STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

May 31, 2013

The Honorable Candice Miller
Chairman, Committee on House Administration
1309 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Miller:

I respectfully submit my written testimony on H.R. 2115 in advance of the hearing scheduled on Tuesday, June 4, 2013, along with my biography.

Thank you for the opportunity to comment on this important amendment to the National Voter Registration Act and to testify before the Committee on House Administration.

Sincerely,

Christopher M. Thomas
Director of Elections

BUREAU OF ELECTIONS
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Testimony of Christopher M. Thomas, Michigan Director of Elections, before Committee on House Administration, Washington, D.C. on H.R. 2115 – The Voter Registration Efficiency Act on Tuesday, June 4, 2013.

It is a pleasure to appear before the Committee on House Administration particularly with Chairman Miller at the helm. I extend Secretary Ruth Johnson's greetings to Chairman Miller and members of the Committee. We very much appreciate the introduction of and hearing on this important legislation.

I had the distinct honor of working for Chairman Miller for the eight years she served as Michigan's Secretary of State. Not only was she Michigan's chief election officer, but she was also the state's chief motor vehicle administrator. This legislation combines both elections and driver license administration.

In Michigan, we recently observed 38 years of Motor/Voter as the first State to implement this uniform and nondiscriminatory service to Michigan citizens. The National Voter Registration Act (NVRA), now 20 years old, has substantially improved our election process. However, there are improvements that can be made to the NVRA to further increase efficiencies and integrity and reduce costs of voter registration for state and local election officials.

THE PROBLEM

The problem addressed by the legislation is the unnecessary retention of voter registration records of individuals who have left the State and applied for a driver's license in their new State of residence. The vast majority of voters who move from one State to another have no intention of remaining a resident in their former State for voting purposes. Each year Michigan is notified by other States that tens of thousands of voters have moved and applied for a driver license in the new State. In FY 2012 more than 73,000 individuals were reported to Michigan as having moved to another State. Under current practices, these individuals must remain on our Qualified Voter File for two November Federal elections after a cancellation notice is sent to them. These records can remain on the file for as long as four years after the notice is sent.

To be clear, there are rare instances where an individual who makes a temporary move to another State is required to apply for a driver license, even though the individual is not relinquishing residence in the former State.

Both the NVRA and Help America Vote Act (HAVA) have as their purpose the improvement of the accuracy and integrity of voter registration files used in Federal elections. Retaining tens of thousands of non-residents on our voter registration file does not further the purpose of either Federal law. How can the relationship established by the NVRA and HAVA between election officials and motor vehicle administrators be leveraged to ensure that those who have established a residence in another State for voting purposes can be removed from the voter registration files of their former State of residence?

THE BACKGROUND

This legislation was requested as the result of litigation in 2008 (United States Student Association Foundation (USSAF) v Terri Lynn Land, 585 F. Supp. 2nd 925 (E.D. Mich. 2008)) challenging the cancellation policy of Michigan under the NVRA with regard to voters who moved to another state and surrendered their Michigan driver license when applying for a driver license in the new State. Based on written advice received by Michigan election officials in 1996 from the Office of Election Administration at the Federal Election Commission, we sent cancellation notices to voters who surrendered their Michigan license in another State and cancelled them after 30 days if no response was received.

The U.S. District Court concluded that:

> "[T]here is no reason to believe that the kind of "residence" that any given state requires in order to issue a driver's license is identical to "residence" for voting purposes....
>
> "[T]he appearance of an out-of-state address on a driver's license application simply does not establish that the applicant is no longer an eligible Michigan voter."

Id. at 941. Essentially, the Court concluded that an individual can be a resident of one State for driving purposes and a resident of a different State for voting purposes. An application for a driver license in the new State does not satisfy the requirement that the individual indicate whether the residence is for voting purposes. An affirmative statement from the individual that the new State is the residence for voting purposes was a necessary requirement under the Court's reasoning.

In light of the Court's decision, we now send cancellation notices provided by section 8(d)(2) of the NVRA resulting in the retention of voter registration records of persons who moved out-of-state for two November Federal elections – up to 4 years.

Secretary Johnson successfully sought legislation in 2012 transferring the cancellation notice requirement for these voters from local election officials to the State Bureau of Elections to spare them from the costs involved. The new legislation was recently implemented with a mailing to 26,000 voters who have moved out of state and surrendered their Michigan driver license. This mailing cost approximately $13,000.00 in addition to the costs of maintaining these records in our statewide Qualified Voter File.

We live in a very mobile society with millions of people moving from one state to another every year. The Departments of Motor Vehicles (DMV) have worked diligently over the years to manage this migration, ensuring that citizens are not carrying multiple driver licenses in their wallets and purses. The American Association of Motor Vehicle Administrators (AAMVA) has adopted a common sense policy: one license/one driver control record. Their policy states:

> "A person shall have one license and one driver control record (DCR). The jurisdiction that issued the last license shall be designated as the jurisdiction of record, shall maintain the DCR of the individual and shall follow procedures as outlined in Appendix G. The DCR shall be the record on which licensing and withdrawal decisions are made. [Adopted 1995]."

Michigan has implemented this policy through the Michigan Vehicle Code, MCL 257.301(2):

> "A person shall not receive a license to operate a motor vehicle until that person surrenders to the secretary of state all valid licenses to operate a motor vehicle issued to that person by this or any state or certifies that he or she does not possess a valid license. The secretary of state shall notify the issuing state that the licensee is now licensed in this state."

This policy is implemented in each state at the point of application for a driver license or personal identification card. A person moving from one State to another will typically apply for a driver license or state personal identification card in the new State of residence. The DMV will require the applicant to surrender the driver license issued by the former State of residence and will then notify the former State of residence that the applicant has been issued a license or personal identification card in the new State of residence. This enables the former State to cancel the license or personal identification card of the former resident. See Attachment #1, a sample of notification received from Minnesota and Attachment #2, a Michigan driver license record showing the former state of residence of the driver.

Additionally, recent federal legislation and interstate driver license compacts/agreements all have similar requirements in regards to residency, one license, and one record. The Federal REAL ID Act of 2005 prohibits a REAL ID driver license applicant from holding more than one REAL ID card or driver license. The Commercial Motor Vehicle Safety Act of 1986 made it illegal for commercial driver license (CDL) holders to possess more than one license. The Driver License Compact and Driver License Agreement require the one license, one record concept.

THE SOLUTION

H.R. 2115 requires a driver license applicant to answer two questions:

1. Did the individual reside in another State prior to applying for the license? (If so, identify the State);
2. Does the individual intend for the new State to serve as the individual's residence for voter registration purposes?

The first question is already being asked within the current driver license application process, leaving the second question as the only additional information to be obtained from the applicant.

Under the amendment the DMV will attach an indicator to the list of those who have surrendered their license that is already being sent to the former State of residence. The indicator could be as simple as a "YES" or "NO" under the column heading: Resident for Voting Purposes Where Now Licensed. The residence information will then be transmitted by the DMV to the State election official, thus providing the confirmation from the applicant necessary to retain or cancel the voter registration.

This amendment is a common sense adjustment to the NVRA that protects voters who are only making temporary moves to another State while enabling States to more efficiently manage the voter registration file for the vast majority of applicants who are making a permanent move to a new State.

I thank the Committee for the opportunity to testify on this amendment and personally thank Chairman Miller for introducing this legislation.

ATTACHMENT #1

DRIVER LICENSING AND RECORDS
445 MINNESOTA STREET SUITE 180
ST. PAUL, MN 55101-5180
(651) 296-9504

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
SAINT PAUL 55101

MICHIGAN DEPARTMENT OF STATE
RECORD & INFO SVCS DIVISION
7064 CROWNER DR
LANSING MI 48918

LISTED BELOW ARE INDIVIDUALS THAT HAVE APPLIED FOR A MINNESOTA DRIVERS LICENSE. THE APPLICANT INDICATED THAT THEY HAD PREVIOUSLY BEEN LICENSED IN YOUR STATE. ALL APPLICANTS LISTED BELOW HAVE SURRENDERED OR SIGNED AN AFFIDAVIT STATING WHY THEY WERE UNABLE TO SURRENDER THEIR LICENSE.

DRIVER AND VEHICLE SERVICES HAS DESTROYED ANY LICENSE THAT HAS BEEN SURRENDERED.

*** PLEASE DO NOT SEND THE DRIVER HISTORY. MINNESOTA HAS IMPLEMENTED THE ELECTRONIC REQUEST OF THE 10 YEAR DRIVER HISTORY.

NAME	DATE OF BIRTH	
SANDEEP S [redacted]	[redacted]	A526758757 [redacted]
SEVERIN DAVID [redacted]		C534762135 [redacted]
EDEN ADRIANA [redacted]		C452170031 [redacted]
SARAH CATHRYN-SOPHIA [redacted]		D136758108 [redacted]
PHILIP JAMES [redacted]		G400683367 [redacted]
BARBARA JANE [redacted]		H241081368 [redacted]
MEGAN LEIGH [redacted]		H625599501 [redacted]
CONSTANCE JEAN [redacted]		J525122385 [redacted]
STEVEN MAURICE [redacted]		J525777590 [redacted]
TYSCHORNA LELICKA [redacted]		L620809504 [redacted]
LAURA RAE [redacted]		H622488730 [redacted]
MELISSA NICHOLE [redacted]		W300599630 [redacted]
SARAH MARIE [redacted]		W634758585 [redacted]
HEATHER ELIZABeth- [redacted]		W534302209 [redacted]
THOMAS DUANE [redacted]		Z612792155 [redacted]

DRIVER AND VEHICLE SERVICES

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ATTACHMENT #2

DK

LICENSE NUMBER	INDICATOR 1	INDICATOR 2	PRINT DATE	BATCH	PAGE
W-324-067-367-[redacted]	* OOS/*NH/042208	EXPIRED TIP	02/21/13	YC	1

NAME	BIRTH DATE	SEX	HEIGHT	WEIGHT	EYE	SKILLS TEST
ANTHONY JAMES [redacted]	[redacted]	M	6-02	165	BRO	

STREET	LICENSE TYPE	ISSUE DATE	BRANCH	EXPIRES
634 [redacted]	O-OPER-TIP	10/23/2006	09/27/2010	

CITY/STATE/ZIP	CNTY	SOCIAL SECURITY NUMBER	HEADER RESTRICTIONS
IONIA MI 48846-9684	34		NONE

MICROFILM #1	MICROFILM #2	MICROFILM #3	VOTER REG
W1085	T2962068022	P0152390267	VOTER

ORIGINAL LICENSE DATE	END OF PROBATION	PROBATION NOTICE/EXTENSION	SCHOOL	LAST CONVICTION DATE
07/01/2002			267	02/14/2011

LEVEL ISSUED	NEXT LEVEL ELIGIBILITY	GDL EXTENDED

EMPLOYEE REVIEW	REFER TO	SUBSCRIPTION 1	SUBSCRIPTION 2	SUBSCRIPTION 3

CONV DATE OR COURT FINDING	PLACE OF CONVICTION OR FINDING	OCCURRENCE OR ARREST DATE	OFFENSE, ACTION TAKEN AND OTHER INFORMATION	PTS.	MICROFILM NUMBER
PREV NAME: ANTHONY JAMES [redacted]			W-324-067-367-[redacted]		P0152
08/29/05	STANTON	08/14/04	[redacted] TICKET: 04SM496WE JUDGE: 028528 ORIG CHG: 9200		S245E
	****	01/02/06	END OF PROBATION DATE AMENDED FROM *INDEFINITE* TO 10/23/2006 AND UNTIL MEETS REQUIREMENTS OF MCL 257.310D, FROM ACTIVITY OF 12/27/2005		
	****	01/02/06	PROBATIONARY PERIOD EXTENDED FROM 10/23/2006 THROUGH MIDNIGHT OF 12/21/2006 AND UNTIL MEETS REQUIREMENTS OF MCL 257.310D, FROM ACTIVITY OF 02/24/2006		
04/17/06	IONIA	04/03/06	[redacted] TICKET: 06706SMA JUDGE: 40823 TRIAL: P ORIG CHG: 1360		T1322
12/21/06	IONIA	12/05/06	SPEED 60/55 -PA TICKET: D486869 ORIG CHG: 2000		T361E