

# VOTER REGISTRATION IN A DIGITAL AGE: DELAWARE

## BACKGROUND

From the mid-1990s to 2008, Delaware's Division of Motor Vehicles (DMV) used both paper and data transfers to process voter registrations. If a visitor affirmed that she wished to register to vote, DMV employees would print a pre-populated voter registration form for her to sign and then mail it to county election officials. At the same time they forwarded her registration data electronically. But the form remained paramount: if county officials failed to receive her physical signature before an election, a person could not vote without a court order.<sup>1</sup>

After obtaining 50 of these court orders for the 2000 general election, election officials began discussing new approaches to DMV registration.<sup>2</sup> In 2007 they reached an agreement with DMV officials to implement an "e-Signature" program, which would eliminate the need for forms by allowing people to provide an electronic signature for voter registration. Officials spent approximately one year and \$600,000 of HAVA funds to develop e-Signature, and introduced it to the public in February 2009.<sup>3</sup>

By this time they were also operating an online registration system. Introduced in 2006, the system allows users to submit data through an online portal, although they must print, sign, and mail an application form as well.<sup>4</sup> However, if county officials do not receive a signed form before an election, a person can still vote a regular ballot if she shows I.D. and provides a signature at the polls, and poll workers verify with the county election office that she submitted a valid online registration.<sup>5</sup>

## OUTCOMES

### Voter Registration

Delaware has boasted one of the nation's most successful DMV registration programs since the mid-1990s, regularly accounting for around 80 percent of all voter registrations in the state.<sup>6</sup> Initial data suggest that e-Signature has not been drawing more people into the process, though it may account for a significant increase in changes of party affiliation.<sup>7</sup>

The online portal's record is more modest. In 2006, 2007, and 2009, it attracted few users in New Castle County, home to over 60 percent of Delaware residents. Submissions jumped significantly in 2008, however, accounting for nearly 10 percent of the county's registrations.<sup>8</sup>

### Efficiency

E-signature has substantially reduced the time and cost of processing voter registrations. Each DMV office will now save the cost of printing an estimated 1000 pages a day in election years, and 300 a day in off years.<sup>9</sup> And each registration transaction now takes DMV employees an average of 30 seconds to complete, compared to 90 seconds in the past.<sup>10</sup>

In state and county election offices, a large drop in workloads since e-Signature debuted has allowed officials to eliminate five staff vacancies, representing more than 10 percent of Delaware's total election staff.<sup>11</sup> This move has already created \$200,000 in annual savings, according to Commissioner of Elections Elaine Manlove, and she hopes to eliminate three to four additional positions as they become vacant.<sup>12</sup>

### **Track record & future plans**

Officials have encountered no technical difficulties or security problems with either online or DMV registration, and are considering ways to expand both systems.<sup>13</sup> One idea is to allow the online system to retrieve signatures from the DMV. More immediately, officials are planning to introduce e-Signature into the offices of social service agencies that also offer voter registration.<sup>14</sup>

County officials will also begin scanning mail-in federal registration forms as soon as they receive them. This will further reduce data entry, and allow them to process nearly every application they receive in the same way.<sup>15</sup>

## **HOW PAPERLESS REGISTRATION WORKS IN DELAWARE**

### **Motor Vehicle Registration**

#### *1. For Visitors*

A visitor does business with the DMV by going through an interview with a DMV employee, during which the employee asks if she wishes to submit or update a voter registration. If so, she uses an electronic pad to enter her party preference, review data already on file or keyed in by the employee, and verify that she is a Delaware resident and U.S. citizen. The visitor then signs her name on the pad, creating a digitized signature. If she is unregistered and does not wish to register, she signs the pad to affirm her declination.<sup>16</sup>

When a registered voter is updating her address, the employee asks if he can send the update to elections officials. She need only assent for the transfer to be made.<sup>17</sup>

#### *2. For Motor Vehicle and Election Officials*

DMV employees conduct interviews by following a computer program with a set script. As each interview proceeds, the DMV computer system automatically searches the state voter registration database to determine whether the individual is registered to vote. At a certain point it then prompts the employee to ask, would you like to register to vote, or, would you like to update your registration—the question varies depending on whether the system has discovered a registration.<sup>18</sup> The DMV system also automatically attempts to verify each individual's Social Security number (or the last four digits); her immigration status; and her address.<sup>19</sup>

If the visitor indicates that she would like to register, the DMV employee presses a key to activate the electronic pad he uses to accept credit and debit card payments, and which has been modified to process registration data as well. An image of the pad's display will appear on his monitor so that he can see what the user sees in order to answer any questions.<sup>20</sup> Once the individual has signed her

name, the employee clicks ‘submit’ to immediately transmit the application through the state’s mainframe network to the appropriate county election office.<sup>21</sup>

The county officials who then receive the application search for duplicates and provide precinct assignments, verifying each person’s addresses against local records in the process.<sup>22</sup> After they accept an application, the statewide voter registration system automatically checks it against a list of convicted felons.<sup>23</sup>

## **Online Registration**

### *1. For Users*

Whereas online registration in other states is currently available only to residents with a driver’s license or state ID card, any eligible resident with a Social Security number can use Delaware’s system. To do so a person visits the homepage for the Commissioner of Elections or her county elections office, where she will see a link marked “Online Voter Registration.” This takes her to a screen that lists the legal requirements for voter registration and explains how the online process works.<sup>24</sup>

By clicking a button labeled “I agree,” the user proceeds to a single page in which she enters her name, date of birth, party preference, residential address, and e-mail address, as well as her driver’s license, identification card, or Social Security number. She affirms her citizenship once more by clicking a box and must respond to a CAPTCHA test, a distorted image of a series of letter or numbers that a user must decipher and copy, and which is employed to distinguish human users from automated programs. Optional fields allow her to provide a telephone number, separate mailing address, and other information.<sup>25</sup>

After clicking a button to submit this data, the user is prompted to print, sign, and mail a pre-populated form. She also receives a confirmation number for her transaction.<sup>26</sup>

### *2. For Election Officials*

If a submission contains no blank fields, the online system accepts and immediately forwards it to the appropriate county in the same way as a DMV registration.<sup>27</sup> County officials then process it just as they would a DMV registration, with two exceptions.

Because the online system does not attempt to verify an individual’s DMV or Social Security number, county officials must run matching checks as they do with paper registrations. And because an online submission does not include a signature, the application remains incomplete until officials receive a signed registration form in the mail.<sup>28</sup> However, as noted above, a person may still vote a regular ballot on Election Day even if officials have not yet received her signature, provided she shows valid I.D. and supplies a signature at the polls.<sup>29</sup>

## ENDNOTES

<sup>1</sup> Interview with Elaine Manlove, Del. State Election Comm’r; Howard Sholl, Deputy Admin. Dir., Dep’t of Elections, New Castle County; and Christopher Ramos, Programmer, Office of the State Election Comm’r, in Wilmington, Del. (Dec. 14, 2009) [hereinafter Elaine Manlove et al.].

<sup>2</sup> The legislature adopted enabling legislation in 2003. 2003 Del. Laws Ch. 168 (S.B. 153) (amending DEL. CODE ANN. tit. 15, § 1302 to provide, inter alia, that an applicant’s signature “may be a digitized signature obtained by a state agency.”).

<sup>3</sup> Elaine Manlove et al., *supra* note 1; Telephone Interview by Wendy Weiser with Elaine Manlove, Del. State Election Comm’r (July 23, 2009). This total includes approximately \$184,000 spent on hardware and off-the-shelf software. E-mail from Elaine Manlove to Laura Seago, Research Assoc., Brennan Ctr. for Justice (Dec. 3, 2009). Ms. Manlove suggests that perhaps a year was spent on development, but does not recall specific dates. *Id.*

<sup>4</sup> Telephone Interview with Elaine Manlove, Del. State Election Comm’r (Jan. 22, 2010) [hereinafter Elaine Manlove].

<sup>5</sup> Elaine Manlove et al., *supra* note 1.

<sup>6</sup> See the Election Assistance Commission’s NVRA Reports, available at <http://www.eac.gov/program-areas/research-resources-and-reports/completed-research-and-reports/national-voter-registration-act-studies>; the page includes a link to older NVRA Reports compiled by the Federal Election Commission.

<sup>7</sup> New Castle County, home to a large majority of Delaware residents, recorded 3,741 total party changes in 2009, compared to 1,398 in 2007 and 762 in 2005. NEW CASTLE COUNTY DEP’T OF ELECTIONS, 2009 VOTER REGISTRATION REPORT 6 (March 2010), *available at* [http://electionsncc.delaware.gov/vr/reports/vr\\_rpt09.pdf](http://electionsncc.delaware.gov/vr/reports/vr_rpt09.pdf). Officials attribute this increase to the fact that DMV clients are more comfortable marking party preference electronically than stating it aloud. *Id.*; Elaine Manlove et al., *supra* note 1.

<sup>8</sup> County residents submitted 9,516 online registrations in 2008, compared to 1,208 in 2006, 1,002 in 2007, and 512 in 2009. See New Castle County’s voter registration reports for these years, available at [http://electionsncc.delaware.gov/vr/reports/vr\\_rpt.shtml](http://electionsncc.delaware.gov/vr/reports/vr_rpt.shtml). In 2008 approximately 60.7% of Delaware residents lived in New Castle County. U.S. CENSUS BUREAU, STATE & COUNTY QUICKFACTS: NEW CASTLE COUNTY, DELAWARE, <http://quickfacts.census.gov/qfd/states/10/10003.html>.

<sup>9</sup> Elaine Manlove, *supra* note 4; *see also* ELAINE MANLOVE, E-SIGNATURE: THE BEST INNOVATION SINCE SLICED BREAD 1 (2009) (submission to the Election Center Professional Practices Program), *available at* [http://www.electioncenter.org/publications/2009 Papers/Delaware eSignature.pdf](http://www.electioncenter.org/publications/2009%20Papers/Delaware%20eSignature.pdf).

<sup>10</sup> Elaine Manlove et al., *supra* note 1.

<sup>11</sup> *Id.* Three vacancies were eliminated in county offices, two at the state level. Elaine Manlove, *supra* note 4.

<sup>12</sup> Elaine Manlove, *supra* note 4.

<sup>13</sup> Elaine Manlove et al., *supra* note 1.

<sup>14</sup> *Id.*

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

<sup>16</sup> *Id.*; see also DEL. CODE ANN. tit. 15, § 2050(a)(3) (2009). A signed declination is not required from registered voters who choose not to update their information. Elaine Manlove, *supra* note 4.

<sup>17</sup> Elaine Manlove, *supra* note 4.

<sup>18</sup> Elaine Manlove et al., *supra* note 1.

<sup>19</sup> The DMV system checks Social Security numbers and immigration status through AAMVAnet's HAVV and VLS applications, and checks her address with the USPS. *Id.*; see also Electronic Voter Registration System Factsheet (Feb. 2009), available at [http://www.dmv.de.gov/newsroom/voter\\_esignature.pdf](http://www.dmv.de.gov/newsroom/voter_esignature.pdf). A failure to establish a match through any of these checks will be noted in the record forwarded to county election officials, but will not prevent the individual's registration.

<sup>20</sup> Elaine Manlove et al, *supra* note 1.

<sup>21</sup> *Id.* DMV employees do not ask applicants to identify their county; the system apparently directs applications based on address, but we were not able to confirm this. To date there has not been any notable problem with applications going to the wrong county. Elaine Manlove, *supra* note 4.

<sup>22</sup> Elaine Manlove et al., *supra* note 1. To assist county officials in distinguishing applicants, the system will note the type of DMV transaction she was engaged in, in addition to displaying her registration history. *Id.*

<sup>23</sup> Elaine Manlove, *supra* note 4.

<sup>24</sup> Commissioner of Elections for the State of Delaware, Homepage, <http://elections.delaware.gov>.

<sup>25</sup> *Id.* Optional fields also allow users to provide information about any previous registration.

<sup>26</sup> Elaine Manlove, *supra* note 4.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.* The verification county officials undertake is the "HAVA check" they perform on any application not received from the DMV. If a person fails to send her signature, the county system will automatically generate 'reminder' e-mails, and officials may also attempt to reach the user by phone if she has provided a number.

<sup>29</sup> *Id.*