



Measuring Motor Voter

Overview

Congress passed the National Voter Registration Act in 1993 “to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office.”¹ This legislation is commonly referred to as the “Motor Voter” law in reference to Section 5 of the act, which includes a requirement that most states’ driver’s license agencies allow eligible citizens to register to vote when conducting a driver’s license or state identification card transaction via a single, multipurpose form.²

When done well, registration at motor vehicle agencies can reduce costs to states by minimizing labor-intensive paper registration and better serving a highly mobile electorate. When citizens experience a life event that could affect their voter registration—a move or a name change, for instance—they naturally think to update their driver’s licenses or state IDs but rarely update their voter registrations, or even realize they need to do so.³

During the past two decades, however, the Motor Voter process has gone without a significant performance review. The availability of voter registration at public assistance agencies, which is also required by the law, has been the subject of investigations and lawsuits, but research examining the voter registration process at motor vehicle agencies has been scarce.

To assess how well state motor vehicle agencies do in registering voters, two main data points are needed:

- The number of all licensing/identification transactions occurring at motor vehicle offices.
- The total number of voter registration applications that originate in motor vehicle offices.

Where available, this information could reveal the proportion of licensing transactions that also include voter registration transactions in every state.

A team of researchers commissioned by The Pew Charitable Trusts attempted to collect and examine these numbers. But deep and varied problems with the data (including how and if it is collected), as well as inconsistent definitions and categories of registration transactions across states, rendered a nationwide comparative analysis impossible. This report analyzes these data, where available, and examines the serious challenges to collecting them. Results show that almost none of the states covered by the law can document the degree to which their motor vehicle agencies are offering citizens the opportunity to register to vote or update their registrations.

This study also provides recommendations for reviewing and evaluating how motor vehicle agencies provide voter registration services, particularly improving coordination with state election agencies and increasing the emphasis on collection and reporting of transaction data. Immediate attention to these issues is required to standardize and increase data collection efforts within and among the states, so that implementation of the Motor Voter provisions can be assessed and, where needed, upgraded and improved.

Challenges to registering voters efficiently and effectively at motor vehicle agencies

Since the National Voter Registration Act, or NVRA, was passed, the real-world application of the Motor Voter provisions has encountered barriers that have limited the law's effectiveness. These include technical issues, such as incompatible data formats that can complicate electronic information transfers and increase delays, as well as structural problems such as a lack of cooperation or prioritization from motor vehicle agencies and difficulties with public outreach. This section looks briefly at the major challenges to full implementation.

Motor vehicle agency participation

In most states, motor vehicles and elections are administered by separate agencies with very different missions and little obvious incentive to cooperate.⁴ Motor vehicle agencies are in the business of providing driver's licenses and identification cards, among other services, and before the NVRA passed, they had no relationship to election administration in most states. And with limited enforcement of the law, many motor vehicle agencies have seen little reason to allocate scarce time and money to meet this responsibility.

Data systems compatibility

For a motor vehicle agency to successfully register voters, there must be an efficient, non-duplicative way to collect the necessary information from the citizen and then to transfer the registrations to the voter registrar. If the motor vehicle agency is collecting voter registration applications electronically, those data need to be compatible with the state's voter registration system. In states where this is not the case, registrations must be transmitted in one format and then entered manually into the voter registration database. In some states, the motor vehicle agency uses paper applications and mails them to the voter registrar or instructs applicants to do so.⁵

Public understanding of voter registration

A large percentage of the public does not understand the options available for voter registration. Recent national polling data show that nearly 1 in 3 respondents was unaware that he or she could register to vote at a motor vehicle agency. Further, about a quarter of those polled mistakenly said that when they move, election officials or the U.S. Postal Service automatically update their registration.⁶

These sorts of misunderstandings pose an additional challenge to successful implementation of Motor Voter because voters are less likely to take the initiative and request registration services when a motor vehicle agency fails to offer them. This removes the most basic level of oversight from the process of policy implementation—the informed users who can share their experience with policymakers—and reduces the likelihood that poor performance will be brought to light.

Methodology

Researchers from the Buechner Institute for Governance at the University of Colorado, Denver, School of Public Affairs, attempted to collect data for 2007 to 2010 directly from state voter registration and driver's license agencies. The two primary reports used to gather the data were the Election Administration and Voting Survey completed biennially for the U.S. Election Assistance Commission; and an annual report that states provide to the Federal Highway Administration—FHWA Form 562—on driver's licenses and state identification cards.

Due to extensive missing or inaccurate information on the federal reports, the research team solicited data directly from every election and state motor vehicle agency by email and phone. Existing public reports were used only when state officials verified that they contained the best available data.

Initial contact with state agencies was attempted between January and July 2012. Researchers continued to follow up with unresponsive states and used open records requests for voter registration data in seven states. Of those, all but Massachusetts responded to the formal requests, but the data quality and completeness varied. Twenty-four motor vehicle agencies failed to provide data; for those states, the research team relied on data from the Federal Highway Administration forms. The agency's staff initially refused to make the forms available but provided the information once notified of the researchers' intent to file a federal Freedom of Information Act request.



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Problems in evaluating the effectiveness of state motor vehicle agencies in registering voters

Determining how efficiently and effectively motor vehicle agencies are providing voter registration services requires consistent, standardized data collection across and within states. Structural challenges, however, often prevent election offices from accurately tallying the number of voter registration applications originating in motor vehicle offices.

Even in states that make concerted efforts to collect voter registration and licensing transaction information, data sets are often inconsistent, inaccurate, or incomplete. With so many unreliable variables, it is difficult to compare information and assess the quality of Motor Voter systems across states.

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Lack of transparency

Of the 44 states, plus the District of Columbia, covered by the NVRA, only 37 provided enough data for a basic analysis.⁷ Many of these agencies were initially unresponsive. Some states acknowledged that they did not want to share information because they could not be confident of its accuracy. In addition, many motor vehicle agencies do not track Motor Voter registrations alongside license records, leaving election administrators as the sole source for these data and raising serious questions about their provenance.

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To attempt to overcome these issues, researchers used publicly available data: the Election Administration and Voting Survey, or EAVS, for voters registered through motor vehicle agencies, and the Federal Highway Administration’s Form 562 to compare registrations to total licensing transactions. Of the 37 states that provided usable data, 16 relied exclusively on EAVS data, and almost all used the Form 562.⁸ More than half of the Federal Highway Administration’s forms had to be acquired at the federal level because states would not provide them.⁹

Poor data collection and reporting

Analysis also proved difficult due to partial, inaccurate, or vague data. In some cases, states were missing entire years of information or lacked information in critical fields, such as the number of state ID transactions—interactions with the motor vehicle agencies that should also result in a voter registration opportunity.¹⁰ Analysis in some of these states could be done for only one or two years within the four-year study period; in others, the entire data set was rendered useless.

For instance, California relies on county election offices to collect voter registration data, including Motor Voter transactions. According to the secretary of state’s office, many county databases do not record motor vehicle

transactions when voters change their address within the county.¹¹ Most county election administrators are working with computer systems that display only whether an individual's registration was created or updated in a given period but not the number of times it was updated during that time frame. A prospective voter might interact with the motor vehicle agency multiple times, each corresponding to a subsequent address change and, in theory, an opportunity to register or update a registration. The data in California, however, would not show the multiple interactions, as long as the voter remained in the same county, making it impossible to determine whether citizens are offered an opportunity to register or update a registration every time they interact with the Department of Motor Vehicles. As a result, the count of Motor Voter transactions that California reported in the EAVS represents an undercount.

Analysis of the data contained in the EAVS' and Federal Highway Administration's forms also revealed notable discrepancies. Voter registration numbers reported by the source of the application did not always add up to the total number of voters registered.¹² In other cases, the number of transactions reported by state election officials differed substantially from registration numbers reported by motor vehicle agencies.¹³ Sometimes motor vehicle agencies independently reported license and ID transaction figures that did not match what they had reported on their Federal Highway Administration forms.¹⁴ In a number of cases, states acknowledged that data in both of the forms were probably incorrect.¹⁵

Lack of basic standardization

A pervasive lack of standardization in terminology and data formatting also hindered evaluation.

Generally, Motor Voter registration can generate three types of transactions: new registrations, updates to existing voter records (change of address, name, etc.), and confirmations, in which voters simply verify that their information is current and correct without making any changes.¹⁶

Many states did not include enough detail in their description of voter registration activity for researchers to determine whether they were counting all registration-related interactions or only new registrants.¹⁷ The number of transactions was often summarized in one category labeled "registration applications received through licensing agencies," making it impossible to know whether updates, duplicate applications for voters who are already registered, or invalid applications were included. Many election administrators tracked their information biennially, making it impossible to organize data by year.



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In addition, the definitions of such terms as "transaction," "voter registration application," "duplicates," "corrections," and "updates" varied by state and institution. Some reports omitted duplicates or invalid registrations from the records, and others did not.¹⁸ Many state databases could not identify confirmations.

The sources of data on license and ID activity—motor vehicle agencies, departments of transportation, and Federal Highway Administration forms—used different categories and in varying combinations. For instance,

some states tracked “corrections” and “updates” as separate transactions, while others did not. This made it difficult to determine whether states calculated total number of motor vehicle agency registrations the same way.

Further, motor vehicle agencies and election administration systems often used incompatible technology and data formatting.¹⁹

Conflicting data sets

Comparison of voter registration and motor vehicle data sets is also limited by agencies’ calendars. Motor vehicle agencies and election administrators operate on fundamentally different timelines. Motor vehicle data regarding total license and ID transactions were reported either by calendar year or fiscal year. Most election offices, however, operate under electoral cycles—from the voter registration deadline of one election to the same deadline two years later. This results in substantial timeline discrepancies.

Eligible populations also differ between the motor vehicle agencies and elections administrators. Driver’s licenses are available to 16- and 17-year-olds, convicted felons, and, in some states, noncitizens, but these groups are usually not eligible to vote. These discrepancies make it even more challenging to compare data across agencies.

Reforming the Motor Voter system: State innovations

Although all states are struggling with at least some of these challenges, a few have taken steps to address them by streamlining technologies, refining data-collection strategies, encouraging collaboration among institutions, and revising policy frameworks.

Delaware: Automated DMV registration

Delaware has created a system to ensure that all customers at its motor vehicle offices receive and acknowledge the opportunity to register. The state built a digital system called “eSignature” for its licensing and ID process. As customers move through a series of screens to obtain, renew, or update their driver’s license or state ID, they view a screen on which they must choose to register to vote, update an existing registration, or affirmatively decline to register to vote before they can complete their licensing transaction. This system shifts the responsibility for the registration process from state employees to the voter—even if only to confirm registration data—through an easy and streamlined process.

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The eSignature system, which launched in 2009, transmits all registration applications to the Department of Elections' voter registration database through a real-time electronic link. In addition, because voters are required to fill out certain fields, this system encourages complete data collection.

Implementing Delaware's eSignature program took considerable effort. It required the state to reconcile the policies, procedures, and technologies of multiple agencies—including the Division of Motor Vehicles and the Department of Technology and Information. The resulting decrease in staff time and paper required for processing registrations, however, generated immediate cost savings and efficiencies. For instance, the Division of Motor Vehicles was able to reduce registration transaction times by 67 percent, from 90 seconds to 30 seconds, and save approximately \$50,000 per year.²⁰

North Carolina: Assessing NVRA data collection annually

North Carolina has some of the most comprehensive and reliable data available regarding Motor Voter transactions and, unlike many states, conducts a formal, annual assessment of the law's implementation. The evaluation includes a level of detail that allows the state to report in-depth data on voter registration activity at all NVRA-mandated facilities in every county across the state, including new registrations, updates, corrections, duplicates, invalid applications, and confirmations. This includes a detailed description of every transaction type that is tracked to avoid the issues related to vague and incomplete data found in other states.

North Carolina is also one of the only states to report NVRA data based on the calendar year and not the electoral cycle, alleviating the problems of mismatched time periods and facilitating more credible evaluation.

Michigan: Encouraging cooperation

The Michigan secretary of state oversees voter registration as well as driver's licenses and state ID cards. Under state law, the secretary's office links licensing transactions and voter registration, so updating information for one automatically updates the other.²¹ This approach involves electronically moving data from one database to another and streamlines the voter registration process for the motor vehicle agency, reducing transaction times, standardizing names and addresses, and alerting the branch office clerk if the customer is already a registered voter. Providing this level of coordination behind the scenes also reduces the burden on citizens. Although most states do not have a government structure that accommodates this level of integration, Michigan's system demonstrates that seamless data exchange between motor vehicle and voter registration systems is technologically feasible. In its 2014 report, the Presidential Commission on Election Administration named Delaware and Michigan as examples of exemplary data integration.²²

New Mexico: Reforming the policy framework

Legal action related to compliance with the Motor Voter provisions is relatively rare. A recent New Mexico case, however, set a precedent for legal challenges regarding state performance on these requirements and their impact on procedures and processes.²³

In July 2009, voting rights groups and private plaintiffs brought suit against New Mexico officials alleging that Motor Vehicle Division offices, as well as other public service agencies, routinely failed to provide a voter registration opportunity and did not integrate registration into the driver's license application process.²⁴ The claims were settled by a consent agreement among all parties in July 2010.²⁵

This consent decree requires the Motor Vehicle Division to implement a set of reforms to ensure that every resident who applies for a driver's license or state ID card is offered an opportunity to register to vote. It also established a road map for Motor Voter efforts to be more effective, including obligations to:

- Create a system that requires citizens to act on their registration status during all licensing transactions.
- Update and integrate computer systems.
- Make registration guidelines for citizens clearer during the licensing process.
- Improve NVRA-related training and education for division staff.
- Hire a state NVRA coordinator.
- Improve data standardization between the Motor Vehicle Division and election administration.
- Provide timelier reporting of data.

The settlement remains in effect through June 2014 and requires the state to track performance and report data regularly to the plaintiffs' counsel.

Recommendations

To develop a more accurate understanding of how well motor vehicle agencies are providing voter registration services, Pew recommends that states:

- Prioritize, automate, and centralize Motor Voter data collection.
- Increase coordination among licensing agencies and election administrators.
- Develop common strategies and terminology related to Motor Voter transactions.
- Promote effective education and training for motor vehicle agency personnel.
- Track information confirmations as a type of Motor Voter transaction.

Conclusion

This research demonstrates that in most states, information related to voter registration at motor vehicle agencies is not being adequately tracked, collected, and shared in a standardized and accessible manner. These limitations make it nearly impossible to evaluate how well citizens are being served by motor vehicle agencies.

Several states are taking the initiative to address these challenges, incorporating some or all of the recommended practices to ensure better service to citizens, more efficiency, and cost savings. Pew will continue to work with these and other states to advance this important work.

Endnotes

- 1 National Voter Registration Act of 1993—Public Law 103-31, 107 Stat. 77 (May 20, 1993), <http://www.gpo.gov/fdsys/pkg/STATUTE-107/pdf/STATUTE-107-Pg77.pdf>, and codified at 42 U.S.C. §§ 1973gg-1 et seq. <http://www.gpo.gov/fdsys/granule/CFR-2011-title11-vol1/CFR-2011-title11-vol1-part9428/content-detail.html>.
- 2 The National Voter Registration Act applies to 44 states and the District of Columbia. Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming are exempt because at the time the law was implemented, they offered Election Day registration or had no registration requirements.
- 3 Polling conducted for Pew by Public Opinion Strategies and the Mellman Group found that, on the national level, more than a fifth of registered voters (21 percent) erroneously believed that when they move, registration information would automatically be updated by election officials, the Postal Service, or other entity. Polling in North Carolina found that only 12 percent of respondents who had moved into the state had canceled their registration from their previous residence. More information about Pew's polling data can be found at "Polling Summary: Upgrading Voter Registration," *Election Data Dispatches*, Feb. 5, 2014, <http://www.pewstates.org/research/analysis/polling-summary-updating-voter-registration-85899538627>.
- 4 Only Michigan and Maine are structured in such a way that elections and motor vehicle licensing are managed by the same state agency: the secretary of state's office.
- 5 In West Virginia, prospective voters were instructed by motor vehicle officials to submit a paper voter registration application to their county election clerk. In 2013, West Virginia began to install an update to its Motor Voter process, building an electronic link between its Division of Motor Vehicles branches and election officials. (Layna Brown, manager of elections, West Virginia Secretary of State's Office, pers. comm., Sept. 24, 2013.)
- 6 Based on polling by Public Opinion Strategies and the Mellman Group. See "Polling Summary: Upgrading Voter Registration," *Election Data Dispatches*, Feb. 5, 2014, <http://www.pewstates.org/research/analysis/polling-summary-updating-voter-registration-85899538627>.
- 7 Hawaii, Indiana, New Mexico, Vermont, Washington, and West Virginia provided data that was either so incomplete or so inconsistent that it could not be used. Massachusetts did not provide data after an open records request was filed. The state did provide some partial data immediately before this report was published.
- 8 Alabama, Arizona, Colorado, Georgia, Iowa, Kansas, Maine, Michigan, Missouri, Montana, Nevada, New Jersey, Ohio, Oregon, South Dakota, and Utah relied on their Election Administration and Voting Survey reports.
- 9 The Federal Highway Administration's Form 562s were obtained from the U.S. Department of Transportation for Alabama, Alaska, California, Connecticut, the District of Columbia, Georgia, Hawaii, Indiana, Kansas, Kentucky, Massachusetts, Michigan, Montana, Nevada, New Jersey, New York, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Washington, and West Virginia.
- 10 Examples include Missouri and the District of Columbia, which each omitted at least one year of voter registration data, and Virginia, which did not include data for state ID transactions. Ohio did not include temporary IDs, which it treats differently from permanent ID transactions. In addition, South Carolina and New Jersey reported the exact same motor vehicle transaction data over multiple years, rendering some yearly data highly suspicious.
- 11 Jennie Bretschneider, assistant chief deputy and counsel, California Secretary of State's Office (pers. comm., March 28, 2012).
- 12 In Indiana, Iowa, and West Virginia, reports for voter registration subtotals by source of the applications—for instance, by mail, at a motor vehicle agency, or online—did not come close to adding up to the total number of voter registrations reported.
- 13 This was the case in California, Louisiana, Maryland, Tennessee, and Texas.
- 14 This was the case in Michigan and Virginia.
- 15 This was the case in Iowa, South Dakota, and Virginia.
- 16 Motor Voter registration transactions also can generate declinations, where the person conducting the transaction declines, or is marked as declining, the opportunity to register. Limited information exists on declinations, making it difficult to determine whether applicants who did not register were actually offered the opportunity to do so.
- 17 Arkansas, Connecticut, the District of Columbia, Kentucky, Maine, Michigan, Montana, Nevada, Pennsylvania, Tennessee, and Virginia provided registration transaction data or license and ID transaction data that were too vague to determine whether they included only new registrations or also updates, renewals, and duplicates.
- 18 Iowa did not submit data on duplicates, while Alabama, Georgia, Maryland, Mississippi, North Carolina, New York, Ohio, Oregon, and Tennessee did not include invalid registrations. California, Illinois, Kansas, Oklahoma, Rhode Island, South Carolina, and Texas omitted both. Alaska, Arizona, Delaware, Indiana (when available), New Jersey, Nevada, and South Dakota listed both.
- 19 The number of transactions at motor vehicle agencies was also affected by policies that differ across states, such as the required frequency of license or registration renewal and policies regulating temporary ID cards.

- 20 Elaine Manlove, commissioner of elections, Delaware Department of Elections (pers. comm. with Pew, Nov. 25, 2009).
 - 21 For voter registrations, see "Frequently Asked Questions," Michigan Department of State, <http://www.michigan.gov/sos/0,4670,7-127-29836-88648--F,00.html>; for driver's license or state ID cards, see "Driver's License Change of Address, Voter Registration," Michigan Department of State, http://www.michigan.gov/sos/0,1607,7-127-1627_14648-25412--,00.html.
 - 22 Presidential Commission on Election Administration, *The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration* (January 2014), <https://www.supportthevoter.gov/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>.
 - 23 Valdez et al. v. Herrera et al., Case 1:09-cv-00668-JCH-DJS, U.S. District Court for the District of New Mexico. See the settlement agreement at http://www.lawyerscommittee.org/admin/voting_rights/documents/files/NM-Valdez-v.-Herrera-Settlement.pdf.
 - 24 Plaintiffs in the case were Project Vote, the Lawyers' Committee for Civil Rights Under Law, and Demos; and the law firms of Freedman Boyd Hollander Goldberg & Ives, DLA Piper LLP, and Advocates for Justice and Reform Now PC. The lawsuit named the New Mexico secretary of state, Motor Vehicle Division, Taxation and Revenue Department, and Human Services Department as defendants. Similar evidence was presented about failure to offer voter registration at other public service agencies. The state appealed to the 10th U.S. Circuit Court of Appeals, which upheld the lower court's summary judgment order directing the state to provide voter registration at public service agencies.
 - 25 The settlement agreement remains in force until June 30, 2014.
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