

**Testimony of  
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**In Support of Senate Bill 375  
Before the Senate Legislative Operations and Elections Committee  
April 2, 2013**

**I. Introduction**

I write on behalf of the Brennan Center for Justice at NYU School of Law (“Brennan Center”) to submit this testimony in strong support of Senate Bill 375 (SB 375), as amended<sup>1</sup> — a bill to fully modernize Nevada’s voter registration system. This bill provides the tools to ensure that no eligible Nevadan is prevented from voting due to errors or complex voter registration rules. We urge you to adopt Senate Bill 375, which will benefit voters, assist election officials, and help make Nevada’s elections free, fair, and accessible for all.

The Brennan Center is a non-partisan public policy and law institute that pursues a vision of inclusive and effective democracy. Toward that end, the Center’s Democracy Program researches and promotes reforms that improve election administration, eliminate barriers to full and equal political participation, and foster responsive and responsible governance.<sup>2</sup> **Voter Registration Modernization** offers incredible opportunities to make voter registration faster, more convenient, and more reliable for voters, all while saving time and money for the state and making the voting system more secure.

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<sup>1</sup> The Brennan Center supports a comprehensive bill to modernize voter registration, which fully integrates voter registration with other government transactions. To fully accomplish this goal, we encourage you to adopt the conceptual amendment which will be requested by the sponsor at the bill’s hearing on April 2, 2013. This testimony refers to the bill’s content as amended to better integrate and automate voter registration opportunities.

<sup>2</sup> The Brennan Center has been among the national leaders in encouraging procedures that modernize our voter registration system. In addition to our direct work with state and federal officials, we have produced at least three major reports and six further briefing papers chronicling the need for modernization, the accuracy and efficiency savings that would result, and the availability of models to point the way.

Our democracy is a source of pride and is based on the principle of civic participation. But while we have regularly upgraded many components of our election system to keep pace with modern technology, the voter registration system stands out as a nineteenth-century anomaly, rooted firmly in handwritten, paper-based procedures. Election officials, in turn, face an expensive and inefficient crush of new registrants every election cycle. High mobility places severe burdens on election officials, a particularly salient issue for Nevada. It is high time for an upgrade. SB 375, as amended, can provide this upgrade.

Experts, election officials, and policymakers across the country are recognizing the need to modernize our outdated, paper-based voter registration systems. Those systems are overly costly, inefficient, error-prone, and can unnecessarily exclude eligible voters at the polls. Fortunately, new technologies point the way to an improved 21<sup>st</sup> Century voter registration system. As more and more states are discovering, a modern voter registration system boosts registration rates, increases the accuracy of the voter rolls, and reduces the opportunity for fraud, while saving taxpayer dollars.

## **II. Effects of SB 375**

SB 375, as amended, will create:

- **Automated voter registration** to give every Nevadan the choice to conveniently and digitally register to vote, or update an existing registration, whenever they are doing business with a variety of state offices.
- **Portable voter registration** to ensure that every registered Nevada voter *stays* a registered Nevada voter even if they move, as long as they stay within the State.
- **Expansion of the state's online voter registration tool** to allow all Nevadans to register, make sure their registration is accurate, and find their polling place information all on one website.
- **Preregistration** of 16 and 17-year old citizens to engage the young electorate.
- An **Election Day failsafe** to protect voters who are wrongly kept off the rolls, or whose registration records contain errors or typos.

### **a. Automated Voter Registration at State Agencies**

Automated registration leverages existing tools and resources to ensure that all eligible citizens are registered to vote, and that the registration rolls are accurate, without the need to submit redundant paper forms. Many state agencies regularly interact with eligible citizens and gather reliable records about those citizens. These may include motor vehicle agencies, public assistance agencies, disability agencies, licensing agencies, and institutions of the Nevada System of Higher Education, among others. Automated voter registration is a simple upgrade to policies at these government offices, using existing records and systems to add the opportunity to register to vote to the services already being provided by that office. Once agencies identify eligible citizens who wish to be registered, they simply forward data records electronically through a secure interface to election authorities, who in turn assess eligibility, compare the records

to the existing statewide voter rolls, and register eligible voters without duplicative paperwork and data entry: just like they would with any paper form. The data transfer process will not supplant any list maintenance or double-check procedures that election officials now undertake whenever they receive a paper registration form. In all, the automation increases accuracy, security, and efficiency: the need for costly data entry decreases, the reliability of the information increases, and the flow of registration records is flattened and spread across the entire election cycle rather than concentrated in the final push to Election Day.

SB 375 is designed to include as many agencies in its scope as possible. It specifically delineates the following state agencies: the Nevada Department of Motor Vehicles; any housing authority; the Nevada Department of Employment, Training, and Rehabilitation; the Nevada Office of Veterans Services; the Nevada Department of Wildlife (when granting hunting and fishing licenses); the Nevada System of Higher Education (during any class registration); and any office that receives money from the State of Nevada to provide services to persons with disabilities. Data collection for registration purposes will occur any time a consenting, eligible Nevada voter completes an application for services, renewal or recertification for services, or change of address with such an agency and consents to voter registration. The bill also permits the Secretary of State to designate additional agencies which would assist in broader voter registration opportunities.

The bill then requires these agencies to enter into agreements with the Secretary of State to transmit appropriate voter registration data to the correct county election officials. At a minimum, the data transmission will provide the clerks with the basic information needed to register a voter, including name, address, date of birth, party preference, citizenship, state ID or social security number, and ideally, an electronic capture of the voter's signature. SB 375 specifies that until the state and the relevant agencies have in place the technology to capture electronic signatures, that the Secretary shall enact regulations to provide for the provisional registration of voters without a signature — meaning that they will receive mailings intended for registered voters and appear on the poll books; however, their registration will not be perfected until they provide the signature, which they may do before or at the polls.

The Secretary of State, working in collaboration with relevant agency leaders, will have broad latitude to specify the format, frequency, and content of these electronic data transmissions, but will have to take steps to safeguard the privacy, confidentiality, and security of any electronic transmission of voter data. The state already has appropriate systems in place to transfer this data from the DMV under current law (pursuant to the National Voter Registration Act, or “Motor Voter”), so Nevada already has a template for designing the specifics of these regulations. In addition to the electronic data, agencies will have to collect the signed affirmation of voter eligibility required by Nevada law — that's the only piece of paper that will be required during the registration process.

Automated voter registration is an effective tool for raising voter registration rates — an area where Nevada has much room for improvement. In 2010, Nevada had the nation’s third lowest voter registration rate, with only 57.8% of its citizens registered to vote.<sup>3</sup> There are over 700,000 eligible Nevadans whose names are not — yet — on the voter rolls. Automating voter registration opportunities at government offices is one way to start getting more of these citizens onto the rolls. Other states that have automated the transmission of voter data at state agencies have seen dramatic increases in registration at those agencies. For example, DMV voter registrations have nearly doubled in Washington and Kansas, and increased by even more in Rhode Island, since those states took steps to modernize their registration process. And in South Dakota, *seven* times as many South Dakotans submitted voter registrations at DMVs after the state implemented an automated system. Taking a simple step to integrate technology into the voter registration process can produce positive effects for Nevada’s voters and its democracy.

Automatic, portable registration will also increase efficiency and rein in the cost of voter registration for Nevada and its 17 counties. Electronic voter records greatly reduce the resources required for data entry, and automated in-state address changes eliminate mountains of paperwork. States that have adopted modernized registration have saved **hundreds of thousands of dollars on election administration**, with savings likely to run into the millions after just a few years of implementation. Among the cost statistics that the Brennan Center has collected are:

- It cost Arizona less than \$130,000 and Washington just \$279,000 to implement both online voter registration **and** automated voter registration at DMVs.
- Delaware’s paperless voter registration at DMVs saves election officials more than **\$200,000 annually** on personnel costs, above the savings they reaped by partially automating the process in the mid-1990s. Officials anticipate further savings.
- Online and automated DMV registrations saved Maricopa County, Arizona over **\$450,000 in 2008**. The county spends 33¢ to manually process an electronic application, and an average of 3¢ using a partially automated review process, compared to 83¢ for a paper registration form.<sup>4</sup>

SB 375 as amended will dramatically increase the degree to which state records are used to build a system of automated and permanent registration. Modernizing Nevada’s voter registration system will lead to more accurate and complete voter rolls, with fewer data errors, handwriting mistakes, duplicate records, and outdated voter files. Current and accurate voter rolls assist poll workers and significantly reduce opportunities for election fraud. Most importantly, automated processes save significant money in both the short and the long run.

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<sup>3</sup> See U.S. Census Bureau, Table 4a, Reported Voting and Registration, for States: November 2010, available at <http://www.census.gov/hhes/www/socdemo/voting/publications/p20/2010/tables.html>.

<sup>4</sup> CHRISTOPHER PONOROFF AND WENDY WEISER, BRENNAN CENTER FOR JUSTICE, VOTER REGISTRATION IN A DIGITAL AGE (2010), available at [http://brennan.3cdn.net/806ab5ea23fde7c261\\_n1m6b1s4z.pdf](http://brennan.3cdn.net/806ab5ea23fde7c261_n1m6b1s4z.pdf).

## b. Portable Registration for In-State Movers

Portable, or “permanent,” registration ensures that voters, once entered onto the state rolls, stay registered so long as they continue to live in Nevada, without the need to constantly update registration information if they move or if their circumstances change. Using the same reliable data described above, transferred electronically to maximize accuracy and efficiency, a voter updating her name or address at a cooperating state agency would have the choice to have that information also update the voter rolls, keeping the rolls consistently up to date. Under the bill, county clerks receiving address change data from a cooperating agency will transfer the voter’s registration, including across county lines, so long as the voter consents to the change being used for voter registration purposes. This cuts down on the need for multiple redundant forms, and the time and confusion at the polls that results when voters update one reliable government record but forget to update their voter registration.

Inaccurate, outdated registration rolls pose problems for election authorities, increasing the cost of election administration and voter mailings, making it difficult to properly plan for elections, and rousing fears of possible fraud. Twenty-nine million voting-age Americans — approximately one in six people — move each year.<sup>5</sup> In Nevada, over 400,000 people move from one address within the state to another each year.<sup>6</sup> This high mobility rate increases the burdens that address changes — or failure to submit address changes — place on county registrars. Automating this process will greatly reduce data entry and uncertainty on the voter rolls.

Finally, automation of address change data is a fantastic way for the state to ensure total compliance with federal law. Section 5(d) of the National Voter Registration Act of 1993 requires that states update a voter’s registration record when she submits a change of address form to motor vehicle authorities unless the voter expressly declines the update. The Brennan Center has in the past expressed concern about Nevada’s possible noncompliance with this section and understands that the Secretary has worked to remedy this problem. Full automation at both the DMV and relevant public service and disability agencies<sup>7</sup> will ensure full compliance with both the letter and spirit of the National Voter Registration Act of 1993 and ensure that eligible Nevada voters remain on the rolls after any in-state move is communicated to the state.

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<sup>5</sup> MYRNA PEREZ, BRENNAN CENTER FOR JUSTICE, WHEN VOTERS MOVE 1 (2009), *available at* [http://www.brennancenter.org/content/resource/when\\_voters\\_move/](http://www.brennancenter.org/content/resource/when_voters_move/).

<sup>6</sup> *See* U.S. Census Bureau, American Factfinder, Nevada: Selected Social Characteristics in the United States: 2009-2011 *available at* [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_11\\_3YR\\_DP02&prodType=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_11_3YR_DP02&prodType=table) (reporting that in the past year 458,083 people had moved from another residence in the same county, and 24,287 people moved from one Nevada county to another).

<sup>7</sup> Similarly, Section 7 of the Act requires states to make voter registration opportunities available at all public service and disability agencies.

### **c. Statewide Online Voter Interface**

SB 375 also enshrines in the Nevada statutes a fully interactive voter registration interface available to all Nevada voters. The interface required by SB 375 allows voters to register to vote, check polling locations, or correct any errors in their voter record: all without any paperwork.

Online access to registration ensures that the voters who know best are able to enter, verify, and update their own information online. The single best source of up-to-date, accurate voter information is the voter herself. Ensuring that a voter is able to securely double-check her own registration status and data, and efficiently communicate changes or mistakes, is the best way to ensure that the rolls remain accurate.

On September 1, 2010, Nevada introduced an online registration portal for residents of Clark County, home to 72% of the state's population. Clark's online registration system was a resounding success, as reported by both the Secretary of State's office and Clark County Registrar Larry Lomax. Indeed, Clark County's system contained numerous aspects that made it a model modern registration system.<sup>8</sup> Before the 2012 election, the Secretary of State worked to expand this model to residents of all 17 counties. This has been a massive step forward in modernizing Nevada's voter registration system, and offers expanded access to registration — a particular benefit to voters with limited mobility.

SB 375 takes this system one step farther by making it permanent in the law, and by expanding the online process to all eligible voters — not just those who carry a driver's license. SB 375 will permit all eligible citizens to register online. Those with a DMV ID will be required to input that information so that an existing digital signature can be attached to their registration file. Other voters will be asked for the last four digits of the social security number, so they can be verified like any other paper registrant. Voters who do not have an existing signature on file will be required to provide a physical signature before voting, either before or at the polls.

SB 375 formalizes the state's existing and successful online registration system, and expands it to all eligible voters. This reform is critical to ensure our elections keep pace with modern life, and offer voters the greatest amount of flexibility, convenience, and security.

### **d. Election-Day Failsafe**

SB 375 includes a critical failsafe procedure to ensure that no voter is deprived of the fundamental right to vote due to a clerical error or other mistake. Should a voter who

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<sup>8</sup> For example, the existing online system is unique in including an address verification process. When an applicant enters her home address, the system performs a real-time check of Clark County's database of residential addresses. It will not allow the applicant to proceed unless it finds a matching, valid address. The goal is to deal with this problem at the source, rather than leave county officials to attempt to resolve them.



consented to registration show up to the polls only to find out that her voter registration record doesn't exist or includes incorrect information, the bill includes an option for such a voter to cast a provisional ballot. The ballot will be counted if a voter affirms under penalty of perjury that she consented to be registered under the automated procedures listed in the bill and is voting in the correct precinct. This procedure mirrors other options in existing law for voters who show up at the polls only to find their registration record is incorrect. It applies only to voters who have previously taken the responsibility to register and should appear on the rolls, but do not.

This failsafe provisional ballot procedure is an important backstop to ensure that every eligible voter can cast a ballot that counts. In this day and age, no voter should be prevented from having their voice heard due to a typo or misplaced form.

#### **e. Preregistration**

This bill also expands voter registration to 16 and 17-year old citizens — a process known as “preregistration.” The bill provides for Nevadans who have not yet reached 18 to register to vote like any other eligible voter — upon registering, they will be informed that they cannot *vote* until they turn 18, but they will have already taken the step of registering at an early age. Preregistered voters will not be on campaign mailers or poll books, so there is no opportunity for underage voters to cast a ballot. Once the voter turns 18, the registration record will be activated to allow for voting.

Preregistration ensures that young Nevadans have an equal opportunity to quickly and conveniently register to vote while visiting the DMV for a driver's license, just as citizens 18 and older do now. Far too many 16 and 17-year olds miss out on this singular chance to participate in our democracy — simply because they are ineligible to register to vote on their first visit to the DMV to obtain a license. SB 375 fixes that gap, and allows every citizen to register when applying for a license. Preregistration also offers an important opportunity to get younger voters invested in our democracy at an early age — giving young voters a chance to become political citizens before they cast their first ballot.

### **III. Conclusion**

Senate Bill 375 offers Nevada a comprehensive opportunity to modernize and expand voter registration opportunities. We wholeheartedly support this bill as amended, and encourage Nevada to become a leader among the wave of modernization efforts, large and small, across the country.<sup>9</sup> By eliminating unnecessary barriers to voter registration, SB 375 can help ensure that every eligible Nevada voter becomes a registered Nevada voter.

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<sup>9</sup> See WENDY WEISER, CHRISTOPHER PONOROFF & NHU-Y NGO, BRENNAN CENTER FOR JUSTICE, MODERNIZING VOTER REGISTRATION: MOMENTUM IN THE STATES (2010), available at <http://bit.ly/cRIawQ>.

I am happy to answer any questions that members of the Committee have about SB 375, the conceptual amendment, or the details of implementing a fully modern registration system. Please do not hesitate to contact me at any time if I can be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee Rowland". The signature is fluid and cursive, with a large initial "L" and "R".

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