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## **OLR Bill Analysis**

### **sSB 24**

#### ***AN ACT CONCERNING AUTOMATIC VOTER REGISTRATION AT CERTAIN STATE AGENCIES.***

#### **SUMMARY**

This bill requires the Department of Motor Vehicles (DMV) to use a secretary of the state-approved electronic system to automatically admit qualified voter registration applicants as electors, unless they decline admission. In practice, DMV must already do this pursuant to a memorandum of understanding (MOU) between the agencies (see BACKGROUND).

The bill also (1) establishes the same requirement for voter registration agencies and public higher education institutions and (2) requires that the electronic voter registration system comply with National Voter Registration Act (NVRA) requirements (see BACKGROUND).

By law, voter registration agencies are (1) public assistance offices, (2) offices providing state-funded programs to people with disabilities, (3) public libraries, and (4) any other offices the secretary of the state designates in accordance with the NVRA (see BACKGROUND).

The bill makes several conforming and technical changes.

EFFECTIVE DATE: October 1, 2019

#### **SYSTEM REQUIREMENTS**

By law, the DMV commissioner must include a voter registration application as part of each motor vehicle driver's license application or renewal, or identity card application. Similarly, voter registration agencies must include a voter registration application with each service or assistance application, recertification, renewal, or change of address. Public higher education institutions must distribute mail

voter registration application forms.

Starting October 1, 2019, the bill requires DMV, voter registration agencies, and public higher education institutions to use a secretary of the state-approved electronic system to admit qualified voter registration applicants as electors. Applicants who qualify for admission must be automatically admitted, unless they opt out.

Under the bill, if the system removes the names of electors from a political party enrollment list because they do not affirmatively confirm their intent to continue party enrollment, the (1) removal must be presumed unintentional and (2) party enrollment must be restored if the electors notify the registrar of voters in the municipality where they reside.

Currently, under its MOU with the secretary of the state, DMV must use a system to electronically transmit voter registration applications to registrars of voters, and registrars must register applicants unless they are ineligible, decline registration, or do not attest to meeting all the eligibility requirements (see BACKGROUND). Other voter registration agencies must immediately transmit completed applications to the applicable registrars of voters.

### ***Eligibility Verification***

Under the bill, if DMV independently verifies an eligibility requirement, the commissioner may waive the requirement that the applicant state and attest to meeting that eligibility requirement. Currently, the MOU requires that the voter registration system provide a way for (1) applicants, as part of their voter registration application, to swear or affirm that they are U.S. citizens and meet all other voter eligibility requirements and (2) registrars of voters to verify eligibility.

(It is unclear whether registrars of voters (1) must verify eligibility before admitting applicants through the system or (2) may deny admission. It is also unclear whether applicants must attest to their eligibility pursuant to CGS § 9-20.)

### **BACKGROUND**

**MOU**

Connecticut began implementing an automatic voter registration system pursuant to a May 16, 2016, MOU between the Office of the Secretary of the State and DMV. The MOU established a method, process, and timeline for developing the system, and required that it be fully implemented by August 7, 2018.

Under the MOU, Connecticut's AVR system must, among other things:

1. establish a schedule and method for DMV to electronically provide registrars of voters with the records of individuals who apply for or renew a DMV credential (i.e., driver's license or identity card);
2. allow individuals who submit DMV credential applications to change their voter registration status or record;
3. provide a way for records transmitted by the AVR system to constitute a completed voter registration application, and for registrars of voters to register applicants to vote unless an applicant is ineligible to vote, declines registration, or does not attest to meeting all voter eligibility requirements;
4. designate party preference as "unaffiliated" for a registrant who does not provide a preference; and
5. provide a way for applicants, as part of their voter registration application, to swear or affirm that they are U.S. citizens and meet all other voter eligibility requirements.

The AVR system must enable DMV to provide registrars of voters with certain information about applicants, including name; birthdate; driver's license or identification card number, or last four digits of the Social Security number; whether the individual affirmatively declined to register to vote; and political party preference.

The MOU prohibits DMV from electronically transmitting through

the AVR system the records of individuals who (1) were issued a DMV credential but were not U.S. citizens at the time of issuance or (2) have a “drive only” license, indicating that they cannot establish their legal presence in the U.S. or may not have a Social Security number.

### **NVRA**

The NVRA (P.L. 103-31) generally requires states to offer eligible citizens the opportunity to register to vote by:

1. applying as part of a motor vehicle driver’s license application or renewal;
2. sending a mail-in application; or
3. applying in person at a designated voter registration agency, including offices providing public assistance or services to individuals with disabilities.

The requirements apply to federal elections, but in practice, states, including Connecticut, have extended the procedures to state and local elections.

### ***Voter Registration Agencies***

The NVRA requires covered states to designate as voter registration agencies (1) all offices that provide federal or state public assistance, (2) all offices that provide state-funded programs primarily engaged in providing services to individuals with disabilities, and (3) Armed Forces recruitment offices. States must also designate additional voter registration agencies, which may include (1) state or local offices like public libraries or schools, fishing and hunting license bureaus, or unemployment compensation offices or (2) with their agreement, federal or nongovernmental offices (52 USC § 20506).

Generally, all voter registration agencies must:

1. distribute the National Mail Voter Registration Form;
2. provide an “information form” on the voter-registration process;

3. help applicants complete the registration application, unless they refuse assistance; and
4. accept completed voter registration applications and transmit them to the appropriate state election official within a prescribed timeframe.

Those agencies that provide public assistance or services to individuals with disabilities must include the National Mail Voter Registration Form, or an equivalent form that they design, with each application, recertification, renewal, or change of address form related to the assistance or services. Those providing in-home services to individuals with disabilities must provide the above-listed registration services in such an individual's home.

***Related Bill***

sHB 7160, reported favorably by the Government Administration and Elections Committee, authorizes DMV, voter registration agencies, and public higher education institutions to use a secretary of the state-approved electronic system for voter registration purposes.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 10 Nay 4 (03/29/2019)