

**Testimony of  
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in Support of HB 2177  
Before the House Committee on Rules  
February 2, 2015**

The Brennan Center for Justice at NYU School of Law<sup>1</sup> appreciates the opportunity to submit this testimony in support of HB 2177 to the House Committee on Rules.

HB 2177 modernizes Oregon’s motor-voter practices. By streamlining the voter registration process at the Division of Motor Vehicles (DMV), we can expect this bill to save Oregon money, improve the accuracy of voter registration records, and boost registration rates. Red and blue states across the country have already adopted similar upgrades, and the bipartisan Presidential Commission on Election Administration recommended that all states do so.

The Brennan Center is a non-partisan law and policy institute that seeks to improve our systems of democracy and justice. We work on a range of issues pertaining to voting rights and elections, including work to improve registration and the design of election materials, remove unnecessary barriers to participation, and make voting machines more secure and accessible. With respect to voter registration, in particular, we have published numerous studies and reports, and have successfully campaigned for reforms to modernize registration in states across the country.

We urge the legislature to seize this moment to streamline the voter registration process with the enactment of this legislation.

**HB 2177 Modernizes Oregon’s Existing Motor-Voter Law**

In accordance with the National Voter Registration Act (NVRA), sometimes referred to as “motor-voter,” Oregon already provides voter registration opportunities at DMV offices. However, Oregon is in the minority of states that relies on ink and paper registration forms during this process. This clunky, antiquated system wastes time and money when modern, digital alternatives are available and in use across the country. Those voters who are registered often have errors in their records—such as misspelled names or mistyped addresses—that prevent

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<sup>1</sup> This testimony has been prepared by a Center affiliated with New York University School of Law, but does not purport to present the school’s institutional views, if any.

them from voting or having their votes counted, and threaten election integrity as well. The antiquated process also leaves off numerous eligible voters entirely.

Furthermore, a paper-based system that requires voters to essentially re-register with every move leads to the rolls being out of date. A 2012 Pew study found that 24 million registrations nationwide are invalid or have serious errors, such as an incorrect address.<sup>2</sup> A system in which 1 in 8 records is flawed threatens both election integrity and the right to vote.

There is no reason for the registration process to generate new paperwork when an individual has already provided the information necessary to obtain a driver's license or identification card. Instead, the Department of Transportation can transfer the already-collected information—including name, age, residence, citizenship information and electronic signature—directly to election officials, who can then use the information to complete registration records.

### **Numerous Benefits of Modernized Electronic Systems**

Replacing old-fashioned voter registration is more efficient, saving money and freeing up resources for other election administration needs. Maricopa County, Arizona found it costs only 3 cents to collect and process a registration electronically, as opposed to 83 cents per paper form.<sup>3</sup> And other states have reported low one-time startup costs that are quickly offset by the savings—Delaware saved \$200,000, and Washington's Secretary of State Office saved \$126,000 in the first year alone, with additional savings to counties.<sup>4</sup> With the implementation of online registration in 2010, Oregon already has laid the foundation for the DMV and Secretary of State to transfer and process electronic signatures, further reducing implementation costs.

States with electronic systems consistently find more secure and accurate rolls because of a reduction in problems stemming from paper forms, such as incomplete and illegible information and data entry errors. In 2009, Maricopa County examined registration forms containing incomplete, inaccurate, or illegible information and found that although only 15.5 percent of registrations were done on paper, these accounted for more than half the flawed forms.<sup>5</sup> This means electronic records were five times less likely to contain errors.

The accuracy benefits compound when voters move—which election officials routinely cite as the most burdensome aspect of maintaining the voter rolls. Every state is currently required by the NVRA to automatically update the address of any registered voter who updates her address with a motor vehicle agency and does not indicate that the change of address is not also for voter registration purposes. Streamlining address updates helps keep the voter rolls up to date; states with electronic systems in place are able to facilitate more frequent address updates, decreasing the number of voters whose registration addresses do not match their current addresses.

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<sup>2</sup> PEW CENTER ON THE STATES, INACCURATE, COSTLY, AND INEFFICIENT, *available at* <http://www.pewtrusts.org/en/research-and-analysis/reports/2012/02/14/inaccurate-costly-and-inefficient-evidence-that-americas-voter-registration-system-needs-an-upgrade>.

<sup>3</sup> CHRISTOPHER PONOROFF & WENDY WEISER, BRENNAN CENTER FOR JUSTICE, VOTER REGISTRATION IN A DIGITAL AGE 12 (2010), *available at* [http://brennan.3cdn.net/806ab5ea23fde7c261\\_n1m6b1s4z.pdf](http://brennan.3cdn.net/806ab5ea23fde7c261_n1m6b1s4z.pdf).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 13.

Digital systems increase registration rates at the agencies implementing them, facilitating compliance with federal law. Many states that have modernized their DMV process experienced a sharp jump in voter registrations (including updates) at those agencies. For example, when Kansas and Washington began electronically transferring voter information in 2008, DMV registrations nearly doubled.<sup>6</sup>

### **Broad-Based Support of Modernizing Motor-Voter Practices**

For all of these reasons, streamlining voter registration at state agencies is increasingly popular. At least 29 states have (or soon will have) some form of electronic transmission of voter information at DMVs, and in some states at other voter registration agencies as well.<sup>7</sup> The broad-based support for this reform was confirmed when the Presidential Commission on Election Administration, a bipartisan body that issued findings after holding field hearings and soliciting research from stakeholders and experts across the country, recommended the integration of DMV and voter data as a best practice in election administration.<sup>8</sup>

### **Ensure Privacy and Nondisclosure Protections**

A modern voter registration system would accommodate a voter's privacy needs and respect an individual's decision to decline to register to vote. The bill currently provides notice and a 21-day waiting period before a voter will appear on any public registration list. Moreover, voters retain their existing ability to cancel their registration at any time, and Oregon's current nondisclosure and address confidentiality statutes will remain in full force.<sup>9</sup> Nonetheless, we recommend rulemaking to make explicit the protections provided under this legislation to those with special privacy needs. Express language in regulation will facilitate compliance by providing clear notice to government officials as to their responsibilities and obligations.

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States nationwide continue to modernize their voter registration systems, and election officials and leaders of both parties support this common-sense trend. Upgrading motor-voter in Oregon would benefit voters and election administrators alike. The Brennan Center urges the Committee to move the bill to the full House with a "do pass" recommendation.

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<sup>6</sup> *Id.* at 15.

<sup>7</sup> BRENNAN CENTER FOR JUSTICE, VOTER REGISTRATION MODERNIZATION IN THE STATES, <http://www.brennancenter.org/analysis/voter-registration-modernization-states>.

<sup>8</sup> THE AMERICAN VOTING EXPERIENCE: REPORT AND RECOMMENDATIONS OF THE PRESIDENTIAL COMMISSION ON ELECTION ADMINISTRATION 30 (2014), available at <https://www.supportthevoter.gov/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>.

<sup>9</sup> OR. REV. STAT. §§ 192.445, 192.822.