

**Department of Motor Vehicles
Background Information
Little Hoover Commission
Voter Participation Hearing
Thursday, May 25, 2017**

Thank you for the opportunity to provide background information for the Little Hoover Commission's review of voter participation in California and the voter registration procedures at the Department of Motor Vehicles (DMV).

Working in partnership with the Secretary of State's office, the DMV has made significant improvements to the voter registration process last year and will continue those efforts as we work towards the implementation of AB 1461 next year, which will automatically register eligible individuals who complete certain transactions at the DMV.

Written responses to questions in your April 19, 2017 letter are below:

Question: *The DMV's current role in registering voters in California, including where the function falls within the organizational structure and strategic planning. (For example, is there a division or senior official charged with overseeing the function?)*

Response:

The National Voter Registration Act of 1993 ("Motor Voter") required, in part, the Department of Motor Vehicles (DMV) to offer its driver license/identification card (DL/ID) customers the opportunity to register to vote.

Historically, the California DMV met this obligation by primarily utilizing a paper-based system. This procedure was developed in conjunction with the Secretary of State's office, and reviewed by a federal court and the US Department of Justice. California has been compliant with Motor Voter for decades.

DMV produces approximately 17 million DL/ID application forms annually. Until recently, that paper application form contained an option for customers to indicate their desire to register to vote, along with an attached voter registration affidavit. Upon completion of the DL/ID application form, if the customer wished to register to vote, the individual would fill out the attached voter registration affidavit and the completed affidavit would be forwarded by DMV to election officials for further processing. Voter registration receipts were provided to customers who registered to vote with instructions to follow up with elections officials, if voting registration materials were not received in the mail within four weeks. Due to the reliance on a completely paper based system, upon receipt of the voter registration affidavits, elections officials would be required to manually enter the voter registration information into their databases.

Additionally, as required by Motor Voter and pursuant to an agreement with the Secretary of State, DMV provides any change of address information for its customers to the Secretary of State, which allows elections officials to update voter registration records as appropriate.

To improve customer service and become more efficient, DMV was given funding in the Governor's 2015/16 Budget to enhance its voter registration process. As a result, DMV integrated voter registration within its key driver licensing and identification card issuance processes for field office and online transactions. For eligible customers who wish to register to vote, DMV now transmits the voter registration information captured in its field offices electronically to the California Secretary of State. As part of this process, customers in field offices now complete their voter preferences (i.e. party preference, vote by mail, language preference, etc.) on touch screen terminals. These touch screens are also used for administering the driver's knowledge test. Customers who are registering to vote and are also taking the driver's knowledge test are prompted to register to vote prior to initiating the knowledge test. Customers who are registering to vote but not taking the driver's knowledge test are sent to the touch screens to register to vote before completing their in office transaction. With this new and more efficient process, the voter registration information is sent electronically to the Secretary of State.

For customers in field offices who indicate they are eligible and want to register to vote, but fail to fill out voter preferences at the touch screens, DMV electronically sends their name, address, date of birth and digitized signature to the Secretary of State. In those instances, the Secretary of State sends follow up correspondence to the registrant, translated in multiple languages, with instructions on how to complete the voter preference information for their voter record.

As part of the upgrades implemented last year, the DMV and Secretary of State also modified their systems so that a customer renewing their DL/ID online, is offered the chance to register to vote. If the customer chooses that opportunity, they are seamlessly sent to the Secretary of State's website.

The DMV has taken important steps to maintain the integrity of the voter registration process. The voter registration section of the current DL/ID application form (DL 44) was revised to be clearly marked "For U.S. Citizens Only." Additionally, an AB 60 driver license applicant (an individual who does not have the necessary documentation to obtain a legacy California driver license) cannot be registered to vote at DMV, as the voter registration data field in the DMV system has been electronically disabled and cannot accept any information for those particular applicants. As a result, an AB 60 applicant is not prompted to register to vote or to provide voter preference information at the touch screen terminals.

The Voter Registration function is directed by DMV's Licensing Operations Division, assisted by the Information Systems Division (online) and the Field Operations Division (in-person).

Question: *How do you anticipate the DMV's voter registration processes will change once the new Motor Voter Act is implemented?*

Response:

AB 1461 requires the Secretary of State and DMV to establish the California New Motor Voter Program for purposes of increasing opportunities for voter registration for any applicant who is qualified to be a voter. AB 1461 requires DMV to electronically provide the Secretary of State the records of each eligible applicant who is issued an original or renewal of a driver license or identification card or who provides DMV with a change of address. The applicant's application will then constitute a completed voter registration affidavit and the applicant will be registered to vote, unless the applicant affirmatively declined to be registered to vote. AB 1461 will move from what is currently an "opt-in" voter registration process to an "opt-out" process.

The in-person process in DMV field offices will be changed primarily with the question that is asked of the DL/ID card applicant. Rather than asking the applicant if they would like to register to vote, an eligible applicant will be automatically registered to vote unless they affirmatively decline and opt out of voter registration, or respond that they are ineligible to register to vote. Individuals who are ineligible will not be prompted to fill out voter preference information and those records will not be forwarded to the Secretary of State's office. Additionally, pursuant to the bill's provisions, records for AB 60 customers will not be forwarded to the Secretary of State.

Currently, for applicants who renew by mail, the driver license/ID card renewal notice mailed to customers includes a paper voter registration affidavit. The voter registration affidavits are sent to elections officials for manual entry. With the implementation of AB 1461, the driver license renewal notice will be updated to include voter registration questions for the applicant to complete. Because renewal by mail transactions are paper based, DMV is developing a process to scan the revised renewal by mail forms, including the voter registration information, and forward the appropriate information electronically to the Secretary of State.

While DMV currently sends change of address information to the Secretary of State today to update voter records, AB 1461 will register those eligible individuals to vote unless they opt out of voter registration. DMV is modifying the change of address process to provide eligible customers with the opportunity to register to vote and to transmit this information electronically to the Secretary of State.

DMV's online driver license renewal process will be modified to advise eligible customers they will be registered to vote unless they opt out and the DMV and Secretary of State systems will be programmed to match the new update.

Question: *What factors have affected implementation of the act since its passage in 2015 and what is the current timeframe for implementation? Please describe any additional factors that may affect the timeframe.*

Response:

AB 1461 provides that DMV shall commence implementation no later than one year after the Secretary of State certifies all the following items: 1) The State has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Section 20901 et seq.). 2) The Legislature has appropriated the funds necessary for the Secretary of State and the Department of Motor Vehicles to implement and maintain the California New Motor Voter Program. 3) The regulations developed by the Secretary of State required by Section 2270 have been adopted.

1. *The State has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Section 20901 et seq.).*
 - On September 26, 2016, the Secretary of State announced that VoteCal is now the system of record and has been certified.
2. *The Legislature has appropriated the funds necessary for the Secretary of State and the Department of Motor Vehicles to implement and maintain the California New Motor Voter Program.*
 - DMV's one-time funding for purchasing equipment necessary for renewal by mail transactions was included in the Transportation Trailer Bill SB 838, which was signed by the Governor on September 13, 2016. In its funding request last year, the department noted that an additional funding request for implementation would be forthcoming once the details of the program are finalized with the Secretary of State. DMV is taking the necessary steps to ensure that its additional funding request will be approved by July 1, 2017.
3. *The regulations developed by the Secretary of State required by Section 2270 have been adopted.*
 - The Secretary of State publicly noticed and made available on their website the proposed regulations on February 24, 2017. The 45-day public comment period ended on April 10, 2017. The Secretary of State has released a 15-day notice of changes to the text of the proposed regulations. The comment period began on April 14, 2017, and ended on May 1, 2017. The regulations are anticipated to be finalized and formally adopted later this year.

DMV, in collaboration with the Secretary of State's office, expects full implementation of AB 1461 in summer of 2018.

While DMV expects implementation next year and is committed to that timeline, changes to the law or lack of necessary funding could impact that schedule. Additionally, the DMV and Secretary of State have recently been sued over how voter registration within the renewal by mail process is currently handled. The litigation could delay the full implementation of AB 1461. DMV is currently fully using staff and resources to implement AB 1461 and other important licensing programs. It may now have to divert some of those resources to defend against that litigation.

Question: *Over the last several years, how many Californians have registered to vote through the DMV, by the various modalities (in person, by mail, online)?*

Response:

As a point of clarification, a Californian can *apply* to register to vote through the DMV; however, the Secretary of State’s office and elections officials actually complete the registration process and add a registrant to the voter rolls.

The Secretary of State’s office tracks the voter registration applications from DMV and may be the best source for this data.

Question: *Similarly, over the last years, how many Californians have obtained or renewed a driver license or state identification card, by the various modalities (in person, by mail, online)?*

Response:

The information sought is provided, but DMV wants to be clear that while it provides customers with the opportunity to register to vote, the DMV does not have insights into how many opted to register, were already registered, ineligible. or chose not to register. The following table outlines the number of driver license and identification card applicants, by modality, over the past several years:

# of DL & ID Card transactions by Various Modalities	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16
Driver License:					
Original	839,458	825,819	892,405	1,232,050	1,179,416
Renewal by Field Office	1,250,954	2,025,174	2,165,777	2,232,794	2,306,529
Renewal by Mail Eligible (but renewed in a field office)	562,605	622,685	705,468	669,678	698,112
Renewal by Mail – Headquarters	435,030	1,239,406	1,359,086	1,253,941	1,081,338
Renewal by Internet	441,855	854,101	1,015,290	1,126,339	1,036,316
Regular ID Card (under 62 years old)					
Original	520,748	559,996	563,466	529,451	540,254
Renewal by Field Office	769,761	724,771	764,381	800,455	817,612
Renewal by Mail	93,573	107,016	103,829	96,326	94,521
Renewal by Internet	24,693	32,851	34,850	39,212	42,300
Senior ID Card (62 years and older)					
Original	75,354	91,841	102,097	96,799	108,106
Renewal by Field Office	107,315	89,692	94,291	96,804	109,227
Renewal by Mail	26,806	31,477	34,692	35,613	33,476
Renewal by Internet	3,081	3,938	4,155	4,942	4,816
TOTAL	5,151,233	7,208,767	7,839,787	8,214,404	8,052,023

Question: *Implementation challenges, if any, that could stall or slow adoption of reforms introduced in the New Motor Voter Act, as well as a discussion of what might be required to address these challenges.*

Response:

DMV does not foresee any implementation challenges at this time and anticipates full implementation in 2018. However, as mentioned above, any changes to the law that impact how DMV implements the bill or any delay in funding necessary for implementation could negatively impact the schedule. Additionally, recently filed litigation could also delay the full implementation of AB 1461, as DMV may have to divert resources away from implementation of AB 1461 and other important licensing programs to defend against that litigation.