Motor Vehicle Departments: Bedrock of American Democracy

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Introduction

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

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

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

DMVs and election administrators often get blamed for each other’s mistakes — for example, a voter who changes her address at the DMV but does not understand that her voter registration is not automatically updated, or a voter who shows the wrong form of ID at a polling place, may simply blame the government for her poor voting experience, not knowing which agency is actually responsible. Significantly, our election system would not function without DMVs, yet DMVs often do not receive funding (or adequate funding) for this function, and election and motor vehicle officials too often remain siloed from each other.

The level of reliance on DMVs for election administration is now so great that the public, policymakers, and DMV and election officials should reconceptualize DMVs as integral partners in implementing American democracy. Rather than a non-election entity, DMVs — on an everyday basis — are providing irreplaceable support in delivering aspects of our election systems. Succinctly stated, DMVs are part of elections and, through stakeholder recognition of this fact, DMV implementation of its responsibilities can be greatly enhanced. For example, when policymakers understand DMV responsibilities, state election resources and funding are more likely to be allocated to support DMVs’ roles in election administration. When election officials appreciate the extent to which DMVs are everyday frontline implementers and partners in multiple facets of election administration — and not voter registration agencies alone — communication between the agencies is likely to improve, leading to a greater level of cooperation. When DMV administrators appreciate the breadth and scope of their work, and how it provides an underpinning for much of election administration, they are more likely to prioritize their role in our democracy. Finally, when advocates understand that there are state officials — beyond election officials — whose everyday work impacts the functioning of our democracy, they will have another appropriate venue for persuasion about improved policy implementation.

While the story of the evolution of DMVs into election administration partners might seem unimportant, the role of the modern DMV is better understood when viewed through the historical lens of its role in society. DMVs are the front door and
the face of state government. They are the state offices where most of a state’s residents personally interact, which results in one of the state’s most complete databases of information on residents. In addition to responsibilities related to driver and vehicle safety and election administration, DMVs serve additional societal functions — for example, selective service registration, organ donation, and fraud investigations. As a result, it makes sense that DMVs should play a role in supporting individuals’ ability to undertake the activities of citizenship.

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

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

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

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

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

The many data elements within current driver’s licenses make them well suited for purposes beyond satisfactory proof of the ability to safely operate a motor vehicle. AAMVA has recognized four additional “functional requirements for the DL/ID card”: (i) identification; (ii) age verification; (iii) address/residence verification; and (iv) automated administrative processing. Among other items, the data on driver’s licenses include “a number or alphanumeric code issued by the issuing state’s Department of Motor Vehicles (or equivalent), usually show a photograph of the bearer, as well as a copy of his or her signature, the address of his or her primary residence ... the physical characteristics of the bearer (such as height, weight, hair color, eye color, and sometimes even skin color) and birth date.” As a result of the federal REAL ID Act, most new driver’s licenses also indicate that their holder is legally present in the United States, which the holder establishes by providing DMVs with relevant documents — for example, proof of citizenship, permanent residency, or some non-immigrant authorization to be in the United States.

Credentials issued by DMVs have become the *de facto* identity card that most people use in the United States. (States also issue non-driver identification cards for individuals who do not have driver’s licenses to serve non-driving purposes.)
of age for alcohol consumption — starting in the 1980s — seems to be the first known regular use beyond driving, and driver’s license usage as a credential has exploded since that time. In recognition of this fact, AAMVA consulted government and non-government users of the card to prepare its most recent 2020 guidance document related to driver’s licenses and identification cards.

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

Governing Federal Law

Framework Established by NVRA

**WHAT IS THE NVRA?**

The first broadscale reliance of state election administration on driver’s licenses and motor vehicle departments came with passage of the National Voter Registration Act of 1993, 52 U.S.C. §20501 et seq. This federal law requires all but six states to offer voter registration opportunities of at least the three different types specified in the law, as well as to maintain accurate voter registration lists with procedures that safeguard against the removal of eligible voters. Known as the “Motor Voter Law,” its central provision requires voter registration services to be provided through public agencies, states to accept a federal mail-in voter registration form, and states to maintain their voter registration lists in a methodical manner.

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

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

Under the law, motor vehicle departments are presumed to be the primary location at which individuals will register to vote. Often called “the face of state government,” DMV offices “serve a wide swath of Americans in all states” and its “services are among the most widely used services offered by the government in the USA.” It is often the first state agency individuals visit when moving to a new state, and residents interact with their state DMV when they experience a host of life events: when they come of age (by getting a driver’s license or non-driving identification card), get married or divorced (to change a name), transition from one gender to another (to correct gender on a driver’s license), or report any move (to change an address). At the time of the law’s consideration, 90 percent of individuals had a driver’s license or non-driver identification card, and it was therefore clear that the overwhelming majority of eligible citizens would interact with the agency. In addition, 27 states and
the District of Columbia already had a voter registration process through their motor vehicle departments.\(^{20}\)

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

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

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

Significantly, the law’s presumption about the primacy of motor vehicle departments for voter registration has proven true: In every biennial report to Congress regarding the NVRA since the law’s passage, motor voter registration applications have been the most common source of voter registration activity in the jurisdictions where it applies. Perhaps unsurprisingly then, DMV closures during the COVID pandemic shutdowns were one of the causes of reduced numbers of new voter registrations prior to the 2020 presidential election.\(^{22}\) (See Figure 1.) Depending on the year, motor voter registration ranges between 30 percent and 46 percent of all voter registration activity.\(^{23}\)
Monthly motor voter registration data from a sample of states clearly show the role of the DMV in voter registration, as well as the pandemic’s impact on voter registration during 2020. As the following chart shows, motor voter registration activity in California, Colorado, Kentucky, and Virginia was drastically reduced during the pandemic shutdowns.

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

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

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

- California closed its DMV field offices on March 27, 2020, and began to reopen select offices on May 8. In April, motor voter registration was at approximately half of its previous level, rising by a small amount in May, and returning to pre-pandemic levels in June.

- Colorado closed its DMV offices on March 18. All DMV offices remained closed during the entirety of April, with the state reopening the first 10 offices on May 6 and slowly reopening remaining offices. The Denver DMV reopened on June 29. During the DMV closures, motor voter registration activity dropped from 88,479 transactions in February to 42,358 in April.

- Kentucky’s DMVs closed on March 17 and reopened for limited in-person services on May 18. Motor voter registration activity during April, the only full month during which all the state’s DMV locations were closed, plummeted to 2,462 from 35,278 in February, and did not return to pre-pandemic levels until July.

- Finally, in Virginia, the governor announced the closure of the commonwealth’s 75 DMV locations on March 17. Nine centers reopened in mid-May, 35 offices reopened in June, 49 reopened by the end of July, and the rest reopened in mid-August. Motor voter registration activity in April — when all locations were closed — was roughly one-third of the number in January. May and June also had reduced activity, but motor voter registration activity returned to pre-pandemic levels in July.
Beyond recognizing the suitability of DMVs for providing voter registration services, Congress also recognized that the NVRA’s mandated procedural requirements were “ideally suited for automation,” even while allowing needed flexibility in how states administered the law. As the Senate report explained:

Although the bill does provide a procedure for registration that is ideally suited for automation in conjunction with the driver’s license records, it does, however, permit each State some discretion as to how to administer this process and how to integrate it with its driver’s license process. That discretion would range from a fully integrated, automated process, a single application form for use by both agencies requiring minimal duplication of information, or separate application forms to be completed as part of a single, simultaneous application process at the driver’s license agency.\textsuperscript{31}

In their initial implementation of the law, several states automated the transfer of voter registration data from motor vehicle databases to voter registration databases.\textsuperscript{32} These systems — in which the DMV sent information to election databases — provided the first electronic communications between the agencies.

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

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

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

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

1. The official responsible for the state motor vehicle authority and the state’s chief election official are required to enter into an agreement to match information between the agencies’ databases (the HAVA-required statewide voter registration database and the motor vehicle authority’s database).\textsuperscript{36}
2. Both the state motor vehicle authority and the chief election official have responsibility to verify the accuracy of the information provided on voter registration applications.\textsuperscript{37}
3. The official responsible for the state’s motor vehicle authority also must enter into an agreement with the Commissioner of Social Security so that it can verify information when an applicant provides the last four digits of his or her Social Security number rather than a driver’s license number.\textsuperscript{38}

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

Thus, states verify almost all voter registration applicant information through mechanisms reliant on DMVs. For the majority of voter registration application verifications, the verification occurs during the motor voter process or as a result
of data matching based on an individual’s driver’s license number. When an applicant submits the last four digits of his or her Social Security number rather than a driver’s license, it is still the state’s motor vehicle department that interacts with the Social Security Administration to verify the applicant’s information. AAMVA, the association referenced earlier that represents motor vehicle authority administrators, developed and provides to jurisdictions the information systems that allow their motor vehicle departments to verify voter registration and identity information with SSA records.

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

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

Other Ways Voter Registration Relies on DMVs

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

Online Voter Registration (OVR)

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

In the late 1990s, Arizona’s Motor Vehicle Division (MVD) initiated “Service AZ,” its online web portal. In 1997, online vehicle registration became the first service provided through Service AZ. From there, ServiceAZ added additional services, developing a sizable online presence for the state’s MVD. Knowing the potential of ServiceAZ (and before the 2000 presidential election), the chief information officer in the office of the Arizona Secretary of State (SOS) proposed to the MVD that their offices work together to create OVR. His idea was to utilize the ServiceAZ platform, which was already established and visited by a huge number of Arizona residents to renew vehicle registration. Because voter registration applications require a signature, his innovative idea was to use the digitized signature that the MVD already had stored with an individual’s driver’s license. As the MVD was trying to expand its online presence, the agency was quite receptive to the idea and a cooperative partnership developed between MVD and the SOS. Arizona’s OVR system went live in 2002.

When OVR was first adopted in Arizona, the state had yet to build the statewide voter registration database required by HAVA, and voter registration information received by election officials was entered manually into databases. Specifically, the voter registration applications “were created by the EZ Voter program,” the office of the Secretary of State accessed and printed the forms and sent them with the digitized signature via facsimile to the counties, and the county officials then entered the information into their individual voter registration systems. In 2004, post-HAVA, Arizona implemented its
required statewide voter registration
database (SVRD), and the MVD then
began sending the voter registration
information directly into the SVRD,
which subsequently routed the voter
registration information to individual
counties, if appropriate.48

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

Electronic Registration
Information Center (ERIC)

Though better known for its
functions in keeping state voter
registration rolls up to date
described below), the Electronic
Registration Information Center — a
nonprofit organization, formed in
2012 and governed and managed by
states that choose to join — also does
significant work assisting states to
register voters. Through regular data
matching of voter registration and
motor vehicle licensee data, ERIC is
able to identify “likely eligible, but
unregistered residents” of a state.50
ERIC provides that information to its
members, who must, “at a minimum,
initiate contact with each and every
eligible or possibly eligible citizen
and inform them how to register to
vote.”51 Through this process, over
34 million potential voters have
been identified;52 it is estimated that
millions of these identified potential
voters have registered to vote.53

Automatic Voter
Registration (AVR)

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

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

1. When a voter-eligible individual
interacts with a government
agency — which in all AVR
states except Alaska includes
the DMV — that individual will
get registered to vote unless he
or she “opts out” by specifically
declining the opportunity.

2. The government agency at issue
electronically transfers the
voter registration information to
election officials.55

Thus, for the overwhelming majority
of driver’s license applications,
renewals, and changes of address,
DMV customers will be added to
the voter registration rolls or their
address will be updated on the
existing list.

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

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

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

**Same Day Registration (SDR)**

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

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

**Preregistration**

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

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

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

Electronic Registration Information Center

One of the most common (and methodical) mechanisms states employ for list maintenance is through ERIC, the nonprofit state membership organization described above. ERIC assists states with list maintenance by “identifying out-of-date records found by comparing voter registration data between states, to motor vehicle licensing agency data, and to the Social Security Administration master death index list.” Through its sophisticated data matching of the data sets provided by its 31 members every 60 days, ERIC is able to alert its members to a total of 3,612,516 registered voters who moved to a different state; 9,495,641 registered voters who moved within a state; 334,833 voter registration records that were duplicates of other existing voter registration records; and 412,685 deceased individuals that needed to be removed from voter registration rolls. This would have been impossible without the role that DMV databases play in the process.

As of the date of this publication, 30 states plus the District of Columbia are members of ERIC and use the ERIC system. As of the end of 2019, with 26 members and in its first seven years of existence, ERIC identified and alerted its members to a total of 3,612,516 registered voters who moved to a different state; 9,495,641 registered voters who moved within a state; 334,833 voter registration records that were duplicates of other existing voter registration records; and 412,685 deceased individuals that needed to be removed from voter registration rolls.

NVRA Section 5(d)

Although motor voter registration was addressed earlier, one particular aspect of the NVRA is worth mentioning in this discussion of keeping voter registration information up to date. In particular, Section 5(d) of the NVRA regards changes of address and requires that any driver’s license (or state ID) change of address must also serve as notification of a voter registration change of address, unless the individual specifically states that the change of address shall not be for voter registration purposes. This same process is used in automatic voter registration systems.

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

Thus, compliant DMV motor voter implementation (as well as AVR) plays a significant role in keeping voter registration information accurate and up to date.
DMVs as Primary Providers of Voter ID at the Polling Place

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

The first voter identification law was passed in 1950, when South Carolina passed a law to request that each voter show some document with his or her name at the polling place. Between 1970 and 1980, four more states passed voter ID laws — some requiring photos and others not. In each of these first five state laws, voters were able to cast a regular ballot — through alternative mechanisms — if they did not have the requested identification. By 2000, 14 states had such laws. Starting in the mid-2000s, states began to pass more stringent voter ID laws, requiring photo identification at the polling place in order to cast a ballot. Under these more stringent laws, any voter without an acceptable photo ID must vote a provisional (rather than a regular) ballot and take additional post-Election Day steps for the ballot to be counted. Georgia and Indiana were the first states to implement such laws in 2008. Since then, four additional states have adopted and have in effect the strictest form of photo ID requirements for voting (like the laws in Georgia and Indiana). Another 12 states have adopted photo ID laws that are less strict. The remaining 17 states have adopted various non-photo voter ID requirements. Regardless of the particular voter ID policy, many voters in states with such laws use their driver’s licenses to satisfy the requirements.

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

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

It is interesting to note that both the Wisconsin and Alabama examples demonstrate the impact of insufficient DMV funding on voting. In Wisconsin, for example, the IDPP process required the state (rather than the petitioner) to obtain certain records in order to provide a free ID, but “the state had not appropriated any funds to pay for vital records” as part of the IDPP process. As a result, the free ID petitions for some of the people who could not otherwise prove their identity fell into limbo, and they could not obtain their IDs. On the eve of the trial, “the state started paying for...
the underlying documents (e.g., birth certificates) that citizens needed to submit to obtain these free IDs,” curing this particular problem. In Alabama, the state identified insufficient DMV funding as the reason for the planned branch closures, even though those DMV offices provided an essential service allowing many citizens to vote. With a recognition of the election administration role that DMVs play and adequate funding dedicated to such purposes, the state legislatures in each of the states might have avoided the problems they encountered.

Unique State Reliance

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

Arizona has built strategically and extensively upon both its motor voter infrastructure and database. For example, beyond online voter registration’s reliance on the Arizona MVD (discussed earlier), Arizonans are able to sign up for the permanent early voting list in conjunction with voter registration applications — including the motor voter process (through which the state receives 59 percent of all voter registration applications) and online voter registration (through which the state receives 20 percent of all voter registration applications). Each voter who signs up for the permanent early voter list receives, through postal mail for each election, an early ballot approximately 27 days before Election Day. More than 80 percent of Arizonans are on the list, many through motor voter or online registration, and vote using this mechanism.

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

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

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

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

Lisa Danetz conducts this work on behalf of Democracy Fund and 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, most recently, has been doing work within the AAMVA (DMV) community to provide information and support related to their voter registration and election responsibilities. In addition to her work with Democracy Fund, she has worked with Demos and the National Voting Rights Institute, among others. She received her B.S. from Yale University and her J.D. cum laude from New York University School of Law.
## Appendix A

<table>
<thead>
<tr>
<th></th>
<th>CALIFORNIA</th>
<th>COLORADO</th>
<th>KENTUCKY</th>
<th>VIRGINIA</th>
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<tr>
<td>Jan-20</td>
<td>421,249</td>
<td>97,372</td>
<td>43,146</td>
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<td>Feb-20</td>
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<td>80,750</td>
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<td>Apr-20</td>
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<td>42,358</td>
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<tr>
<td>Oct-20</td>
<td>366,147</td>
<td>93,548</td>
<td>23,088</td>
<td>114,498</td>
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</table>
Endnotes

1 See, e.g., United States, Congress, Senate Committee on Rules and Administration, “National Voter Registration Act of 1993,” Report to accompany S. 460, 103rd., 1st sess., S. Rep. No. 103-6, 1993, pp. 51 (identifying AAMVA opposition to NVRA passage as an unfunded mandate imposed on state and local governments).


7 “Drivers License: Use as identification and proof of age,” K12 Academics. “Because there is no national identity card in the United States, the driver’s license is often used as the de facto equivalent for completion of many common business and governmental transactions.”

8 Ibid.


11 States with Election Day registration at the polls or no voter registration requirement as of August 1, 1994 were exempted from the law. Thus, Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming are not subject to its requirements.


S. Rep. 103-6, pp. 5-6.

At a minimum, Arkansas, California, Delaware, Kentucky, Massachusetts, Michigan, Pennsylvania, South Carolina, and Washington automated this transfer of voter registration data in the mid-90s. Interview with Michelle Tassinari, Massachusetts Elections Director (May 29, 2019); See also Wendy Weiser and Christopher Ponoroff, “Voter Registration in a Digital Age,” Brennan Center for Justice, July 13, 2010, Accessed June 3, 2019. Available at: https://www.brennancenter.org/publication/voter-registration-digital-age.


Ibid.


52 U.S.C. § 21083(a)(3)(B); See also Interview with Michelle Tassinari, Massachusetts Election Director (May 20, 2019) (Massachusetts performs HAVA verification only for mail voter registrants who have not previously registered to vote); See also Interview with Craig Stender, former Arizona HAVA Project/Implementation Manager (June 4, 2019) (Arizona performs HAVA verification of all voter registration applicants).


52 U.S.C. § 21083(b).

Ibid.

52 U.S.C. § 21083(b).


52 U.S.C. § 21083(b).


Unless otherwise indicated, two interviews on June 4 and 10, 2019, with Craig Stender, former Arizona HAVA Project/Implementation Manager, are the source of all information about the origin and history of Arizona's online voter registration system.

E-mail from Craig Stender to Lisa Danetz (October 8, 2019).

Because Maricopa and Pima Counties retained their own voter registration databases, the SVRD accepted voter registration information about registrants from those counties and also forwarded the information to them. Interestingly, in 2005, having successfully implemented OVR, Arizona leveraged its new system to make enhancements to its already-existing in-office motor voter processes (and not just online applications). The in-office motor voter registration process had been paper-based and fraught with logistical problems: the offices distributed paper voter registration applications that would be collected and distributed to county recorders — which was complicated because the MVDs did not operate by county. Instead, with the new system, the driver's license application and renewal forms were redesigned to integrate voter registration questions and a MVD customer service representative would enter the voter registration into the MVD database. Using the electronic communication flow established with OVR, the voter registration application data and digitized signature would be electronically transferred to election officials and instantly recorded. This eliminated logistical challenges affecting the timing and accuracy of transmission of voter registration applications from MVD to county recorders.

Arkansas, Maine, Mississippi, Montana, New Hampshire, New Jersey, North Carolina, South Dakota, Texas, and Wyoming do not allow online voter registration. North Dakota has no voter registration requirement.


E-mail correspondence from David Becker to Lisa Danetz (July 31, 2020).

“History of AVR & Implementation Dates,” Brennan Center for Justice, December 22, 2020, Accessed January 20, 2021. Available at: https://www.brennancenter.org/analysis/history-avr-implementation-dates. Among those jurisdictions that have adopted AVR, not all have implemented the policy as of publication.

The phrase “automatic voter registration” can mean different things to different audiences and, for this reason, the phrase is specifically defined for use in this publication. See, e.g., “Automatic Voter Registration,” Brennan Center for Justice, Accessed October 17, 2019. Available at: https://www.brennancenter.org/issues/ensure-every-american-can-vote/voting-reform/automatic-voter-registration (defining “automatic voter registration” as systems that both register government agency customers, unless such customers “opt out,” and transfer voter registration information electronically from agency to election databases); See also “Automatic Voter Registration,” National Conference of State Legislatures, April 22, 2019, Accessed October 17, 2019. Available at: http://www.ncsl.org/research/elections-and-campaigns/automatic-voter-registration.aspx (defining “automatic voter registration” more broadly as all automated systems in which voter registration information is
electronically transferred from government agency to election databases). This publication adopts the Brennan Center definition.


57 Ibid.


59 Several states offer both driver’s licenses compliant with the REAL ID law (for which legal presence documents have been presented) as well as driver’s licenses that are not compliant with the REAL ID law (for which individuals have not presented legal presence documents and therefore cannot be used for certain identity purposes). See, e.g., “Federal REAL ID,” New York State Department of Motor Vehicles, Accessed October 17, 2019. Available at: https://dmv.ny.gov/driver-license/federal-real-id; See also “DC DMV Limited Purposes Driver’s License,” DC Department of Motor Vehicles, Accessed October 17, 2019. Available at: https://dmv.dc.gov/service/limited-purpose-driver-license.

60 Driver’s license transactions that do not comply with the REAL ID Act are not be appropriate for “back end” AVR.


62 NV AB No. 345 Sec. 8.2(c); 9.2(c).

63 Interview on November 16, 2020 with Nevada’s DMV Director Julie Butler and staff is the source of information about the efforts of Nevada’s DMV.


66 California, Colorado, Delaware, the District of Columbia, Florida, Hawaii, Louisiana, Maryland, Massachusetts, New York, North Carolina, Oregon, Rhode Island, Utah, and Washington allow 16-year-olds to preregister. Maine, Nevada, New Jersey, and West Virginia allow 17-year-olds to preregister to vote. “Preregistration for Young Voters,” National Conference of State Legislatures. Ibid. Alaska, Georgia, Iowa, Missouri, and Texas permit eligible citizens to preregister between 17.5 years old and 17 years 10 months.


“ERIC at Work,” Electronic Registration Information Center.


Data from Colorado Secretary of State on file with author.


Ibid.


Ibid.

Ibid.

“Ibid.

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

Ibid.

“Ibid.

“Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid., pp. 913.


Spreadsheet attachment to e-mail from Judd Choate, Colorado Election Director, to author (July 10, 2019).

Early ballots may be voted by sending them in the mail to the appropriate election official or by dropping them in person at a vote center (one of Arizona’s types of polling locations) or with election officials; “Permanent Early Voting Registration List,” Maricopa County Elections Office, Accessed July 23, 2019. Available at: https://recorder.maricopa.gov/earlyvotingballot/permanentevlistinfo.aspx.


Interviews with Craig Stender (June 4 and 10, 2019); See also “Welcome to E-Qual,” Arizona Secretary of State, Citizens Clean Elections Commission, Accessed November 18, 2019. Available at: https://apps.azsos.gov/equal/.

Interviews with Craig Stender (June 4 and 10, 2019); See also “Welcome to E-Qual,” Arizona Secretary of State, “Clean elections” refers to Arizona’s system of public campaign funding, through which candidates who raise a certain amount of qualifying contributions, eschew private funding, and adhere to spending limits become entitled to public money to run their campaigns. See, e.g., “How Clean Funding Works,” Citizens Clean Elections Commission, Accessed November 18, 2019. Available at: https://www.azcleanelections.gov/run-for-office/how-clean-funding-works.


Interviews with Craig Stender (June 4 and 10, 2019).