

THE CITIZEN ADVOCACY CENTER'S



Automatic Voter Registration

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INTRODUCTION

According to an MIT study, 3 million people that showed up to the polls on election day in 2016 were unable to vote because of registration issues. Low national voter registration levels in comparison to other countries with similar voting procedures, led to automatic registration (AVR) proposals at both the state and national levels. AVR acts as an extension of the 1993 National Voter Registration Act, also known as motor voter.

Automatic voter registration is an approach to registering voters that is premised on the notion that all citizens have a duty to participate in democracy and vote on Election Day -- and the notion that the federal, state, and local governments have a duty to promote the exercise of the right to vote. Regulations and requirements vary from state to state, but most states offer voter registration when applying for a driver's license or state identification card, as these processes require the same verified personal information. This process increases statewide and national voter registration rates, provides a more streamlined registration process, and reduces margins of error in voter registration rolls.

This Citizen Guide features a history of voter registration, a review of the inception of automatic voter registration, and details the processes for automatic voter registration in Illinois.

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A History of Voter Registration

The first voter registration efforts originated in the early to mid 1800's, when it was used as a means to prevent fraud and handle the growth of populous cities. Unfortunately, some early voter registration systems were designed to suppress eligible voters from exercising their franchise, an issue that lingers even today. As elections are governed by state law, voter registration legislation was drafted and implemented state-by-state, leading to wide variations in voter registration procedures. Near the end of the 19th century, voter registration laws became more widespread and uniform. At the end of the 20th century, efforts to ease voter registration hurdles gained traction due to concerns over low voter turnout. In 1993, Congress passed the National Voter Registration Act (NVRA), later more widely known as "motor voter," which required states to adopt uniform and more simplified voter registration procedures for federal elections. This also simplified registration for state and local elections in the states to which the law applies. The NVRA currently applies to 44 states, and allows citizens to "opt-in" register to vote when they go to the state department of motor vehicles to obtain or renew a license.

After issues with voting systems in the 2000 general election, Congress passed the bipartisan Help America Vote Act (HAVA). HAVA provided funds for the replacement of voting machines, initiated a computerized voter registration system, and paved the way for a system of provisional balloting. HAVA also mandated a "Voter Bill of Rights" to be posted in all polling places, required increased accessibility for disabled persons, and broadened parameters for requesting absentee ballots.

Automatic voter registration extends the NVRA's "motor voter" process that involves the DMV, but instead of an "opt-in" system, the new law allows the DMV to automatically register patrons unless they "opt-out" of registration. According to the U.S. Census, 35.8% of eligible citizens remained unregistered at the time of the 2016 general election. Two years after the first state passed AVR, one-fifth of all state legislatures have adopted similar legislation, with momentum for the law growing across the country.

Early Adopters of Automatic Voter Registration

Oregon became the first state to pass Automatic Voter Registration in 2015. Within two years, nine other states (including Illinois) followed suit.

- Alaska
- California
- Connecticut
- Georgia
- Illinois
- Oregon
- Rhode Island
- Vermont
- Washington, DC
- West Virginia

Illinois History of Automatic Voter Registration

On August 28, 2017, Illinois became the tenth state to pass automatic voter registration. The measure passed the Illinois State Senate and House of Representatives with unanimous support and was signed into law by Governor Bruce Rauner. In 2016, a similar bill passed both houses of the Illinois General Assembly, but was vetoed by Governor Rauner. The 2017 law includes a number of bipartisan compromises ensuring a more accurate and secure system.

How Does Automatic Voter Registration Work?

Automatic voter registration will begin at the Department of Motor Vehicles (DMV) no later than July 1, 2018, pursuant to a jointly-adopted interagency contract between the Office of the Secretary of State and the State Board of Elections. When going to the DMV, each of the following services sought will trigger automatic voter registration, or “dual application”:

- Obtaining a non-temporary license
- Renewing a license
- Changing address
- Recertifying a license or
- Obtaining a state identification card

The dual application allows eligible citizens to register to vote in Illinois, or change a registered residence address or name as it appears in voter registration rolls. The application also allows eligible citizens to affirmatively decline to register to vote or affirmatively decline to change a pre-registered address. Eligible citizens who do not decline must sign the application form under penalty of perjury attesting that they meet the requirements to register to vote in Illinois, and that their address is as listed on the document they are signing. Due to the nature of the dual application, eligible citizens will not be required to provide duplicate information or identification during the application process. Each completed and signed dual application for registration or updating of registered information will be electronically transmitted from the Illinois Office of the Secretary of State to the State Board of Elections.

The Office of the Secretary of State is required to “clearly and conspicuously” inform each applicant in writing of the following:

1. The qualifications to register to vote in Illinois;
2. The penalties a person is subject to for submission of a false voter registration application;
3. That, unless declining to register or update registered information, the signed document will also serve as an application to be registered to vote;
4. That declining to be registered to vote is confidential and will not affect services being sought from the Office of the Secretary of State; and

5. Any additional information required to adhere to regulations set by the 1993 National Voter Registration Act.

The following state agencies will offer dual purpose applications that will register eligible citizens through similar procedures, including an opt-out, no later than July 1, 2019:

- Department of Human Services:
 - Family and Community Services, and
 - Rehabilitation Services;
- Department of Employment Security;
- Department of Financial and Professional Regulation; and
- Department of Natural Resources.

Other agencies are subject to approval for AVR if they are deemed to have access to reliable personal information and enter into an interagency contact with the State Board of Elections.

The Opt-Out Procedure

Eligible citizens accessing services at the DMV or other qualifying state agencies will provide personal information that is necessary to both obtain agency services and register to vote. Agency documents will contain a means for eligible citizens to decline voter registration in the form of a check-box and will not ask citizens to state a reason for their decision to opt-out. Citizens who do not opt out must sign the document agreeing to voter registration. Citizens who opt-out of automatic registration must separately register and ensure that their registration information is correct and up-to-date.

This brochure is meant to provide a general guide to automatic voter registration in Illinois and should not be taken as legal advice.

The Citizen Advocacy Center (CAC) is an award winning, non-partisan, 501(c)(3) non-profit, free community legal organization. Founded in 1994, dedicated to building democracy for the 21st century by strengthening the public's capacities, resources, and institutions for self-governance.