

VOTER REGISTRATION IN A DIGITAL AGE: KANSAS

BACKGROUND

For nearly as long as the Division of Motor Vehicles (DMV) has accepted voter registrations, state officials have considered using a paperless system for collecting and forwarding them to election officials.¹ For years they considered this project unfeasible; but in 2005, with a new statewide voter registration system under development, election officials decided to pursue it. As a first step they required the vendor building their statewide voter registration system to make it capable of receiving electronic records from the DMV and, potentially, other sources.²

The state began work on automated DMV registration in 2007, and introduced it to the public in August 2008.³ During this time officials decided to develop online voter registration as well. After six to eight months of development they quietly launched the program in May 2009 and officially announced it that July.⁴ State IT staff developed both the online and automated DMV registration. As no separate appropriations were made for these projects, their cost is not known.⁵

In May 2009, the DMV also automated its process for transmitting updates from its online change-of-address program to the statewide voter registration system.⁶ The DMV introduced this program in the mid-1990s and has offered to forward updates to election officials since that time, but until last year it sent them to county offices by e-mail.⁷

OUTCOMES

Voter Registration

Kansas recently saw a large jump in DMV registrations. The state reported approximately 110,000 of these transactions in 2007-08, compared to over 107,000 in 2009 alone.⁸ Use of the online portal has been limited thus far, likely due in part to the fact that there have been no regular elections since its introduction.⁹

Efficiency

Kansas's paperless systems have improved the registration process in a variety of ways. One local official estimates that counties can process electronic applications twice as quickly as paper forms.¹⁰ And because officials can review the full history of electronic transactions, they now have a valuable new tool for overseeing the voter registration system as a whole. According to State Election Director Brad Bryant, these histories have already proven useful in verifying provisional ballots.¹¹

Automation at the DMV has reduced the number of registrations forwarded to the wrong county, while fewer unregistered people are erroneously supplying a change of address rather than making a new registration.¹² And while transaction times at DMV offices have slightly increased, Mr. Bryant reports that employees there are pleased with the more streamlined process. He also notes that electronic transmission eliminates legibility and data entry problems at county offices.¹³

Track record & future plans

According to Mr. Bryant, the online and automated DMV registration systems have not been difficult to develop or maintain. It is still possible for DMV employees to make a mistake in flagging applications for voter registration, or to forget entirely, but the problem is minor and officials hope to eliminate it through further training and program enhancements.¹⁴

In the next few years state officials intend to add a field to the online portal requiring each user to provide the last four digits of her Social Security number, in addition to her name, birth date, and driver's license or identification card number. They also plan to eventually begin verifying this information against the DMV database in real time, as most online systems currently do elsewhere.¹⁵

Officials are also contemplating more modest adjustments, such as pre-populating the application page for new registrations that users reach through the DMV's online change-of-address program.¹⁶ And they hope to further reduce and eventually eliminate the number of DMV registrations that offices forward to the wrong county.¹⁷

HOW PAPERLESS REGISTRATION WORKS IN KANSAS

Motor Vehicle Registration

1. For Visitors

As in Delaware and Florida, a visitor does business with the DMV by going through an interview. Before this begins a DMV employee asks the visitor if she would like to register to vote.¹⁸ If she declines, or if she is already registered and does not wish to make an update, the DMV interview begins immediately.¹⁹ DMV employees asked visitors about voter registration before 2008 as well, but if she answered affirmatively they would hand her a paper registration form to fill out and return.²⁰

Today, if a person says she would like to register, the employee asks whether she is a voting-age U.S. citizen and requests a statement of party preference and a telephone number.²¹ The interview then proceeds. At the end, the employee gives the visitor a printed declaration of registration eligibility to review.²² Once she affirms her eligibility and gives her signature, the transaction is complete and the employee will provide a printed registration receipt.²³

If a visitor who states that she is already registered wishes to update her address with the DMV, the interviewer simply asks if he can apply the update to her voter registration as well. The individual need only assent for the change to be made; she may also change her party affiliation at this time.²⁴

2. For Motor Vehicle and Election Officials

If a visitor indicates a desire to register, answers the questions described above, and affirms her eligibility to register, the interviewer presses a key to flag her application for voter registration. Every night the DMV system automatically collects signatures and registration data from these flagged records and posts them to a secure FTP site.²⁵

The statewide voter registration system automatically collects these applications the next morning, sorts them, and provides them to the appropriate counties the following morning by sending messages asking officials to retrieve their new records. The voter registration system sorts applications based on zip code. Because zip codes and county lines do not always coincide, a small number of applications regularly go to the wrong county, where officials will then electronically redirect them to the proper county office.²⁶

Counties process electronic transactions in the same way they do paper forms: checking their completeness and address validity, providing precinct assignments, and examining any potential duplicates. They also submit them to the DMV for identity verification, unless the customer has provided the last four digits of her Social Security number to the DMV. In that case, the DMV system has already attempted to verify these numbers with the Social Security Administration during her interview, and election officials do not need to repeat this step.²⁷ After a county accepts an application, the statewide voter registration system checks it against lists of convicted felons and persons recently deceased.²⁸

Online Registration

1. For Users

Only Kansas residents who have a valid driver's license or non-driver's identification card can register through the state's online registration system. Users first navigate to an introductory page on the Kansas Department of Revenue's website that outlines the online process, and click a button to begin.²⁹ After affirming her eligibility to register, a user must provide her name, date of birth, and driver's license or state identification card number in order to proceed.³⁰ As a hedge against keying errors, the page requires her to enter her card number twice, and will ask her to re-enter the two numbers if they fail to match.³¹

On the next page the user must enter her address and party affiliation in order to proceed, and may also choose to enter a separate mailing address and other information.³² After checking a box next to an affirmation of eligibility and typing her name in a 'signature' box, she then reviews her data, submits it, and receives an electronic receipt.³³

A person may also submit a registration or address update through the DMV's online change of address service.³⁴ After accessing the site, she enters her information into a single page which has three boxes at the bottom. The first is marked, "I'm already registered to vote. Update my voting address." The second reads, "I do not want to register to vote or to update my voting address."³⁵

The third option states, "I'm not registered to vote, or I'm unsure and wish to register now."³⁶ If the user checks the third box, she proceeds to a single page in which she enters her address and party preference, affirms her eligibility, and then submits her application.³⁷

2. For Election Officials

After it receives a submission, whether from the registration portal or from the DMV's change-of-address web application, the online registration system attempts to match its driver's license or non-driver's identification card number with a record in the DMV's database. If it succeeds, it retrieves the record's digitized signature.³⁸ The online system then posts the registration to the same FTP site where DMV registrations are held, to be retrieved, forwarded, and processed in the same way.³⁹

The online system will connect submissions with the DMV record that matches its driver's license or non-driver's identification card number even if other information has changed (such as name). If the two records differ significantly, however, the system will indicate that county officials should review the match.⁴⁰

If the online system cannot establish a match, a DMV employee will attempt to resolve the difficulty, and may contact the applicant by phone or e-mail. The Secretary of State's office can also forward the incomplete application to county officials, and they too may attempt to contact the applicant in order to obtain a signature and complete the registration. If officials fail to receive a signature before Election Day the applicant may vote a provisional ballot, which state officials recommend that county canvassers accept.⁴¹

ENDNOTES

¹ KAN. SEC'Y OF STATE, PROJECT SUMMARY – ELECTRONIC MOTOR-VOTER, ONLINE VOTER REGISTRATION, ONLINE CHANGE OF ADDRESS 1 (2009) (on file with the Brennan Center) [hereinafter KAN. SUMMARY]. Kansas adopted a state “motor voter” law in the early 1990s, and fully implemented the National Voter Registration Act (NVRA) in 1996. *Id.*

² *Id.*

³ *Id.* at 2.

⁴ E-mail from Brad Bryant, State Election Dir., Kan. Sec’y of State (Jan. 25, 2010) [hereinafter Brad Bryant Jan. 25]. Online registration was seen “as an enhancement to the e-motor voter program.” KAN. SUMMARY, *supra* note 1, at 2.

⁵ E-mail from Brad Bryant, State Election Dir., Kan. Sec’y of State, to Nhu-Y Ngo, Research Assoc., Brennan Ctr. for Justice (Oct. 20, 2009).

⁶ Telephone Interview with Brad Bryant, State Election Dir., Kan. Sec’y of State (Jan. 26, 2010).

⁷ KAN. SUMMARY, *supra* note 1, at 1.

⁸ U.S. ELECTION ASSISTANCE COMM., THE IMPACT OF THE NATIONAL VOTER REGISTRATION ACT OF 1993 ON THE ADMINISTRATION OF ELECTIONS FOR FEDERAL OFFICE 2007-2008, at 39, *available at* <http://www.eac.gov/program-areas/research-resources-and-reports/completed-research-and-reports/the-impact-of-the-national-voter-registration-act-on-federal-elections-2007-2008>; KAN. SEC'Y OF STATE, KANSAS VOTER REGISTRATION STATISTICS, 2007 & 2009 (on file with the Brennan Center) [hereinafter KAN. VOTER REGISTRATION STATISTICS]; E-mail from Brad Bryant, State Election Dir., Kan. Sec’y of State (Mar. 25, 2010) [hereinafter Brad Bryant Mar. 25]. Note that more accurate reporting may play a role in the post-automation increase, as electronic records eliminate the potential for manual reporting errors.

⁹ Telephone Interview with Brad Bryant, State Election Dir., Kan. Sec’y of State (Nov. 23, 2009) [hereinafter Brad Bryant Nov. 23]. By the end of 2009 the online portal had received 1127 submissions. KAN. VOTER REGISTRATION STATISTICS, *supra* note 8; Brad Bryant Mar. 25, *supra* note 8. Election officials also received 13,492 updates from the DMV’s change of address website from May through December 2009. *Id.*

¹⁰ Brad Bryant Nov. 23, *supra* note 9 (reporting the assessment of an election official in Sedgwick County).

¹¹ *Id.*

¹² E-mail from Brad Bryant to Nhu-Y Ngo, *supra* note 5; KAN. SUMMARY, *supra* note 1, at 5.

¹³ Brad Bryant Nov. 23, *supra* note 9.

¹⁴ E-mail from Brad Bryant to Nhu-Y Ngo, *supra* note 5.

¹⁵ Brad Bryant Nov. 23, *supra* note 9.

¹⁶ Telephone Interview with Brad Bryant, State Election Dir., Kan. Sec’y of State (Jan. 28, 2010) [hereinafter Bryant Bryant Jan. 28].

¹⁷ E-mail from Brad Bryant to Nhu-Y Ngo, *supra* note 5.

¹⁸ E-mail from Brad Bryant, State Election Dir., Kan. Sec’y of State (Dec. 11, 2009).

¹⁹ Unlike in Delaware, DMV employees in Kansas rely on the individual to indicate whether she is already registered. In case of doubt they will suggest she err on the side of filing a new registration. Telephone Interview with Brad Bryant, State Election Dir., Kan. Sec’y of State (Jan. 26, 2010).

²⁰ KAN. SUMMARY, *supra* note 1, at 1. The Secretary of State no longer supplies DMV offices with paper registration forms. E-mail from Brad Bryant, State Election Dir., Kan. Sec’y of State (Feb. 10, 2010).

²¹ KAN. SUMMARY, *supra* note 1, at 2.

²² The attestation reads: “Notice to Voter Registration Applicant – If you are registering to vote, your signature means you agree to the following statement: I swear under penalty of perjury that I am a United States citizen and Kansas resident, I will be 18 years old before the next election, and if convicted of a felony, my rights have been restored. I have abandoned my former residence and/or other name.” E-mail from Brad Bryant, State Election Dir., Kan. Sec’y of State (Dec. 11, 2009). A person who does not meet the age requirement may still complete the registration process, however, and her application will be placed on suspense until she reaches 18. Brad Bryant Jan. 28, *supra* note 16.

²³ KAN. SUMMARY, *supra* note 1, at 2.

²⁴ E-mail from Brad Bryant, State Election Dir., Kan. Sec’y of State (Nov. 16, 2009); Brad Bryant Jan. 28, *supra* note 16; E-mail from Brad Bryant, *supra* note 20.

²⁵ KAN. SUMMARY, *supra* note 1, at 2-3.

²⁶ *Id.*; Brad Bryant Jan. 25, *supra* note 4.

²⁷ KAN. SUMMARY, *supra* note 1, at 5. E-mail from Brad Bryant, State Election Dir., Kan. Sec’y of State (Jan. 28, 2010).

²⁸ Brad Bryant Jan. 25, *supra* note 4; KAN. SUMMARY, *supra* note 1, at 5.

²⁹ Kan. Dep’t of Revenue (in conjunction with the Kan. Sec’y of State), Online Voter Registration Application, <https://www.kdor.org/voterregistration/Default.aspx> [hereinafter Kansas Online Portal]. The Department of Revenue oversees the Division of Motor Vehicles.

³⁰ In addition to affirming her age, U.S. citizenship, and Kansas residence, the individual must check one of three boxes to indicate whether or not she is a convicted felon, and if so whether her rights have been restored. KAN. SUMMARY, *supra* note 1, at 3.

³¹ *See* Kansas Online Portal, *supra* note 29.

³² Other optional fields allow a user to indicate her phone number and previous registration address. Brad Bryant Jan. 25, *supra* note 4.

³³ KAN. SUMMARY, *supra* note 1, at 3-4.

³⁴ *Id.* at 4-5.

³⁵ Kan. Dep’t of Revenue, Driver License Address Change, <https://www.kdor.org/dl/default.aspx>.

³⁶ *Id.*

³⁷ KAN. SUMMARY, *supra* note 1, at 4; Brad Bryant Jan. 28, *supra* note 27.

³⁸ Brad Bryant Nov. 23, *supra* note 9; E-mail from Brad Bryant, State Election Dir., Kan. Sec’y of State (Mar. 29, 2010). Brad Bryant Mar. 25, *supra* note 8.

³⁹ KAN. SUMMARY, *supra* note 1, at 5.

⁴⁰ E-mail from Brad Bryant, *supra* note 38.

⁴¹ Brad Bryant Mar. 25, *supra* note 8; E-mail from Brad Bryant, State Election Dir., Kan. Sec’y of State (Apr. 14, 2010).