



Automatic Voter Registration (LB 290)

Background

Building upon the Motor Voter model of voter registration, Automatic Voter Registration (AVR) flips the program from an opt-in structure where the voter has the option to register at the DMV, to an opt-out structure, where the data already collected by the state agency is used to register or update the registration of a voter unless the voter affirmatively declines, or opts-out, of the registration. Two models currently exist for AVR, the (1) Oregon Model and the (2) Point of Service Model.

How It Works – Oregon Model

1. A voter interacts with a state agency where, as part of their interaction, they provide their name, address, birthdate, and other data points that are also on a voter registration card.
2. The state agency, typically the DMV, sends the electronic files to the Secretary of State for the purpose of voter registration.
3. The Secretary of State or county election officials sends a notification to the voter with instructions and a card with pre-paid postage:
 - a. Send back the card within a set number of days opting out of the registration
 - b. Send back the card within a set number of days with your chosen political party
 - c. Do nothing and after a set number of days the individual is registered as nonpartisan

How It Works – Point of Service Model

1. A voter interacts with a state agency where, as part of their interaction, they provide their name, address, birthday, and other data points that are also on a voter registration card as part of their application for a driver's license, state ID card, or public assistance.
2. Instead of an optional question, the voter is presented with a mandatory prompt for the voter to either opt out of registering to vote or updating their voter registration or to register/update their registration with the data provided.
3. If the voter declines to opt-out, the voter is presented with the option to choose a political party or choose to not associate with a political party, similar to current motor voter procedures.
4. Eligible records are transferred from DMV to county election official to process new registration, update or affirm current registration.



State Variations

Oregon – Standard model described above. Gives the voter 21 days to respond. Oregon has seen a cost-savings of 70% in voter registration processing costs and saw 100,000 voters registered via AVR turnout to vote in 2016. Bill was passed in 2015 and was structured as a directive to the Secretary of State to promulgate rules and procedures for the transfer of data from the Department of Transportation and the structure of notification of the voter.

California – Incorporated the voter registration into the DMV application and collected all required components of the voter registration form, including political party and affirmative voter oath of eligibility. Bill was passed in 2016 and was structured to keep the existing voter registration rules and guidelines, but creating an exception from existing rules for AVR registrations and created a new structure applicable just to AVR. Also, instead of having an implementation date set in statute, the bill structured implementation to be required within one year of the Secretary of State certifying a list of prerequisites including the adoption of regulations, creation of a compliant database, and appropriations of funds.

Connecticut – Connecticut is in the process of creating the structure of their program but it looks to mirror California in that the voter registration application will be incorporated into the DMV application. Instead of a bill, Connecticut's AVR program is the result of an out of court settlement with the Department of Justice. The DOJ brought suit against Connecticut for failing to comply with the National Voter Registration Act that created Motor Voter and requires voter registration be available at points of application or renewal for public assistance.

Nebraska Proposal

Implement AVR at the DMV and provide structure for implementing AVR to state agencies required under Neb.Rev.Stat. 32- 310 to provide voter registration at the time of application or renewal for public assistance. Last year the DMV moved to electronic applications and has incorporated the voter registration application into the DMV application and collects electronic signatures from the individual. The Department of Health & Human Services has moved to electronic applications for public assistance, but has not incorporated voter registration as required under law in the online application. LB290 provides a framework within which DHHS can come into compliance while improving efficiency and data shared between state agencies. For the DMV this would require a modification of the currently electronic application and prompts provided to the voter. For DHHS and DOE, a system for data transfer and collection of electronic signature would need to be created.



How It Would Work:

1. A voter interacts with a state agency where, as part of their interaction, they provide their name, address, birthdate, political party, affirmative oath of eligibility, and electronic signature
2. The voter answers the prompt to either affirmatively opt-out or to register, update, or affirm their registration
3. The state agency sends the electronic files to the county election official for the purpose of voter registration.
4. The county election official reviews the electronic file for eligibility and prior registration. If eligible, the registration is processed.
5. The county election officials sends a voter registration confirmation card to the voter

Benefits

1. **Potential cost savings through processing of electronic applications instead of paper and constant stream of data updating voter registrations**
 - a. With the passage of LB 661 in 2014 (online voter registration), Nebraska has not only made the state government more efficient by cutting down on time and part-time staffing needs but also saved taxpayers 30 times more on electronic registrations than on paper registrations. LB 290 would expand the benefits of modernization and spur new collaboration between additional state agencies.
 - b. Automatic Voter Registration goes further by automatically updating when people change addresses cutting down on the need for provisional ballots which cost taxpayers \$23.36 per ballot to process.
 - c. Implementation would cost as little as \$100,000 per agency and would provide a stronger balance between voter accessibility and integrity than voter ID, which would cost millions in free IDs and voter education.
2. **Integrity of voter information and registrar of voters**
 - a. In Nebraska, driver's license and state IDs must be renewed every 5 years and in 2015 alone 27% of licensed Nebraskans affirmed or updated their address at the DMV.
 - b. Under a system of AVR, those renewals and updates would have been automatically shared with election officials and helped them maintain accurate lists
 - c. This small common sense update to our registration process ensures that only eligible US citizens are able to cast votes therefore strengthening the security of our voting systems