting to President Obama’s concern about voter suppression

Sample Response: Voting is a fundamental right of eligible Americans. We should not stand in the way of any eligible voter—Democrat, Republican, or independent—who wants to participate fully in our democracy. Voter impersonation fraud is very rare, and by using a secure electronic verification system, this proposal will make it easier for election officials to make sure that only eligible voters are able to cast ballots by maintaining accurate lists and verifying that only American citizens are registered.

Opposition Message #4: Not the Government’s Role: Opponents have argued it is not the role of government to enfranchise its citizens.

“It’s a right not to register to vote. People have the right to not drive. People have the right to own firearms. If people want to register to vote, they can register to vote.”

- Maryland Republican Party Chair Joe Cluster

Sample Response: This proposal will protect the fundamental right of eligible [STATE] citizens to vote and will ensure that those who find it a challenge to vote are able to participate fully in our democracy. This is especially important for [STATE] citizens who are active members of the military. Many of our servicemembers move frequently and face circumstances like deployment that make it difficult to ensure their voter registration is up to date. It is the role of government to find ways to operate more efficiently and effectively, and this is a step in that direction.



Sample Social Media Content:

Here are some sample tweets you can adapt for your own use:

A strong democracy depends on strong citizen participation. #[Bill] guarantees everyone has a voice. #NewMotorVoter

Together, we can make sure everyone has a voice in our state's democracy. #NewMotorVoter #[Bill]

Support automatic voter registration and help remove barriers to the fundamental right to vote. #NewMotorVoter #[Bill]

#[Bill] gives youth the access they need to become tomorrow's voters. #NewMotorVoter

One in eight voter registration records is invalid or has serious errors. Time for an update. #NewMotorVoter

A modern voter registration system would add up to 50 million unregistered voters to the rolls nationwide. #NewMotorVoter

Automatic voter registration will protect the fundamental right of all Americans to have their voices heard on Election Day. #NewMotorVoter



Coalition Building

2015 Oregon House Bill 2177 received significant support from election officials, including former Secretary of State and now Governor Kate Brown, as well as the Oregon Association of County Clerks. Advocacy groups such as AARP and the Bus Federation also publicly supported the bill.

2015 California Assembly Bill 1461 passed with the support of California Secretary of State Alex Padilla; labor representatives from AFSCME, AFL-CIO, and SEIU; and advocates from Sierra Club, LCV, CalPIRG, and Mi Familia Vota Education Fund.

2016 Vermont House Bill 458 (Act 80) passed Vermont's three-party legislature with nearly unanimous support. It had the strong backing of Secretary of State Jim Condos as well as national voting rights groups and local advocates including: the Vermont Public Interest Research Group, Main Street Alliance of Vermont, Rights & Democracy, and SiX Action.

Exemplary Legislation

[2015 Arkansas House Bill 1616](#)

[2015 California Assembly Bill 1461 / Chapter 729](#)

[2015 Maryland House Bill 1049](#)

[2015 New York Senate Bill 2538](#)

[2015 Oregon House Bill 2177 / Chapter 8](#)

Democracy Initiative "Gold Standard" or the Center for Secure and Modern Elections Model Language
(*please contact info@sixaction.org to request these materials*)

Also see the list of introduced bills on automatic voter registration available at:

<https://www.brennancenter.org/analysis/automatic-voter-registration>

Fact Sheets, Reports, & Policy Briefs

The Brennan Center - [The Case for Automatic, Permanent Registration](#)

The Brennan Center - [Automatic and Permanent Voter Registration: How It Works](#)

The Brennan Center's [page on automatic voter registration in California](#)

Common Cause Illinois - [Testimony in Support of Automatic Voter Registration](#)

Demos - [Automatic Voter Registration: Finding America's Missing Voters](#)

Fair Elections Legal Network (FELN) - [Automatic Voter Registration Policy Brief](#)

Project Vote - [Automatic Voter Registration Best Practices](#)

Washington Institute of the Study of Ethnicity and Race - [Online Voter Registration \(OLVR\) Systems in Arizona and Washington](#)

Sample Graphics from Oregon and California

<https://drive.google.com/open?id=0B4116YgpTo9RekV6SIRWaFAyYnM>