I would like to submit testimony in support of LB 290 in my official capacity as Director of Voting Rights with Nebraskans for Civic Reform, a nonpartisan nonprofit advocacy organization that works to create a more modern and robust democracy. Automatic voter registration is the next step in the modernizing our voter registration systems. Three years ago, the Legislature passed LB 661 to implement online voter registration and included an investment of $80,000 by the DMV to make program modifications to facilitate the electronic transmission of voter registration applications and $50,000 by the Secretary of State to create the web portal.[1]

Currently, the DMV estimates that only 1 in 5 applicants take advantage of the opt-in voter registration when applying for an operators permit. This number is even more alarming when comparing to a 2008 survey where more than half of voters were unaware that they could update their voter registration at their local DMV and one in four assumed the that election officials or the US Postal Service update registrations automatically with each move.[2] It is clear that the current system is being underutilized and shifting to an opt-out system would expand access to voters, increase data provided and shared between government agencies, and improve the integrity of our election data.

Background Automatic Voter Registration

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. Oregon is the first state to implement automatic voter registration and five other states[3] and the District of Colombia have passed AVR. Twenty-eight

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[1] 103rd Legislature, Second Session, LB 661 (Krist), Fiscal Note.

[2] Cooperative Congressional Election Study (Washington, DC: The Pew Charitable Trusts Content, 2008)

[3] California, West Virginia, Alaska, Connecticut, Vermont

states including Nebraska have introduced bills to implement AVR in 2017.[4] 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, citizenship status, 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/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.

LB 290 as Amended

LB 290 seeks 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

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[4] https://www.brennancenter.org/analysis/automatic-voter-registration

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 into the application. Instead, an applicant is redirected to the Secretary of State's main webpage. It is unlikely that this assistance is sufficient and compliant with state and federal law. LB290 provides a framework within which DHHS can come offer voter registration assistance through the online application 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 Department of Education, a system for data transfer and collection of electronic signature would need to be created. The Secretary of State estimates an initial investment of $198,650 and annual expense of $81,065 to maintain such a system. It is important to note that the language in LB 290 is permissive and does not require the Secretary of State to engage in such a transfer, only sets out a basic framework from which to build the system. We would argue that such an investment, with a statewide implementation, is a worthy investment that would serve more individuals, particularly those that may not frequent the DMV, and, with the required annual renewal for most public assistance programs, more accurate data in the voter rolls.

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

Amendment 522 to LB 290

Amendment 522 reflects the feedback, criticisms, and comments made by state agencies. Senator Vargas incorporated their concerns into AM522 while maintaining the integrity of the bill's purpose. Below is a brief overview of the sections changed:

- Section 3 – Language added to clarify that only the records of those that indicate they are (1) US citizen and (2) at least 18 or will be on before the first Tuesday after the first Monday in November. This language was added in response to concerns raised by Director Rhonda Lahm that LB 290 as written would require the DMV to transfer all records, regardless of eligibility.
- Section 4 – Language added to clarify that the Secretary of State is not required to obtain the electronic signature for every record sent under an MOU with DHHS or Department of Education. Provides authorizing language for the Secretary of State to obtain the electronic signature from the DMV when the driver's license number is included in the record sent by the state agency. Language concerning eligibility in Section 3 is reflected in Section 4. This language was added in response to concerns raised by the Secretary of State, DHHS, and the DMV.
- Section 9, 11, & 12 – Language added to establish the affirmative opt-out, determine where in the application it will be asked, and make clear the options of the applicant. The first draft of LB 290 deleted the optional voter registration question but failed to include the replacement language. After discussion with state agencies and other states, this language was proposed for AM522. It reflects what language Colorado intends to use.

Why We Need LB 290

1. **Potential cost savings through processing of electronic applications instead of paper and constant stream of data updating voter registrations**

   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.[5] LB 290 would expand

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[5] A study by Maricopa County Arizona found that it cost 80 cents less to process an electronic application than a paper registration and that the electronic applications were five times less likely to contain errors. Brennen Center for Justice, "Voter Registration for the 21st Century", July 10, 2015. Last accessed 3/8/17 https://www.brennancenter.org/analysis/fact-sheet-voter-registration-21st-century

the benefits of modernization and spur new collaboration between additional state agencies. It is estimated nationally that county and local election offices spend about one-third of their budgets on voter registration.[6] Anything we can do at the state level to increase efficiency and improve the process is a worthy investment that will trickle down to the county taxpayers.

Automatic Voter Registration goes further by automatically updating when people change addresses if the voter does not affirmatively opt-out, cutting down on the need for provisional ballots which cost taxpayers $33.36 per ballot to administer, process, and certify.[7] Implementation would cost as little as $200,000 between the Secretary of State and the DMV, assuming DHHS and Department of Education enter into MOUs with the Secretary of State. Investing in automatic voter registration 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**

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, but with the current opt-in structure only about 20% of those individuals chose to opt-in to Motor Voter. Because of privacy protections in statute, the DMV can only share updated addresses with county election officials if the voter opts-in, switching to an affirmative opt-out would increase the data that can be shared and thus increase the accuracy of Nebraska voter rolls.

Nationally, about 12 million voter registrations have an inaccurate address, LB 290 is one way Nebraska can contribute to reducing that number. When Oregon implemented AVR in 2016 it updated the addresses of 570,000 voter registrations. Under a system of AVR, those renewals and updates would have been automatically shared with election officials and helped them maintain accurate lists. 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

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[6] The Pew Center on the States, "Inaccurate, Costly, and Inefficient: Evidence that America's voter registration system needs an upgrade", February 2012. www.pewcenteronthestates.org/elections

[7] Morfeld, Adam S. "Addressing Constitutional Concerns and Strengthening Nebraska's Election Administration: A Roadmap to Substantive Reform", 90 Neb. L. Rev. (2013) Available at http://digitalcommons.unl.edu/nlr/vol90/iss3/6