



May 15, 2024

VIA online portal to Author and Senate Committees on Elections and Constitutional Amendments and Transportation

The Honorable Marc Berman
1021 O St., Ste. 8130
Sacramento, CA 95814

**Re: SUPPORT (CO-SPONSOR)
AB 2127 (Berman)**

Dear Assemblymember Berman:

The American Civil Liberties Union California Action (ACLU) and League of Women Voters of California (LWVC) are proud to co-sponsor and strongly support AB 2127, your bill to extend the operation of the California New Motor Voter (NMV) taskforce for five years to January 2030. The extension would allow the taskforce to continue its work and avoid rolling back critical gains that the California Department of Motor Vehicles (DMV) has made in increasing voter registration and keeping registrations current.

ACLU and LWVC have a long history of working to ensure full implementation of the National Voter Registration Act (NVRA) and, subsequently, the NMV program at California's DMV. Our organizations have been advising the DMV and the Secretary of State's office (SoS) on California's "Motor Voter" system for the two decades since the federal NVRA's passage in 1993.¹ ACLU and LWVC are deeply invested in helping to achieve the NMV program's full potential for making California's democracy more efficient, inclusive, and accurate. AB 2127 is an essential next step to accomplish this goal.

Success of the Motor Voter Program Has Always Required Collaboration

Originally in the years following the NVRA's 1993 enactment, California struggled to fully comply with its mandates, including provisions that require the DMV to provide the opportunity to register to vote or update voter registration with each covered driver's license or state identification card (DL/ID)

¹ 52 U.S.C. Chapter 205

transaction.² In 2015, these issues led ACLU, LWVC, and our partners to send a non-compliance letter to the DMV and SoS, pressing those agencies to provide “simultaneous [voter registration] application” opportunities³ with every DL/ID transaction. Ultimately, the non-compliance letter was followed by a lawsuit – *League of Women Voters v. Annis* – which was settled in 2018. Also in 2015, the Legislature passed AB 1461 (Gonzalez), which required the DMV to implement an automated voter registration system. Together, the NVRA and AB 1461 modernize the voter registration process, establishing a system that allows eligible people to conveniently register or update their voter registration when completing a DL/ID transaction at the DMV.

Over recent years, California has made significant improvements to voter registration accessibility and to its systems for keeping voter registrations up-to-date. Following the settlement, the NMV program launched, and has been markedly successful in getting California voters registered. Since its April 2018 launch, NMV has resulted in nearly 25 million new or updated voter registrations. With almost 83 percent of eligible Californians being registered to vote before the March 2024 Primary Election,⁴ it is clear that this program has dramatically improved voter accessibility in California. The settlement terms also improved the overall transparency, competency, and accountability within the Motor Voter system. Finally, maintaining the accuracy of our voter rolls has become increasingly important as all registered Californians now receive their ballot by mail. Streamlined, efficient voter registration opportunities at the DMV ensure that our voter rolls are regularly updated and accurate going into every election.

Much of the success achieved by the NMV program, as with the NVRA, has been accomplished through the DMV's and SoS's continued partnership with ACLU, LWVC, and many similar voting rights partner organizations. In 2021, AB 796 (Berman) codified oversight mechanisms to ensure compliance with the NVRA and improve the functioning of the NMV program. In that context, the legislation established the NMV taskforce for the purposes of evaluating the NMV program and advising the Secretary of State (SoS) and DMV on its effective implementation.

² See *Voting Rights Coalition v. Wilson*, 60 F.3d 1411 (9th Cir. 1995) (upholding the constitutionality of the NVRA after “Governor Wilson, in his official capacity, directed the appropriate officials of the State of California not to comply with the National Voter Registration Act of 1993”).

³ 52 U.S.C. § 20504

⁴ California Secretary of State, 15 Day Report of Registration (February 20, 2024), available at elections.cdn.sos.ca.gov/ror/15day-presprim-2024/complete-ror.pdf.

The Critical Role of the Taskforce

Despite the accomplishments of the NMV program, more than 4.5 million eligible adults in California remain unregistered,⁵ a disproportionate number of whom are youth, people with disabilities, Black, Latine, Asian American, Native, Indigenous, and people of color, those with limited English proficiency, or those with low income.⁶ The NMV taskforce has a critical role in working to ensure that NMV functions optimally and that the system evolves to help address these persistent registration gaps.

A recent study found that while there are signs that NMV has had an important equity impact, there is more work to be done.

CNMV has often been viewed as a way to make the electorate more representative by drawing in young Californians and Californians of color who do not participate at rates proportional to their share of the eligible population. We find some evidence of this effect within California, with especially large increases in new registrations for Asian Americans and young people. But new registrations for Black and Latino residents have grown less, and address updates for young people have not grown as much as for middle aged Californians.

...There might be modifications to CNMV itself that could promote more new registrants through that process....

McGhee, Eric, Paluch, Jennifer, and Romero, Mindy, [*Do Registration Reforms Add New Voters or Keep Californians Registered?*](#), pp 17-18, PPIC, March 2024.

Although the taskforce is scheduled to sunset January 1, 2025, the need for the taskforce will not end in 2025. Several important elements of AB 796 will not go into effect until July 2025, and according to the DMV may be delayed further. These include features to speed up processing of registration applications, to bring California into compliance with the NVRA's transmission deadlines, and to ensure that complete voter registration forms are processed even if a customer has outstanding DMV-only requirements such as an unpaid fee.

The taskforce has a vital role in monitoring the rollout and implementation of these

⁵ Ibid FN 4.

⁶ U.S. Census, Voting and Registration in the Election of November 2022 (Tables 4b, 4c, 6, and 7), available at bit.ly/CensusVRData2022; McGhee, Eric, Paluch, Jennifer, and Romero, Mindy, *Do Registration Reforms Add New Voters or Keep Californians Registered?*, PPIC, March 2024, available at bit.ly/PPICMarch24.

upcoming elements of AB 796. Moreover, it provides ongoing visibility into issues at the DMV by monitoring the timeliness of NMV transmissions and any system irregularities. The taskforce has also provided recommendations to reduce the number of eligible Californians who opt out of registration and has a crucial role in guiding and evaluating the effectiveness of these changes, which could take years to implement. Finally, a core duty of the taskforce is to consult with the SoS and the DMV to annually publish a report containing information about voter registration trends, transmission timelines, and irregularities in the NMV system. These reports are invaluable resources for the public, lawmakers, and advocates.

AB 2127 will extend the NMV taskforce to January 2030, ensuring needed oversight of the NMV program, enabling California to further build on the program's successes, assisting the more than 4.5 million eligible but unregistered Californians to register to vote, and keeping California's voter rolls accurate and up to date. For these reasons, our organizations are proud to co-sponsor and support AB 2127 (Berman).

Sincerely,



Dora Rose
Deputy Director
League of Women Voters of California



Carmen-Nicole Cox
Director of Government Affairs
ACLU California Action