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**Testimony to the Senate State Affairs Committee Regarding Online  
Voter Registration at State Agencies  
July 14, 2010**

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Advocacy, Incorporated, is pleased to provide these comments to the State Affairs Committee in connection with Interim Charge 6, to study ways to improve the efficiency and accuracy of voter registration rolls. Advocacy, Incorporated, is the statewide Protection and Advocacy System established by Congress to ensure that the rights of Texans with disabilities are protected. Advocacy, Inc considers the inclusion of people with disabilities in the voting process to be a crucial and integral part of its work. When Congress passed the Help America Vote Act in 2003, it recognized that individuals with disabilities have been historically disenfranchised from the voting process and allocated funds to the Protection and Advocacy organization in each state to ensure full participation in the electoral process for individuals with disabilities.

Online, electronic, or paperless voter registration at state agencies is an innovation with tremendous potential for cutting costs, maximizing efficiency, increasing data accuracy, and bringing millions of new voters into the Texas electorate, including voters with disabilities. People with disabilities do not have the same access to traditional voter registration opportunities as the general public. The majority of Texans register to vote when they apply for or renew their driver's licenses at the Department of Public Safety (DPS), but many Texans with disabilities do not have driver's licenses. As I will discuss, DPS should be a model for other state agencies, especially those under the Health and Human Services Commission which are more commonly used by people with disabilities.

The Department of Public Safety (DPS), which is required by the National Voter Registration Act to offer voter registration opportunities to all eligible applicants, provides an excellent study of how a state agency can efficiently comply with its mandate by implementing online voter registration. DPS recently implemented an automated, "paperless" voter registration system as part of a larger upgrade to a computerized driver's license application procedure. In its new system, DPS uses data already collected through the driver's license application process to pre-populate an electronically generated voter registration application form that applicants review and sign. DPS sends a scanned copy of the signed voter registration application in electronic form to county election officials to verify and upload to the statewide voter registration database.

***Electronic registration helps ensure the accuracy of data.***

The typical paper-based registration system requires data entry, which is both expensive and provides an opening for error. Electronic voter registration decreases the potential for human error that arises from reliance on handwritten registration forms. Voter registration databases that use electronically transmitted data become more accurate over time. By using automatic data transmission, online registration reduces errors caused by lost registration forms, failure of voter registration agencies to transmit forms, and mail delays.<sup>1</sup>

Part of the impetus for the automation of voter registration at DPS was inaccurate voter registration rolls when agencies were continuing to keep and mail paper registrations. Citizens who claimed to register at DPS were not appearing on official registration rolls on election day because of problems caused by the paper registration system, such as failure to mail forms in a timely manner, and erroneous data entry. DPS' new system has eliminated previous inaccuracies and allows the Secretary of State and DPS to automatically share and update information.

***Electronic registration is cost effective.*** Because DPS has only recently instituted its online registration system as part of a larger overhaul, it is impossible to determine exact cost savings specific to Texas at this point in time. However, other states that have implemented electronic voter registration at public assistance agencies indicate that Texas could reap significant cost savings.

Electronic voter registration at public assistance agencies eliminates postage and staff costs associated with mailing paper voter registration applications. Arizona's largest county by population reduced the average cost of processing a registration from 83 cents to only 3 cents. In Washington State, the cost of processing a paper form is \$1.55, compared to \$0.45 for an online registrant. The cost of maintaining electronic records is relatively low. Arizona spends only \$150,000 annually to maintain its paperless registration program, while Oregon spends over \$9 million to keep up its paper registration process. Recent findings show that Arizona saved \$450,000 in 2008 alone by switching to online registration at the department of motor vehicles.<sup>2</sup>

States also save money by decreasing the amount of staff time spent dealing with voter registration forms. When paper voter registration applications are used, staff wait while individuals manually fill out the form with information already entered in their benefits or service application. Staff must later mail the forms to county election officials in a timely manner. Data from registration cards are then entered into registration databases by county elections staff. In electronic registration, the form is pre-populated with data from the benefits application and sent to county elections offices electronically rather than by mail. In Delaware, the average time for a registration at the motor vehicle agency fell from 90 seconds to 30 seconds after a paperless system was introduced. Some county

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<sup>1</sup> Washington Institute of the Study Of Ethnicity and Race & the Election Administration Research Center, *Online Voter Registration Systems in Arizona and Washington: Evaluating Usage, Public Confidence and Implementation Processes*, pg 6 (2010).

<sup>2</sup> Brennan Center for Justice, *Voter Registration in the Digital Age*, pgs 1, 2, 11 (2010).

additional costs associated with a retrofit simply to comply with the law. HHSC must include voter registration in the system upgrade, just as DPS did, if it is to cut costs and serve Texans efficiently.

Thank you for your time and consideration of this matter. I will be following up with your offices to ask for your support in urging Health and Human Services Commissioner Thomas Suehs to prioritize the inclusion of voter registration in the agency's upgrade of its benefits administration system.

- implement this same process at its public agencies in mid-2010, and at its Department of Labor by fall 2010 for unemployment compensation recipients.<sup>ix</sup>
- ✓ Switching to paperless automated and online voter registration cost Arizona only \$130,000<sup>x</sup> and Washington just \$279,000<sup>xi</sup>, while saving hundreds of thousands of taxpayer dollars in printing, data entry and staff costs.
  - ✓ The cost of maintaining automated and online registration systems is relatively low. While Arizona spends only \$150,000 annually to maintain its paperless registration program, Oregon spends over \$9 million to keep up its paper registration process.<sup>xii</sup>

### **Paperless Registration Results In Increased Voter Registration and Participation**

- ✓ The adoption of DMV paperless registration alone resulted in nearly a 100% increase in the number of registrants Kansas, Rhode Island, and Washington.<sup>xiii</sup>
- ✓ Registration rates among 18-24 year olds increased from 28% to 53% in Arizona after the introduction of online and automated registration.<sup>xiv</sup>

### **Paperless Registration Is More Accurate and Reliable**

- ✓ Paperless systems have been shown to result in fewer errors than with paper forms, as well as reducing opportunities for fraudulent registrations.<sup>xv</sup>
- ✓ Voting using fraudulent registration is actually more difficult to do using paperless registration than using paper registration forms.<sup>xvi</sup>
- ✓ States that employed paperless registration at DMVs reported no security issues or serious technical issues.<sup>xvii</sup>
- ✓ In Arizona, matching paperless registration records with state motor vehicle records allows county recorders to review applications and eliminate duplicates and ineligible registrations within their own database.<sup>xviii</sup>
- ✓ Paperless registration allows voters to type in their own information, thereby reducing error on voter rolls, and decreases the number of voters unnecessarily disenfranchised by glitches in the voter registration system.<sup>xix</sup>

### **Paperless Registration Is More Secure**

- ✓ Certain paperless registration systems will reject applications with fraudulent or incorrect information.<sup>xx</sup>
- ✓ Online registrants must go through more stringent identity checks than paper registrants.<sup>xxi</sup>

### **HHSC Is Putting Texas At Risk Of A DOJ Investigation And Lawsuit**

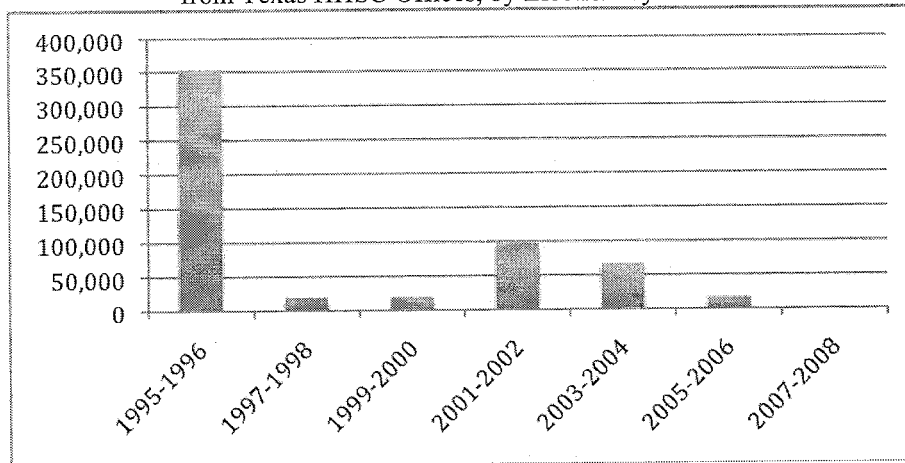
Immediate implementation of paperless registration at HHSC will not just create cost savings, it will prevent unnecessary expenses incurred as a result of the agency's current inefficiencies. State and federal law require that HHSC offer assistance with voter registration to everyone who applies, recertifies, and changes address at the agency. States that do not comply with the NVRA are subject to litigation by private plaintiffs and the U.S. Department of Justice. Low numbers of completed voter registrations originating from the agencies indicate noncompliance with the law. At HHSC's current level of productivity<sup>xxii</sup>, the Texas agency is at risk of being sued for noncompliance.

DOJ launched NVRA compliance investigations that resulted in signed agreements with two states, Arizona and Illinois, in 2008.<sup>xxiii</sup> In 2009, two other states, Missouri and Ohio, were forced to defend themselves in civil

lawsuits by private plaintiffs and signed settlement agreements to end the litigation.<sup>xxiv</sup> Two other states, Indiana and New Mexico, are currently being sued for noncompliance with the NVRA.

A look at the numbers of voter registrations originating from Texas HHSC shows an obvious lack of enforcement of the federal law at the agency, leaving the state vulnerable to litigation. The number of voter registration applications collected by HHSC under the NVRA are reported to Congress by the U.S. Election Assistance Commission and reviewed by DOJ and voting rights advocates in preparation for filing lawsuits. If HHSC expects to avoid the expense of investigation and civil litigation defense, it must correct its current inefficiencies.

Table 1: Number of Voter Registration Applications from Texas HHSC Offices, by Election Cycle<sup>xxv</sup>



### The Fix: Paperless Voter Registration At HHSC

HHSC should implement a paperless voter registration system similar to the model used by DPS. HHSC should include this upgrade as part of the current transition from its old system of benefits administration (SAVERR) to the new, modernized system (TIERS). If HHSC does not modernize voter registration contemporaneous with the TIERS upgrade, the state will be forced to incur needless retrofit (and re-training of staff) expenses to comply with the law. To save tax payer dollars and comply with the National Voter Registration Act of 1993, HHSC must prioritize the early implementation of voter registration into the TIERS system.

<sup>i</sup> 42 U.S.C. § 1973gg.

<sup>ii</sup> See U.S. Election Assistance Commission 2007-2008 NVRA report, chart 2a, page 39.

<sup>iii</sup> See: Pew Center on the States, "The Real Cost of Voter Registration," March 18, 2010. [http://www.pewcenteronthestates.org/report\\_detail.aspx?id=56478](http://www.pewcenteronthestates.org/report_detail.aspx?id=56478).

<sup>iv</sup> Pew Center on the States, "Bringing Elections into the 21<sup>st</sup> Century: Voter Registration Modernization," Issue brief, August 31, 2009. [http://www.pewcenteronthestates.org/report\\_detail.aspx?id=54842](http://www.pewcenteronthestates.org/report_detail.aspx?id=54842)

<sup>v</sup> Bill Graves, "Oregon Offers Online Registration," The Oregonian, February 28, 2010, [http://www.oregonlive.com/politics/index.ssf/2010/02/oregon\\_offers\\_online\\_voter\\_reg.html](http://www.oregonlive.com/politics/index.ssf/2010/02/oregon_offers_online_voter_reg.html)

<sup>vi</sup> WASHINGTON INSTITUTE OF THE STUDY OF ETHNICITY AND RACE & ELECTION ADMINISTRATION RESEARCH CENTER, ONLINE VOTER REGISTRATION (OLVR) SYSTEMS IN ARIZONA AND WASHINGTON: EVALUATING USAGE, PUBLIC CONFIDENCE AND IMPLEMENTATION PROCESSES 93 (2010) [hereinafter *PEW STUDY*]. Each online registration costs \$0.03 to review. Only 5 percent to 10 percent are reviewed, thus costing \$0.03 on average.

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- vii Project Vote Interview with Brad Bryant, Kansas State Election Director, January 2010. Also see: Steven Rosenfeld, "Paperless Voter Registration: Innovations in Three States," Project Vote, January 2010, pages 4-5.
- viii Project Vote interview with Elaine Manlove, Delaware State Election Commissioner, January 2010, and May 2010. Also see: Steven Rosenfeld, "Paperless Voter Registration: Innovations in Three States," Project Vote, January 2010, pages 6-9.
- ix Ibid. Manlove, Interview, May 2010.
- x CHRISTOPHER, PONOROFF, VOTER REGISTRATION IN A DIGITAL AGE, BRENNAN CENTER FOR JUSTICE 11 (Wendy Page ed.) (forthcoming July 2010) (at n.64 *citing* a telephone interview conducted by the Brennan Center with Craig Stender).
- xi Id. at n.66 (*citing* Office the Wash. Sec. of State, Wash. State Online Voter Registration 2 (Oct. 2009)).
- xii Id. at n.76 (*citing* Arizona Sec. of State, Arizona's Electronic Voter Registration Program (EZ Voter) 18 (updated Aug. 19, 2009)).
- xiii Id. at 15 nn.101-02 (*citing* Kansas Sec. of State, Kan. Voter Registration Statistics, 2007 & 2009).
- xiv Id. at 18 n.128 (*citing* U.S. Census Bureau, Reported Voting and Registration For The Citizen Voting-Age Population, for States: November 2000; U.S. Census Bureau, Reported Voting and Registration For The Citizen Voting-Age Population, for States: November 2004; U.S. Census Bureau, Reported Voting and Registration of the Citizen Voting-Age Population, For States: November 2008).
- xv Id. at 13 n.87 (*citing* Brennan Center internally gathered statistics on the accuracy of paperless registration in Arizona, Delaware, Kansas, Pennsylvania, South Dakota, and Washington); *see also* WENDY WEISER ET AL., MODERN VOTER REGISTRATION: MOMENTUM IN THE STATES 5 (2010) (indicating that in Maricopa County, Arizona, the error rate on paper voter registration forms was as much as five times more than that on forms received electronically); PEW STUDY, *supra* note vi, at 86 (using paperless voter registration forms reduces ambiguities in applicant answer selections).
- xvi PEW STUDY, *supra* note xv, at 6 (acknowledging that paper registration forms would be easier for fraudulent voting than paperless registration).
- xvii PONOROFF, *supra* note x, at 14 n.93 (*citing* E-mail from Patty Murphy, Voting System Specialist, Wash. Sec. of State (Jan. 8, 2010)). For more information regarding security measures implemented in states using paperless registration, *see generally* PEW STUDY, *supra* note vi, at 85 (noting that in seven years using paperless registration, fraudulent registration has not been detected as a problem).
- xviii PEW STUDY, *supra* note vi, at 65 (describing Arizona's voter registration database).
- xix WEISNER, *supra* note xv, at 13 (discussing the benefits of Ohio's online voter registration system).
- xx PEW STUDY, *supra* note vi, at 91 (noting that the Arizona EZ Voter system does not allow users to continue with online registration unless the entered information matches state records). Even if incorrect information does go through, the recorder's office will discover the issue upon a review of the voter registration. *See also id.* at 116 (stating that Washington's online voter registration system makes it "almost impossible" to fraudulently register someone).
- xxi *Id.* at 116 (explaining that because online registrants must match information based on their state ID card or driver's license, those applicants have already gone through more of an identity check than if they had simply registered to vote on paper).
- xxii U.S. Election Assistance Commission, "The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2007-2008: A Report to the 111<sup>th</sup> Congress," June 30, 2009. See chart 2a, page 39. The state reported 6,388 applications submitted at public assistance offices in 2007-2008, compared to 49,320 at disability services offices, and 1.35 million at motor vehicle offices.
- xxiii *See*: [http://www.justice.gov/crt/voting/litigation/caselist.php#nvra\\_cases](http://www.justice.gov/crt/voting/litigation/caselist.php#nvra_cases)
- xxiv *See*: "Voter Registration Services at Public Assistance Agencies: Policy Paper," Project Vote, 2010 Issues in Election Administration series, April 2010, pages 8-9.
- xxv Voter Registration data available on the Election Assistance Commission Website: <http://www.eac.gov/nvra>