

AB 796 (Berman)

California New Motor Voter Program

SUMMARY

AB 796 would improve and refine the California New Motor Voter (NMV) program to ensure its continued success and effectiveness.

BACKGROUND

In 1993, the federal government enacted the National Voter Registration Act (NVRA), commonly referred to as the "motor voter" law, to make it easier for Americans to register and remain registered to vote. Among other things, the NVRA requires states to provide individuals with the opportunity to register to vote at the same time as they apply for or renew a driver's license. The NVRA also prohibits the voter registration portion of a driver's license application from requiring any duplicate information, other than a second signature or a statement attesting to the person's eligibility to register to vote.

In the years following NVRA's enactment, California was not fully in compliance with the NVRA's prohibition on requiring duplicate information. Consequently, in 2015, a non-compliance letter was sent to the Department of Motor Vehicles (DMV) and the Secretary of State (SOS) from the ACLU Foundation, Dēmos, Morrison & Forester LLP, and Project Vote stating that California was engaging in continuous and ongoing violations of the NVRA.

In response to the non-compliance letter, the SOS sponsored legislation – AB 1461 (Gonzalez), Chapter 729, Statutes of 2015 – which established the NMV program. Under the NMV program, DMV customers who attest to their eligibility to vote and do not opt-out of the program are automatically registered to vote. When California launched the NMV program in April 2018, it became one of the first states and the largest to implement automatic voter registration through the DMV.

In the first three months after launching the NMV program (April 1, 2018 through June 30, 2018) there were nearly 300,000 more voter registration transactions at the DMV (54% increase) than the previous three month period. Between April 2018 (when the NMV program was launched) and January 2021, more than 12 million new or updated voter registrations have resulted from the program.

Notwithstanding the early positive results from the NMV program, there continued to be challenges modernizing the voter registration process at the DMV and bringing the state into compliance with the NVRA. Consequently, the non-compliance letter led to a lawsuit - *League of Women Voters v. Annis* – which was settled in 2018 and subsequently updated and extended to 2022. The updated settlement included new requirements, such as monthly data reporting to show voter registration processing times between the DMV and the SOS, employee training on the NVRA's requirements for timely transmission of voter registration applications, and the appointment of NVRA Coordinators at the DMV and SOS to monitor compliance with the NVRA.

The oversight mechanisms created by the settlement terms have been critical in identifying and addressing non-compliance with the NVRA and improving the functioning of the NMV program. Key improvements included enhanced monitoring by NVRA coordinators and increased transparency from regular reporting.

The NVRA and the NMV program have also been instrumental in closing voter registration gaps by making it easier for eligible voters to register or update their registration when completing a driver's license and state identification card transaction. Moreover, by improving the accuracy of millions of voters' mailing addresses and reducing reliance on in-person same day voter registration, the NVRA and the NMV program played a crucial role this year in increasing access to vote-by-mail and helped ensure that voters didn't have to choose between their health and their right to vote during the COVID-19 pandemic.

Despite these successes, challenges with the implementation of these laws continue to limit their full effectiveness. Furthermore, the terms of the *League of Women Voters* settlement will expire in early 2022, at which point the DMV and SOS will no longer be required to comply with the monitoring and reporting requirements that have improved the NMV program.

FOR MORE INFORMATION

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THIS BILL

AB 796 would make the following improvements to the NMV program:

- Codify NVRA timelines for DMV to process voter registration transactions into state statute and clarify when those timelines start;
- Codify best practices implemented at the SOS & DMV as a result of the *League of Women Voters* settlement;
- Improve transparency and require specific tracking, monitoring, and reporting of NMV processing data; and,
- Improve oversight and require the SOS to appoint a taskforce to monitor implementation and report on the effectiveness of the NMV program.

Making these changes would enable California to further improve upon the successes of NMV, assist the more than 3 million eligible but unregistered Californians to register to vote, and keep California's voter rolls accurate and up to date.

SUPPORT

ACLU California Action
California Common Cause
League of Women Voters of California

OPPOSITION

None received