

**Testimony of Jennifer L. Clark
Counsel, Democracy Program
Brennan Center for Justice at New York University School of Law
before the
Joint Committee on Government Administration and Elections
Connecticut General Assembly
March 7, 2016**

Thank you for holding this hearing and allowing me to testify in support of Raised Bill No. 5514, an Act Concerning the Department of Motor Vehicles and Automatic Voter Registration, which will modernize voter registration in Connecticut through automatic voter registration.

The Brennan Center for Justice at NYU School of Lawⁱ is a nonpartisan 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 reliable. With respect to voter registration, in particular, we have published numerous studies and reports,ⁱⁱ and have successfully campaigned for reforms to modernize registration in states across the country.

We have worked to advance automatic registration since 2007,ⁱⁱⁱ through both legislative advocacy and public education efforts. We have recently published two reports on automatic voter registration, which I will have available at the hearing. *The Case for Automatic, Permanent Voter Registration* urges adoption of the four components of a permanent registration system, with automatic registration as its central plank.^{iv} *Automatic and Permanent Voter Registration: How It Works* provides in-depth answers explaining how states can use existing technology to implement automatic registration.^v

Automatic registration has two key components. The first is the transfer of voter registration information electronically, instead of through paper forms. The second is switching from an opt-in system to an opt-out system. This is a subtle, impactful change, and has led to increased program-participation rates across numerous fields.^{vi} In an automatic registration system, everyone is offered an opportunity to decline; no one is registered against her will.

I. Benefits of Automatic Voter Registration

The Joint Committee should pass Raised Bill No. 5514 because automatic registration will increase registration rates, improve the accuracy of the voter rolls, and save money.

A. Increase registration rates

Automatic registration will boost registration rates because paperless transfer is easier and more reliable for voters and agency officials. States that have adopted electronic transfer of voter registration information enjoy higher registration rates as a result:

- After Maryland began electronically transferring registration information from the DMV to election officials in 2012, the registration rate was approximately 7 times what it was in the previous two-year period.^{vii}

- In Pennsylvania, the elimination of paper registration at the DMV led to a quadrupling of voter registration rates.^{viii}
- Of 16 states that implemented electronic registration at the DMV in 2014 or earlier, 14 saw an increase in DMV-based registration after going paperless.^{ix}

These registration jumps occurred because registration was seamlessly integrated into the underlying transaction, making it near impossible to ignore federally-mandated obligations to provide registration services, and eliminating additional steps to transfer the information.

Connecticut currently ranks as one of the worst-performing states in registering voters at the DMV: In 2014, only 4.8% of voter registrations came from the DMV.^x By contrast, Delaware gets nearly 70% of its new voter registrations from the DMV, and Pennsylvania gets nearly 80%.^{xi} Both of these states electronically transfer voter registration information.

B. Improve accuracy of the voter rolls

Automatic registration will improve the accuracy of the voter rolls: Paper forms require reading often illegible handwriting and performing tedious data entry, both of which introduce errors to the rolls. Automatic registration would eliminate that problem by transferring voter information electronically. Election officials have consistently reported to us that electronically transferred information leads to cleaner and more accurate rolls than a paper-based system.^{xii}

C. Cut costs

Automatic registration will save money. All the printing, deciphering, mailing, and data entry of paper forms cost time and money—costs that would be virtually eliminated for registrations coming from the DMV with automatic registration. States that move their voter registration systems from paper to electronic report dramatic cost savings:

- Of 29 states that reduced or eliminated paper-based registration, *all* of them reported cost savings as a result.^{xiii}
- Officials in four Washington counties reported saving \$.50 to \$2.00 per registration when the information was electronically transferred.^{xiv}
- Delaware has saved \$200,000 annually from electronic transfer at the DMV.^{xv}

II. Important Components of an Automatic Registration System

Any automatic registration system should include several provisions for maximum impact and security. Raised Bill No. 5514 already includes some of these components, but should be amended in other respects to encompass the best possible automatic voter registration policy.

A. Protections against inadvertent registration

There are multiple ways to keep ineligible voters off the rolls in a state with automatic registration, and automatic registration systems will be better than paper-based systems at ensuring that only eligible citizens are signed up.^{xvi} Confirming that only the records of individuals who present a document evidencing citizenship during the agency transaction is one such way, and the bill currently does just that.

Clear attestation language during the agency transaction is another way to ensure that ineligible voters do not end up on the rolls. The bill currently includes specific language to use for the attestation, but best practices require that any proposed language be tested for understandability and usability by the people who will need to understand what the words mean. Accordingly, we recommend amending that portion of the bill to allow for specific language to be chosen at the implementation stage, subject to usability testing.

In addition to the protections above, automatic registration legislation should also include effective safe-harbor provisions to protect people who may be registered by accident against negative legal consequences, as this bill does.

B. Clear notice and opt out

During the agency transaction, the customer should be notified in clear and user-friendly language that she will be automatically registered to vote unless she opts out. Opt-out language should be crafted based on user-friendly testing. Specific language should be chosen at the implementation stage.

C. Public education

Relatedly, good automatic voter registration practices require that the state undertake a public education campaign to inform its residents about automatic voter registration, how it works, what it means for them, and why ineligible persons should decline registration. The bill should be amended to include such a public education program.

D. Protections for confidentiality

Automatic registration must provide a mechanism for shielding from public disclosure information that belongs to people in certain protected groups, such as domestic violence survivors. If Connecticut state law does not already provide adequate protection, the bill should be amended to independently do so.

* * *

Automatically registering eligible voters at the DMV through a paperless registration system would grow the electorate, clean up the voter rolls, and save time and money. It would also help Connecticut ensure compliance with federal law on voter registration requirements. I urge the Joint Committee to vote in favor of this bill and to work to bring automatic registration to Connecticut. The Brennan Center is more than happy to assist in this endeavor.

ⁱ 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.

ⁱⁱ MYRNA PEREZ, BRENNAN CTR. FOR JUSTICE, ELECTION INTEGRITY: A PRO-VOTER AGENDA (2016) *available at* https://www.brennancenter.org/sites/default/files/publications/Election_Integrity.pdf; HOLLY MALUK, MYRNA PEREZ, & LUCY ZHOU, VOTER REGISTRATION IN A DIGITAL AGE: 2015 UPDATE (2015), *available at* https://www.brennancenter.org/sites/default/files/publications/Voter_Registration_Digital_Age_2015.pdf; BRENNAN CTR. FOR JUSTICE, THE CASE FOR VOTER REGISTRATION MODERNIZATION (2013), *available at* <http://www.brennancenter.org/sites/default/files/publications/Case%20Voter%20Registration%20Modernization.pdf>; CHRISTOPHER PONOROFF, BRENNAN CTR. FOR JUSTICE, VOTER REGISTRATION IN A DIGITAL AGE 14 (Wendy Weiser ed., 2010), *available at* https://www.brennancenter.org/sites/default/files/legacy/Democracy/Paperless_Registration_FINAL.pdf.

-
- ⁱⁱⁱ See, e.g., BRENNAN CTR. FOR JUSTICE, *THE CASE FOR AUTOMATIC, PERMANENT VOTER REGISTRATION* (2015), available at https://www.brennancenter.org/sites/default/files/publications/Case_for_Automatic_Permanent_Voter_Registration.pdf; BRENNAN CTR. FOR JUSTICE, *AUTOMATIC AND PERMANENT VOTER REGISTRATION: HOW IT WORKS* (2015), available at http://www.brennancenter.org/sites/default/files/publications/Automatic_Permanent_Voter_Registration_How_It_Works.pdf; LAURA SEAGO, BRENNAN CTR. FOR JUSTICE, *GOVERNMENT LISTS: HOW READY ARE THEY FOR AUTOMATIC REGISTRATION?* (2009), available at <https://www.brennancenter.org/sites/default/files/publications/Government%20Lists.pdf>; RENEE PARADIS, BRENNAN CTR. FOR JUSTICE, *PARTY AFFILIATION IN A SYSTEM OF AUTOMATIC REGISTRATION* (2009), available at <https://www.brennancenter.org/sites/default/files/publications/VRM%20Party%20Affiliation.pdf>; LAURA SEAGO, *AUTOMATIC REGISTRATION IN THE UNITED STATES: THE SELECTIVE SERVICE EXAMPLE* (2009), available at <https://www.brennancenter.org/sites/default/files/legacy/publications/selective%20service.color.FINAL.pdf>.
- ^{iv} BRENNAN CTR. FOR JUSTICE, *THE CASE FOR AUTOMATIC, PERMANENT VOTER REGISTRATION*, *supra* note iii.
- ^v BRENNAN CTR. FOR JUSTICE, *AUTOMATIC AND PERMANENT VOTER REGISTRATION: HOW IT WORKS* (2015), , *supra* note iii.
- ^{vi} See, e.g., Alberto Abadie & Sebastian Gay, *The impact of presumed consent legislation on cadaveric organ donation: a cross-country study*, 25 J. HEALTH ECON. 599–620 (2006) (25-30% higher participation in organ-donation programs), available at <http://www.sciencedirect.com/science/article/pii/S016762960600004X>; J. Choi et al., *Defined Contribution Pensions: Plan Rules, Participant Decisions, and the Path of Least Resistance*, 16 TAX POLICY AND THE ECONOMY 67-114 (2002) (401(k) participation over 30 percentage points higher with automatic enrollment), available at <http://www.nber.org/papers/w8655.pdf>.
- ^{vii} MALUK ET AL., *supra* note ii, at 11.
- ^{viii} MALUK ET AL., *supra* note ii, at 12.
- ^{ix} MALUK ET AL., *supra* note ii, at 9.
- ^x U.S. ELECTION ASSISTANCE COMMISSION, *THE 2014 EAC ELECTION ADMINISTRATION AND VOTING SURVEY COMPREHENSIVE REPORT 80* (2014), available at http://www.eac.gov/assets/1/Page/2014_EAC_EAVS_Comprehensive_Report_508_Compliant.pdf.
- ^{xi} *Id.*
- ^{xii} PONOROFF, *supra* note ii, at 13, MALUK ET AL., *supra* note ii, at 8.
- ^{xiii} MALUK ET AL., *supra* note ii, at 6.
- ^{xiv} PONOROFF, *supra* note ii, at 12.
- ^{xv} PONOROFF, *supra* note ii, at 12.
- ^{xvi} See BRENNAN CTR. FOR JUSTICE, *AUTOMATIC AND PERMANENT VOTER REGISTRATION: HOW IT WORKS* (2015), , *supra* note iii, at 6-7.