



Connected OVR

A Simple, Durable Approach to Online Voter Registration

December 2013

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I. Introduction: The Benefits of Online Voter Registration

In 2002, Arizona became the first state in the nation to provide an online tool that allows eligible residents to register to vote. In the decade since, nearly twenty other states have chosen to launch online voter registration (OVR) systems.¹ The remaining states are likely to follow suit.²

OVR offers major advantages for state governments. Compared to paper-based registration, OVR can save states millions of taxpayer dollars each year in printing, distribution and processing costs.³ It eliminates the errors introduced by manual transcription of paper forms. And if a state's verification systems allow, it can quickly detect and reject invalid or duplicative registration attempts.

Voters also benefit. OVR can provide all-hours registration from the convenience of an Internet-connected computer (or, potentially, a mobile device). Online systems can also offer powerful new opportunities, such as a website for voters to verify their registration status in real-time, which helps them detect and resolve registration issues ahead of an upcoming election. This, in turn, simplifies administration on election day and eases long lines at the polls. And compared to paper forms, OVR systems can provide better security for registrants' personal information.

Ten years after OVR began, a comprehensive review found that the results so far are “uniformly positive in a wide range of different states—large and small, red and blue—with different infrastructures.”⁴

However, OVR's promise will only be realized to the extent that voters actually use the new online systems. For this reason, states must find ways to give registrants simple, usable, responsive online registration experiences. Voters should be able to register in online contexts that are comfortable and familiar to them.

¹ *Voter Registration Modernization is Possible Now: State Experiences*, Brennan Center for Justice (Oct. 29, 2013),

<http://www.brennancenter.org/sites/default/files/analysis/VRM%20State%20Brief%2010.29.13.pdf>.

² Lucy McCalmont, “Expanding high-tech voting for '14,” *POLITICO* (Dec. 2, 2013, 6:15 PM), <http://www.politico.com/story/2013/12/high-tech-voting-2014-midterm-elections-100519.html> (“Wendy Underhill, program manager for the National Conference of State Legislatures, said she expects that by 2020 all states will allow online voter registration.”).

³ *Online Voter Registration (OLVR) Systems in Arizona and Washington: Evaluating Usage, Public Confidence and Implementation Processes*, A Joint Research Project of the Washington Institute of the Study of Ethnicity and Race (WISER) University of Washington, Seattle and the Election Administration Research Center (EARC) University of California, Berkeley, at 93 (Apr. 10, 2010), http://www.pewstates.org/uploadedFiles/PCS_Assets/2010/online_voter_reg.pdf (In Maricopa County, Arizona, “[a] paper registration costs at least \$.83 of staff time to process; whereas an EZ Voter registration takes an average of \$.03 to process; therefore every registration that comes in online saves the county \$.80.”).

⁴ *Voter Registration in a Digital Age*, Brennan Center for Justice, at 19 (2010) at 19, http://www.brennancenter.org/sites/default/files/legacy/Democracy/Paperless_Registration_FINAL.pdf.

Across many areas of government, public officials struggle to provide intuitive online experiences for their users, owing to a range of institutional and resource constraints. OVR is no exception: A patchwork of different technology investments and varying registration rules leaves no clear standard. Vendors aren't sure what to build, and a robust consensus solution has yet to emerge. Meanwhile, states are duplicating each others' efforts.

Technology changes much faster than policies governing elections ever could, or should. Most of today's OVR systems involve a single, isolated website run by the State Elections Director, which mimics a paper form and is designed to be used on a desktop computer. But a growing number of voters are leaving desktops behind, reaching the Internet almost exclusively through smartphones or tablets.⁵ Moreover, users are spending a growing amount of their time online interacting with online services they already know and trust, such as Google, Facebook, and apps on their mobile phones. A single, isolated OVR website, even if it does have a "mobile version," will struggle to serve people who rely on a growing variety of non-desktop devices.⁶ It may also struggle to earn their comfort and trust.

Technological change makes voters' desire to register "online" a swift-moving target. For example, Facebook now hosts 179 million U.S. accounts and is many peoples' primary online experience, making it a natural place today for a voter registration app—but Facebook did not even exist in 2002, when OVR systems were first launched.⁷

In this report, we argue for a subtle but important shift in today's approach to OVR: States should adopted a **connected OVR approach**, building a **simple and durable platform** that focuses on the information voters must provide to register, rather than just the interface or device they use to provide it.

This means a state need not go at it alone. Instead, it can create a durable online system for registering voters, while allowing its designated partners (operating within the state's requirements) to develop and continuously refine new sites, apps, and other integrated tools that let people register.

By building a platform, rather than just an isolated web page, states can future-proof their OVR systems. **Designated partners** approved by the state, including major social media companies, nonpartisan voter registration organizations like Rock the Vote, government agencies,

⁵ *Cell Internet Use 2013*, Pew Research Center (Sep. 16, 2013), <http://pewinternet.org/Reports/2013/Cell-Internet.aspx> ("63% of adult cell owners now use their phones to go online, a figure that has doubled since we first started tracking internet usage on cell phones in 2009. In addition, 34% of these cell internet users say that they mostly go online using their cell phone. That means that 21% of all adult cell owners now do most of their online browsing using their mobile phone—and not some other device such as a desktop or laptop computer.")

⁶ Mobile devices are available in many different screen sizes, interfaces, and operating systems. The sheer variety of devices makes it complicated for software developers to build mobile interfaces that work smoothly on all of them.

⁷ Josh Constine, *Facebook Reveals 78% of US Users are Mobile As It Starts Sharing User Counts By Country*, TechCrunch (Aug. 13, 2013), <http://techcrunch.com/2013/08/13/facebook-mobile-user-count>.

universities, and other groups can use their expertise to design, maintain and promote effective interfaces that meet the state's requirements and submit data directly to its registration system.

II. The Connected OVR Approach

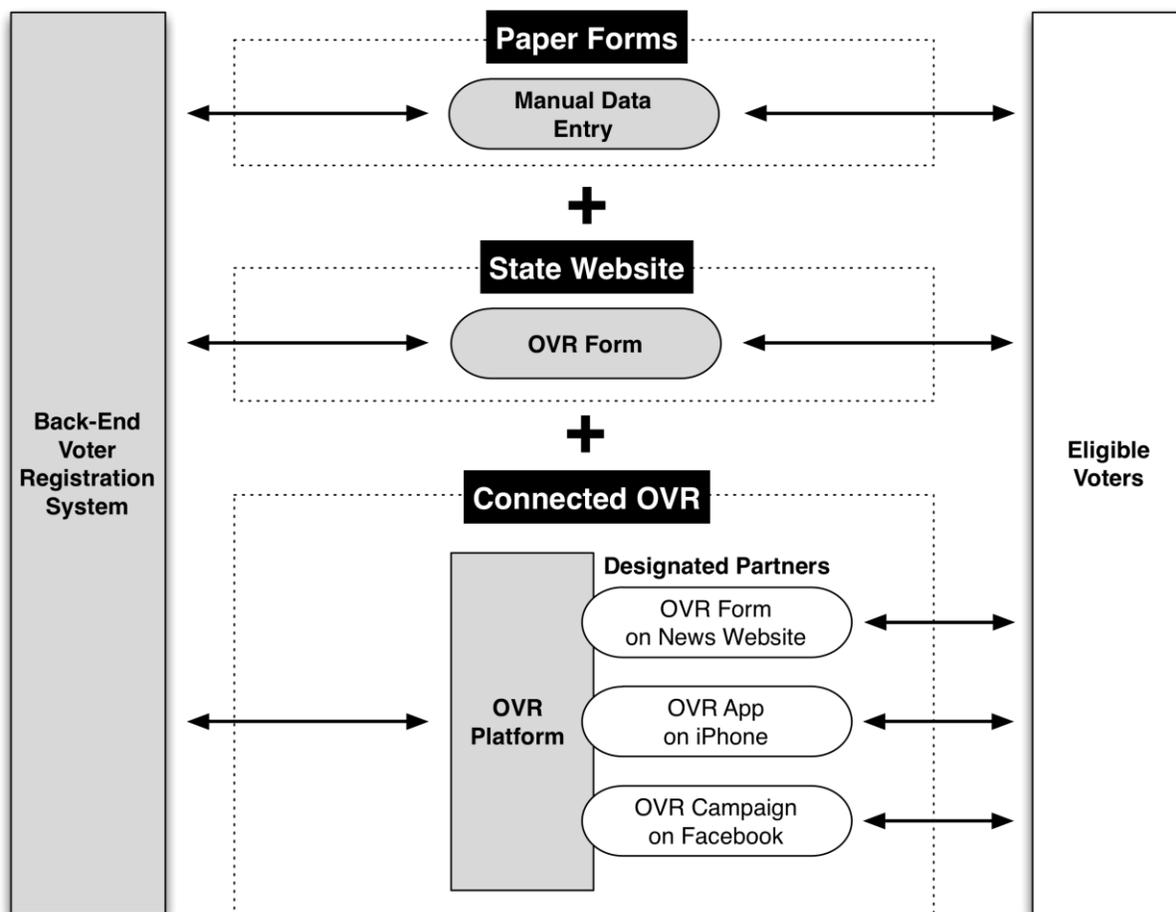
The objective of voter registration systems is to register as many eligible voters as possible, while preventing invalid registrations. States still have a long way to go: More than a quarter of U.S. citizens of voting age remained unregistered in the 2012 election.⁸

States Provide a Simple, Durable Online Mechanism for Receiving Registration Forms - An “OVR Platform”

An OVR platform allows a state to **designate partners, set policies, and benefit from the technical expertise of its partners**, at little ongoing cost to the state. Partners can provide user experiences that satisfy legal and policy requirements while staying on top of changing user expectations. These partners may include technology and telecom firms (building on the good corporate citizenship that many have already shown on this issue), as well as nonpartisan and technologically-experienced voter registration organizations such as Rock the Vote. In each case, the state remains in control and ultimately processes all registration applications.

An OVR platform can dramatically increase a state's ability to reach eligible voters while maintaining current registration procedures and safeguards. For many states, an OVR platform would be a simple and incremental addition to its existing registration infrastructure, enabling new and complementary channels through which voters could submit registration information. Incoming registrations would continue to be validated in the same way each time—using existing state processes—regardless of which channel the registration took to reach the state.

⁸ *Voting and Registration in the Election of November 2012 - Detailed Tables*, U.S. Census Bureau, <http://www.census.gov/hhes/www/socdemo/voting/publications/p20/2012/tables.html> (the total in Table 1 shows that 29 percent of U.S. citizens of voting age are unregistered vote); see also Christopher Uggen *et al.*, *State-Level Estimates of Felon Disenfranchisement in the United States* (2010), http://sentencingproject.org/doc/publications/fd_State_Level_Estimates_of_Felon_Disen_2010.pdf ("Approximately 2.5 percent of the total U.S. voting age population -- 1 of every 40 adults -- is disenfranchised due to a current or previous felony conviction."). Adding together the 71 percent of U.S. citizens who are registered to vote, plus the 2.5 percent of U.S. adults of voting age who are disenfranchised due their criminal records, leaves roughly 26.5% of eligible voters who remained unregistered in the 2012 election cycle.



The diagram above illustrates how an OVR platform would fit alongside existing registration mechanisms. When an eligible voter submits a paper form, as shown at the top of the diagram, the information on the application must be entered into the state's system (often manually, through data entry) after which various back-end procedures are run (for example, checks against DMV records, criminal databases, and the like). A form submitted through a basic state OVR website follows a similar route, except there is no need to manually transcribe the information—it is delivered directly into the state's system and immediately handed off to the back-end registration system. The OVR platform, pictured at bottom, allows designated, approved partners—civic groups, local organizations, social networks, government agencies or others—to deliver applications to the state in a secure and standardized way. The same state verification procedures remain in effect.

The OVR platform is a simple piece of software that sits between the two key endpoints of any online voter registration mechanism—the interface a user sees, and the internal systems states use to process registration data.

On the front end, the platform communicates with the user interfaces that Designated Partners have created, such as tablet interface or Facebook app. Building a friendly and intuitive user

interface is a challenging task, and an OVR platform allows states to distribute that task to appropriate Designated Partners, each of whom could build interfaces best suited to their individual communities or technological contexts.

On the back end, the platform securely transmits registration requests to the state's system. The state's back-end process, which determines whether a submitted registration is valid, can be highly complex. In many cases, the back-end system will need to communicate with legacy systems, like a DMV or social security database, to match incoming registrations with known voter profiles. The system must also check for duplicate registrations, which typically requires coordination with numerous county-level systems and processes.

An OVR platform is like a virtual mail slot, through which Designated Partners can submit the registration information they have gathered from users in a normalized, digitized format that is easy for state officials to use.

The platform can remain consistent even when a Designated Partner creates a new or different app or website to gather the needed information. The state can automatically receive registration information from the partner's new app or site, without needing to change any of its own systems. And a state can separately manage or modify its proprietary and secure process for validating the data it receives.

The platform allows a state to mediate and control its partners' registration capabilities. For example, if a partner submits a registration request that is missing a piece of key information, the platform can reject it with an informative error message. (Of course, partners can also use their own processes to prompt the user for any information that he or she omits.)

Platforms Pervade and Define the Modern Internet

The platform concept aligns with best practices in the technology field. Almost all major online services provide some kind of platform, and they come in all shapes and sizes. Companies like Google and Facebook depend on platforms to massively extend their online reach, far beyond Silicon Valley. Google, for example, has built developer platforms for a wide range of its available services: this is how Google Maps directions can appear on a local restaurant's website, or a YouTube video can be embedded into a blog post. Facebook also offers a platform for its services, which is how many sites are able to display "Like" buttons directly from their pages. There are thousands of public platforms, commonly called APIs, on the Web today that allow websites to seamlessly weave information from other sites into their own.⁹

The fact that platforms exist is rarely apparent to regular users, even though they benefit from them every day. A restaurant's website developer will use Google's platform to incorporate a map and directions into the site's content, but a regular user who visits the restaurant site will see a smooth, integrated page—with no obvious signs that web platforms are involved.

⁹ *API Directory*, ProgrammableWeb, <http://www.programmableweb.com/apis/directory> (last visited Dec. 13, 2013) (listing more than 10,000 public APIs in a wide range of topical categories).

Platforms are Spreading in Government—From the White House to City Hall

A diverse set of government agencies have chosen to create platforms for interacting with the public, even in situations where the transmitted information is particularly sensitive, as in tax filings. While online voter registration has unique features and requirements, these can easily be accommodated within a suitably secure and reliable platform. The benefits for civic participation could be substantial.

At the federal level, the White House Digital Government Strategy centers its attention on making “web APIs the new default.”¹⁰ (API stands for Application Programming Interface, which is the fancy technical way of saying platform.) The GSA has also promoted the use of platforms across federal agencies, recommending that they should “[let] your audience get what they need from many places, not just your .gov website.”¹¹ The GSA also recognizes that “APIs are not experimental. More than half of all the traffic for major companies like Twitter and eBay come through APIs.”¹²

“[Let] your audience get what they need from many places, not just your .gov website.”

— GSA guidance to federal agencies

The IRS platform has helped to make e-filing mainstream: in 2012, more than 80% of individual returns were filed electronically.

One prominent example of successful platform use in government is the IRS e-file system, which “has safely and securely transmitted more than 1 billion tax returns since 1990.”¹³ The IRS platform allows commercial tax software vendors—like Intuit and H&R Block—to submit prepared tax returns online directly to the IRS, from within their own software. Each vendor applies to be an “Authorized IRS e-file Provider” and must meet certain eligibility criteria and follow the IRS’ e-file rules and requirements.¹⁴ Even in the highly sensitive realm of tax, the IRS has used its online platform to expand the number of channels from which it can receive returns. The IRS platform has helped to make e-filing mainstream: in 2012, more

¹⁰ *Digital Government: Bringing a 21st Century Platform to Better Serve the American People*, The White House, at 10 (May 23, 2012), <http://www.whitehouse.gov/sites/default/files/omb/egov/digital-government/digital-government-strategy.pdf>

¹¹ *APIs in Government | HowTo.gov*, GSA’s Office of Citizen Services & Innovative Technologies (last visited Nov. 25, 2012), <http://www.howto.gov/mobile/apis-in-government>.

¹² *Id.*

¹³ *Become an Authorized e-file Provider*, Internal Revenue Service (last updated Dec. 3, 2013), <http://www.irs.gov/Tax-Professionals/e-File-Providers-&-Partners/Become-an-Authorized-e-file-Provider>.

¹⁴ *IRS e-file Application and Participation*, Internal Revenue Service, at 2 and 25 (May 2013), <http://www.irs.gov/pub/irs-pdf/p3112.pdf>.

than 80% of individual returns were filed electronically,¹⁵ which has substantially reduced the IRS' costs associated with processing returns.

Another example, at the local level, is Chicago's Open311 system. Its online system tracks non-emergency city issues, like potholes, abandoned vehicles and broken streetlights. Anyone in Chicago can report an issue by posting a new request, and the request is routed to the appropriate city agency. The city built a simple platform that allows other sites to query the status of any existing request, and to post a new request. The platform was the basis for a bevy of new, useful tools created by partners: a local software firm developed Chicago Works, which brought the Open311 system to iPhone and Android mobile devices; a separate site, Chicago Works For You, sorts requests by services and ward, and provides annotations and commentary about current Open311 requests.

Community Partners Can Bring the Registration Experience to New Voters Online

States and counties already rely heavily on community partners to reach a wide range of eligible voters. These partners—typically civic-minded volunteer groups and individuals—help to register voters in the context of community activities. They bring registration forms to “village fairs, picnics, religious events and block parties”¹⁶ and encourage residents to participate in the democratic process. They offer technical assistance to those who might have trouble completing the registration form on their own, because of a physical disability, a language barrier, or confusion about the registration process, and they are trusted by their constituents and members.

By adding context and convenience, community partners can significantly enhance registration efforts. Research has shown that community registration drives “increase voter turnout by as much as 30 percent.”¹⁷ In 2004, civic organizations helped to register “more than 20 percent of the total [new registrations]” nationwide.¹⁸ These numbers indicate that simply making paper forms available at select government offices—like DMVs—should only be one part of the overall effort to register eligible voters. A more comprehensive strategy includes community partners, who are in a unique position to reach eligible voters who otherwise would remain unregistered.

Tapping into community efforts is equally important online. In many states that have implemented OVR, the registration form is only available in one place, like a Secretary of State's website. The site may be publicly accessible, but significant hurdles to registration still persist.

¹⁵ *Electronic Filing 2012 Annual Report to Congress*, IRS Oversight Board, at 5 (Dec. 2012), <http://www.treasury.gov/irsob/reports/2013/IRSOB~E-File%20Report%202012.pdf>.

¹⁶ *Deputy Registrar*, Cook County Clerk, <http://www.cookcountyclerk.com/elections/registertovote/pages/deputyregistrar.aspx> (last visited Nov. 25, 2013).

¹⁷ Lisa Garcia Bedolla, *Declaration of Lisa Garcia Bedolla, in League of Women Voters v. Browning*, at 4 (Feb. 14, 2012), http://brennan.3cdn.net/336b484681def70b38_gqm6b44fw.pdf.

¹⁸ Diana Kasdan, *State Restrictions on Voter Registration Drives*, Brennan Center for Justice, at 2 (Nov. 30, 2012), <http://www.brennancenter.org/publication/state-restrictions-voter-registration-drives>.

Many eligible voters may not know that online registration is possible in their state. For instance, six years after Arizona implemented their EZ Voter system, roughly 30 percent of registered voters still did not know they could register online.¹⁹ Community partners can help to promote online voter registration opportunities, leveraging the trusted relationship they have with their members, which has been shown to make a voter registration appeal significantly more effective.

A platform approach would also help channel voter registration activism online, which is particularly advantageous from an integrity perspective. Because OVR platforms can transmit information in real-time to the state, they avoid many of the traditional problems associated with paper drives, such as transcription errors and the risk of partisan discarding of completed registration forms.²⁰ Many states already have established programs that allow trusted groups to bring paper registration forms into their communities; an OVR platform approach would extend these programs online. And, many these groups will do this work of getting their constituents and members to fill out a registration form online anyway; this is an opportunity to enable them to do it in such a way that streamlines and regulates the process, while decreasing the burden on election administrators.

Placing voter registration within voters' existing online contexts—rather than redirecting users midstream to an isolated state registration interface—reduces the risk of user confusion, concern and frustration.

Popular Online Sites, Like Google and Facebook, Can Promote Registration Too

If states do build OVR platforms, there is strong evidence that technology firms would jump on the opportunity to advance registration efforts in innovative ways. Both Google and Facebook have made it a high priority to encourage civic participation through their platforms,²¹ even fielding dedicated internal teams to build tools that help people register and remember to vote. These positive investments would be far more impactful if these leading firms could facilitate the actual registration process, rather than merely informing their users about the process. In other areas, the Voter Information Project has created a suite of digital tools, based on voting data published by states.²² As one example, they partnered with AT&T and Politics360 to create the VoterHub Mobile App, to help mobile voters find information about registration, polling places and sample ballots.²³

¹⁹ See OLVR *supra* note TK, at 44.

²⁰ Brennan Center for Justice, *Testimony of the Brennan Center for Justice at NYU School of Law Before the Presidential Commission on Election Administration*, at 2-3 (Sep. 4, 2013), http://www.brennancenter.org/sites/default/files/analysis/PCEA_Testimony_090413.pdf (“The paper-based voter registration system . . . creates needless barriers to voting, opportunities for fraud, and delay and confusion at polling places — which in turn leads to long lines on Election Day.”).

²¹ See, e.g., Donna Tam, *Facebook wants you -- to vote*, CNET News (Nov. 5, 2012), http://news.cnet.com/8301-1023_3-57544722-93/facebook-wants-you-to-vote.

²² *Our Projects*, Voting Information Project (last visited Dec. 1, 2013), <https://votinginfoproject.org/projects>.

²³ *VoterHub Mobile App*, Voting Information Project (last visited Dec. 1, 2013), https://votinginfoproject.org/projects/view/att_politics360_iphone_app.

Platform partners will have existing relationships with their user bases and communities, positioning them to help the state reach the widest range of eligible voters. States would set the policies for who can become a designated platform partner, and what requirements such partners and their registration experiences must meet.

III. Legislative Framework for an OVR Platform

Voter registration laws, including many of today's OVR statutes, struggle to keep pace with changing technologies. Fortunately, legislation that enables a platform approach is simple and robust in the face of future technological change. This section describes a platform statute's key components.

State agencies must have proper legal authority to implement an OVR platform. Many of today's first-generation OVR websites were authorized by statute. These statutes vary significantly in length and detail: some provide agencies with broad discretion, while others prescribe specific methodologies and designs. Unfortunately, many are poor companions to an OVR platform and some specifically preclude them. (Relevant excerpts of state OVR statutes are included in Appendix A.)

Several Secretaries of State have introduced OVR websites without a specific statutory mandate. For example, Kansas IT staff introduced website registration in 2009 while implementing automated DMV registration.²⁴ The relevant Kansas registration statute authorizes "delivery" on "a form approved by the secretary of state."²⁵ Nevada's Secretary of State implemented a website under a broad statutory reference to "registration by computer."²⁶ Similarly, Arizona's voting statute contemplates the "electronic generation and transmittal of voter registrations."²⁷ Minnesota's Secretary of State's also launched an OVR website, which now faces a legal challenge.²⁸

In most states, an OVR platform will require statutory authorization. This statute should provide significant discretion to the implementing agency and adhere to technically neutral language. More specifically, an OVR platform statute should:

²⁴ *VRM in the States: Kansas*, Brennan Center for Justice (Jun. 11, 2012), <http://www.brennancenter.org/analysis/vrm-states-kansas>.

²⁵ Kan. Stat. Ann. § 25-2309, *available at* http://www.ksrevisor.org/statutes/chapters/ch25/025_023_0009.html.

²⁶ Nev. Rev. Stat. § 293.517, *available at* <https://www.leg.state.nv.us/NRS/NRS-293.html>.

²⁷ Ariz. Rev. Stat. § 16-112, *available at* <http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/16/00112.htm&Title=16&DocType=ARS>.

²⁸ Conservative advocacy organizations and some Minnesota House Representatives argued that the website was not authorized because Minnesota's voter registration statute was limited in its list of permitted delivery methods. See Memorandum from Jim Nobles, Legislative Auditor of the State of Minnesota, to a group of Minnesota Senators and Representatives, regarding Online Voter Registration (Oct. 10, 2013), <http://www.mnmajority.net/wp-content/uploads/2013/10/Online-Registration-OLA.pdf>.

Use Technologically Neutral Terms

Legislation should be future-proof. OVR platforms provide functionality beyond what many would consider standard for a "website." Accordingly, a statute should refer to online voting technologies using technologically-neutral terminology, for example, "electronic voter registration system" or "online voter registration system."

Unfortunately, many existing OVR statutes are restrictive. For example, Colorado's OVR statute makes references to completing forms "on the *official web site of the Secretary of State*."²⁹ Indiana's language is broader, making reference to a "secure Internet web site."³⁰ Oregon's language, by contrast, is among the most flexible, simply mandating creation of an "electronic voter registration system."³¹

It is difficult to predict whether an OVR platform falls within a legislature's definition of a "website" or "Internet site." On one hand, "website" is frequently used to refer to resources available through the world wide web. Many of today's "websites" are actually the product of powerful platforms. On the other hand, a "website" could also be a particular HTML document served by a particular server. Implementers faced with ambiguous statutory language should seek additional guidance.

Provide Flexibility as to Presentation and Design

Statutes should avoid prescriptive design requirements, such as warnings and other presentation-related specifics. Paper forms are likely to be poor models for effective user interfaces, especially on mobile devices. Legislatures should leave these details to implementing agencies, which can incorporate necessary guidance through Designated Partner Terms (which will be discussed further in Section IV.)

Several of today's OVR statutes mandate presentation elements. For example, Virginia's OVR statute requires that "[e]ach transaction taking place under this section shall be accompanied by the following statement featured prominently in boldface capital letters"³² Utah's OVR statute incorporates paper-form language as well.³³ Fortunately, OVR platforms can handle such operational requirements through legal contracts but they add complexity and may reduce flexibility.

Allow for Modern Verification Mechanisms

²⁹ Colo. Rev. Stat. § 1-2-202.5, available at <https://law.resource.org/pub/us/code/co/colorado.xml.older/code11.html>.

³⁰ Indiana Code § 3-7-26.7-5, available at <http://www.in.gov/legislative/bills/2013/HE/HE1391.1.html>.

³¹ Oregon Rev. Stat. § 247.019, available at http://arcweb.sos.state.or.us/pages/rules/oars_100/oar_165/165_005.html.

³² Virginia Code § 24.2-416.7, available at <http://lis.virginia.gov/cgi-bin/legp604.exe?131+ful+HB2341ER>.

³³ "A system created and maintained under this section shall provide the notices concerning a voter's presentation of identification contained in Subsection 20A-2-104 (1)." Utah Code § 24.2-416.7, available at <http://le.utah.gov/~2009/bills/sbillenr/sb0025.htm>.

Identity verification is not a platform-specific issue—an OVR platform can function with a wide array of identity verification strategies. However, when a legislature authorizes new registration technologies, it should also consider empowering relevant agency to establish forward-looking verification mechanisms.

Today, many states impose on their OVR websites identity verification requirements that exceed those of their paper regimes. For example, the National Mail Voter Registration Form³⁴ demonstrates states' willingness to accept a partial Social Security number if an individual does not have a state ID number. However, most states require that the registrant have a valid state driver's license or identification card as a precondition of using the OVR website. (Exceptions include Connecticut, which does not specify a state ID requirement,³⁵ and West Virginia, which allows registrants to submit the last four digits of their Social Security number if they lack state identification.³⁶)

State ID numbers are not the only way to appropriately and securely verify registrants' identities. Signatures could be obtained electronically or on-site when a registrant first votes. Platforms will be even more accessible if state agencies are empowered to develop forward-looking verification mechanisms. See Section V below.

IV. Operational and Technical Framework for an OVR Platform

A connected OVR system consists of both the **OVR platform software** and the **key documents** that govern its use. An OVR platform can be tailored—through software and policy—to meet a state's needs. Accordingly, states must carefully consider the platform's desired behavior. For example, states will decide who can interact with the platform and how the platform should be used. This section describes the components common to all connected OVR systems, how they function, and how they can be customized by states.

Clear Rules of the Road: Designated Partner Terms and Technical Documentation

Officials should first provide a simple, public mechanism—such as a standard web form—that allows anyone to express initial interest in becoming a partner. Some individuals and groups

³⁴ United States Election Assistance Commission, *Register to Vote*, http://www.eac.gov/voter_resources/register_to_vote.aspx.

³⁵ "The Secretary *may* cross reference the information input into the system by applicants with data or information contained in any state agency's database or a database administered by the federal government, or any voter registration database of another state, in order to verify the information submitted by applicants." Connecticut Gen. Stat. § 9-19k, *available at* <http://www.cga.ct.gov/2012/act/pa/2012PA-00056-R00HB-05024-PA.htm>.

³⁶ West Virginia Code § 3-2-5, *available at* <http://www.legis.state.wv.us/WVCODE/ChapterEntire.cfm?chap=03&art=2§ion=5&year=2013&sessiontype=RS&btype=bill&input=477>.

that express interest will be familiar civic organizations, but it's likely that many others will be fresh, new faces.

Each state can decide what basic criteria (if any) it will use to decide who is eligible to become a designated partner. For instance, states would likely restrict eligible partners to only U.S.-based organizations and U.S. citizens of voting age. More stringently, a state might specify that designated partners must complete certain OVR training activities. Whatever the criteria may be, they should be public, objective, and evenly applied by the state.

Once an organization or individual is deemed eligible, the state should require the partner to expressly agree to its Designated Partner Term.

Setting Terms for Designated Partners

In order to become a Designated Partner, organizations, companies, or individuals will agree to the state's Designated Partner Terms. These will be specified by an appropriate state elections official or office. It incorporates whatever requirements the state may deem necessary. Designated partners will agree to abide by these terms in their use of the state's platform. This parallels the usual practice in both industry and government of having a public document that defines how an electronic platform may be used.³⁷ Depending on legislators' preference, some parts of the Designated Partner Terms may be spelled out in the enabling legislation, while others may be developed administratively by the responsible officials. These requirements could include:

- **Application procedures** for Designated Partners, such as demonstrating thorough knowledge of the platform's technical documentation;
- **Review and approval processes** that allow state officials to test, validate and monitor new sites and apps;
- **A list of specific form fields** that constitute the state's voter registration form, that partners are required to collect from registrants;
- **Rules governing the user experience** of registration via the state's platform, such as the interface being public, official notice that the app or site connects to state systems; or a requirement that the site or app be accessible for persons with disabilities;
- **Security and privacy obligations** for the Designated Partner's computer systems and practices, such as requiring the use of encryption, or specifying that the Designated

³⁷ See, e.g., *Google APIs Terms of Service*, Google Developers, <https://developers.google.com/terms> (last modified Dec. 9, 2011); *Terms of Use*, The New York Times Developer Network, http://developer.nytimes.com/Api_terms_of_use (last visited Dec. 1, 2013); and *Open311 API Terms of Service*, City of Chicago, <http://dev.cityofchicago.org/docs/api/tos> (last visited Dec. 1, 2013).

Partner may collect name and address but not SSNs;

- **A requirement to comply with the Technical Documentation**, which may be modified from time to time by the state's technical staff; and
- **Standard contract terms** such as criteria for termination, limits on liability, jurisdiction, and the State's right to modify the terms at any time.

By specifying Designated Partner Terms, states will maintain the legal right to control and modify how partners interact with its OVR platform. If a partner violates the contract in any way, states can selectively and safely revoke access to the platform.

Providing Technical Documentation

A second key document is the Technical Documentation, which guides software developers at every step as they build partner registration interfaces. States should think of its technical document as a teaching tool: its purpose is to teach partner developers how the platform works, and how the partner's interface software needs to be programmed to interact with the state's system. The best examples of technical platform documentation are highly readable, and they contain easy-to-follow examples to get developers up to speed on the ins-and-outs of various aspects of the platform's functionality.³⁸

The technical documentation should describe all of the requirements necessary to display a valid registration form. This should include the name of each input field (e.g., "First name," "Last name," "Date of Birth," etc.), the input type of each field (e.g., words, numbers, a choice of gender, etc.), any corresponding explanatory or disclaimer text, and so on. It should also describe the order in which the fields should appear, whether any fields are optional for the voter, and any other implementation logic or visual elements that the developer will need to know about.

The documentation should specify the specific format by which a partner interface will need to *submit* completed form data. The possible platform *responses* to a submission are also important for partners to know, so their interfaces can anticipate the platform's behavior, and reflect the response in its own user interface.

Partners will use this documentation to design usable voter registration forms, and incorporate those fillable forms directly into their own online offerings. Aside from any limitations set out in the Designated Partner Term, which each partner will have agreed to, they will have the leeway to decide what technologies to use, and how best to design their interfaces.

³⁸ See, e.g., *Tweet Button*, Twitter Developers, <https://dev.twitter.com/docs/tweet-button> (last updated Nov. 19, 2013).

While the process of creating documentation may sound painstaking, documentation of this kind is a long-established software best practice.³⁹ The documentation for OVR platforms should also be relatively short, since the functionality that it needs to provide is relatively stable and simple.

Software Functions of the OVR Platform

The OVR platform software only needs to perform one main task in order to connect the two ends of the registration system: it will accept completed forms from partner interfaces, and hand them off internally to the registration back-end.

Accepting a Completed Form

When a user submits a registration request through a partner interface, the platform first checks that the submission is complete—the user must have filled in all of the required fields and that all of the information conforms to the expected guidelines (e.g., the birth date must be in the format MM/DD/YYYY). If there is a problem with the submission, the platform should return an error message that helpfully describes why the submission failed. (The partner interface should subsequently show this message to the user, and if the error is fixable, should allow the user to correct the mistake and submit again.)

Once the platform receives a completed form, it should provide immediate, responsive feedback to the user through the partner interface. Some states will have the capability to process and verify registrations in real-time—when this is possible, the platform should convey this status information to the user (rather than simply indicating that the form has been received). In states where the verification system takes hours or days to complete, the platform should at least provide users with a way to follow-up on the registration status later. One way would be to implement registration tracking numbers, which is discussed further in Section V.

After the platform hands the form off to the state’s verification system and responds to the user, the platform’s job is done. The verification system should handle the platform submission in the same way it might handle a paper form or a submission through the state’s basic OVR site. Regardless of how the state receives registration data, the verification process should be stable and consistent.

Optional Additional Functions

In its simplest form, a platform will only need to accept completed forms. However, states should be encouraged to provide partners with additional platform functionality, such as the ability to:

- build a partner interface for a “Check Your Registration Status” tool;

³⁹ See, Peter Gruenbaum, *A Coder’s Guide to Writing API Documentation* (Nov. 2010), <http://msdn.microsoft.com/en-us/magazine/gg309172.aspx>.

- build an partner interface to update a voter’s registration details;
- request a machine-readable description of the voter registration form; or
- request a list of the state’s voter registration deadlines for upcoming elections.

The more functionality and information an OVR platform provides, the easier it will be for partners to promote and coordinate their voter registration efforts.

Security and Control

An OVR platform, like other platforms, will have simple and powerful safeguards to ensure that the State remains in control of the technology, and the voter registration process.

One essential feature is the use of *platform keys* to ensure that only Designated Partners have access to the platform. States will control who can use its OVR platform by assigning a unique platform key to each of its Designated Partners. A platform key is similar to a password—it allows only the Designated Partner to use the platform. The key also allows the state to easily monitor the incoming registration patterns of each partner and audit each partner's use. If the partner violates its Designated Partner Term, the state can revoke the partner’s platform key at any time, shutting the partner out of the platform.

States will also want to log each request, in order to provide officials with an audit trail in case any problems are detected or reported. As an extra measure of caution, states could publish the directory of designated partners, as well as the expected locations and types of interfaces each partner provides. This would allow potential voters to check whether a registration interface is actually one that is built by a designated state partner.

In general, states decide who can use the OVR platform, and can set both the technological and contractual rules for how that use occurs. In all cases, state elections officials remain in full control of the registration process.

V. Core Improvements for All OVR Systems

There are few important and feasible improvements that all OVR systems should make, regardless of whether a state chooses to embrace the connected OVR approach. The following recommendations are applicable to both OVR platforms and many of today's OVR websites. For states that cannot implement an OVR platform in the near term, these suggestions are positive, interim improvements.

Implement Real-time Registration Verification

Wherever possible, a state's back-end should check application information against records (e.g., DMV records and voter registration records) in real-time. In turn, an OVR system can provide an immediate response to the registrant as to the success or failure of an application. To the extent that these back-end verification mechanisms can be brought online, and made

privately interoperable and automatable among state offices, the more powerful and convenient all OVR services will be.

Allow Users to Check the Status of Their Registration

Regardless of whether real-time verification is possible, states should provide registrants with the ability to check the status of their registration. Specifically, for those attempting to register for the first time, the state should provide a *tracking number* when the OVR application is submitted. This tracking number can be used by the registrant to easily check on the status of their registration. The user should also be offered the option to subscribe to updates by email or SMS. These notifications should be provided in tandem with any paper-based notifications that the state already sends out.

Provide Options for Users Without State IDs

The convenience of OVR technologies need not be limited to those with a particular kind of credential. Unfortunately, most states today require voters to hold a state-issued identification card in order to use their OVR systems, but “as many as 11 percent of eligible voters do not have government-issued photo ID.”⁴⁰

However, there are a couple exceptions. For example, in Minnesota, voters who without a state ID can instead provide the last four digits of their social security number.⁴¹ California's OVR website statute provides that “[i]f an applicant cannot electronically submit the information required [...], he or she shall nevertheless be able to complete the affidavit of voter registration electronically on the Secretary of State's Internet Web site”⁴²

Once a state develops the capacity to assign tracking numbers, it can easily serve a broader set of users, even if registration can't be completed in real-time. In the event an electronic signature will not suffice, the state might provide provisional registrations through the OVR system, subject to finalizing the registration with a signature on election day.⁴³ At the very least, an OVR system should provide users with a pre-filled document that they can print and mail to state offices.

⁴⁰ *Voter ID*, Brennan Center for Justice (Oct. 15, 2012), <http://www.brennancenter.org/analysis/voter-id>.

⁴¹ *Voter Registration*, Minneapolis Elections & Voter Services, <http://vote.minneapolismn.gov/voters/register> (last visited Dec. 13, 2013).

⁴² Cal. Elec. Code § 2196(d), available at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=elec&group=02001-03000&file=2196-2197>.

⁴³ Nevada's proposed SB 375 would “provide for the provisional registration of voters without a signature . . . their registration will not be perfected until they provide the signature, which they may do before or at the polls.” Lee Rowland, *Testimony of Lee Rowland from the Brennan Center for Justice in Support of Senate Bill 375 before the Senate Legislative Operations and Elections Committee*, at 3 (Apr. 2, 2013), http://www.brennancenter.org/sites/default/files/analysis/Nevada_SB375_Testimony_040213.pdf.

Create Accessible and Responsive OVR Websites

With or without a platform, states should strive to provide accessible and responsive OVR websites. Users are increasingly likely to be on mobile and tablet devices, which come in a wide array of screen sizes and display capabilities. Civic organizations may sometimes try to promote voter registration, by embedding the state's OVR form as an "iframe" within its own website. While this is generally a brittle stopgap measure, a well-designed, responsive website can make "iframe" integration much smoother across a wide range of scenarios.

A state should ensure that their OVR websites are easily accessible to those with disabilities as well as minority language speakers.

Also, website should provide timely and detailed messages to the user. For example, if a user neglects to fill in a field, or enters an invalid character, the site should tell the user exactly what went wrong. If a real-time verification process fails (e.g., a user's invalid state ID number), the user should be provided detailed information and the opportunity to re-submit the registration.

All states with OVR should make these core improvements, and voter engagement organizations like Rock the Vote stand ready to help states implement these changes to reach new, eligible voters. For example, Rock the Vote has free online registration tools available to states and local jurisdictions that provide the opportunity for a voter to fill out a registration form on the election official's website through an interface that uses best in class usability design, is mobile responsive, and available in 13 languages.

VI. Conclusion

Voter registration is essential to the integrity of democracy. States should do everything in their power to provide accessible, user-friendly, and secure means of registration. OVR websites are a sensible start—they have increased registration rates, lowered costs, and improved accuracy. However, the relentless pace of technological change demands more. The rise of mobile devices, social networks, and other online contexts has already changed habits and expectations.

Fortunately, states can stay on top of these technological changes by adopting a simple and durable registration platform. By pursuing a connected OVR solution—a software platform and attendant policies—states can leverage the expertise of diverse partner organizations to dramatically expand their reach, and reshape the voter registration system in our country to meet the needs of our citizens today and in the future.

Appendix A: Tech-Specific Excerpts from State OVR Statutes

<p>California SB 397 (2011)⁴⁴</p>	<p>"Notwithstanding any other provision of law, a person who is qualified to register to vote and who has a valid California driver's license or state identification card may submit an affidavit of voter registration electronically on the Internet Web site of the Secretary of State."</p>
<p>Colorado HB 1160 (2009)⁴⁵</p>	<p>"An elector may register to vote, and a registered elector may change his or her residence on the registration record, change or withdraw his or her affiliation, apply for permanent mail-in ballot status, or amend his or her existing mail-in ballot status, by completing an electronic form on the official web site of the Secretary of State ..."</p>
<p>Connecticut HB 5024 (2012)⁴⁶</p>	<p>"The Secretary of the State shall establish and maintain a system for online voter registration."</p>
<p>Georgia SB 92 (2012)⁴⁷</p>	<p>"A person who is qualified to register to vote in this state and who has a valid Georgia driver's license or identification card may submit a voter registration application on the Internet website of the Secretary of State."</p>
<p>Hawaii HB 1755 (2012)⁴⁸</p>	<p>"Notwithstanding any law to the contrary, the clerk of each county may permit a person who has valid government-issued identification that is capable of electronic confirmation to submit an application to register to vote electronically in lieu of a traditional signed application by mail or in person."</p>
<p>Illinois HB 2418 (2013)⁴⁹</p>	<p>"The State Board of Elections shall establish and maintain a system for online voter registration that permits a person to apply to register to vote or to update his or her existing voter registration."</p>
<p>Indiana HB 1346 (2009)⁵⁰</p>	<p>"The secretary of state, with the consent of the co-directors of the election division, shall establish a secure Internet web site to permit individuals described in section 1 of this chapter to submit applications under this chapter."</p>

⁴⁴ http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0351-0400/sb_397_bill_20111007_chaptered.html

⁴⁵ http://www.leg.state.co.us/Clics/CLICS2009A/csl.nsf/fsbillcont3/2C915DDDB8F987AD8725753C00719C62?Open&file=1160_rer.pdf

⁴⁶ <http://www.cga.ct.gov/2012/act/pa/2012PA-00056-R00HB-05024-PA.htm>

⁴⁷ <http://www.legis.ga.gov/legislation/en-US/display/20112012/SB/92>

⁴⁸ <http://openstates.org/hi/bills/2011%20Regular%20Session/HB1755/documents/HID00047195/>

⁴⁹ <http://www.ilga.gov/legislation/publicacts/98/PDF/098-0115.pdf>

⁵⁰ <http://www.in.gov/legislative/bills/2009/HE/HE1346.1.html>

Louisiana BN 520 (2009) ⁵¹	"[A]ny person who meets the qualifications for voter registration and desires to register as an elector shall apply to do so by making application . . . electronically on the secretary of state's website if the person has a valid Louisiana driver's license or Louisiana special identification card."
Maryland HB 740 (2011) ⁵²	"The State Board may operate an online voter registration system"
Oregon HB 2386 (2009) ⁵³	"The Secretary of state by rule shall adopt an electronic voter registration system to be used by qualified persons"
South Carolina HB 4945 (2012) ⁵⁴	"A person who is qualified to register to vote and who has a valid South Carolina driver's license or state identification card issued by the Department of Motor Vehicles may submit an application for voter registration electronically on the Internet website of the State Election Commission. "
Utah SB 25 (2009) ⁵⁵	"The lieutenant governor may create and maintain an electronic system for voter registration that is publicly available on the Internet. "
Virginia HB 2341 (2013) ⁵⁶	"Notwithstanding any other provision of law, a person who is qualified to register to vote may apply to register to vote by electronic means as authorized by the State Board by completing an electronic registration application."
Washington HB 1528 (2007) ⁵⁷	"A person who has a valid Washington state driver's license or state identification card may submit a voter registration application electronically on the secretary of state's web site. "
West Virginia SB 477 (2013) ⁵⁸	"The Secretary of State is authorized to promulgate procedures to permit persons to register to vote through a secure electronic voter registration system. "

Appendix B: Model OVR Legislation

⁵¹ <http://www.legis.la.gov/Legis/ViewDocument.aspx?d=667200>

⁵² <http://mlis.state.md.us/2011rs/bills/hb/hb0740e.pdf>

⁵³ <https://olis.leg.state.or.us/liz/2009R1/Measures/Text/HB2386/Enrolled>

⁵⁴ http://www.scstatehouse.gov/sess119_2011-2012/bills/4945.htm

⁵⁵ <http://le.utah.gov/~2009/bills/sbillenr/sb0025.htm>

⁵⁶ <http://lis.virginia.gov/cgi-bin/legp604.exe?131+ful+HB2341ER>

⁵⁷ <http://votesmart.org/static/billtext/13616.pdf>

⁵⁸ <http://legiscan.com/WV/text/SB477/2013>

Findings

(1) [State] should make every effort to ensure that every eligible person has access to a convenient and secure means of registering to vote.

(2) Technological innovation is changing how people access information and interact with their government. Accordingly, [State] must provide a modern voter registration mechanism that will stand the test of time.

(3) Online and electronic voter registration has already increased voter registration rates in states including Washington, Kansas, Rhode Island, South Dakota, Delaware, Florida, Michigan, North Carolina, Oregon, Pennsylvania, and Arizona. Moreover, in these states, online voter registration has increased the accuracy of voter registration processes while decreasing processing times and has significantly decreased the costs associated with voter registration.

Provisions

The [agency/official] shall establish and maintain an electronic voter registration system that is accessible through the Internet.

This system shall allow persons to register to vote, and may further at the discretion at the [agency/official] allow a person to check his or her registration status, update his or her residence on the registration record, change or withdraw his or her affiliation, apply change for permanent mail-in ballot status, amend his or her existing mail-in ballot status, and any other functions the [agency/official] deems fit.

The [agency/official] may promulgate procedures and policies governing operation and use of the system.

All persons qualified to register to vote under [currently-existing registration procedures] may submit an application to register to vote through the system. Upon the submission of an application through the system, the [agency/official] shall employ software that provides immediate verification of all of the following: [specify real-time verification mandates, as appropriate]. If an application is rejected, the applicant shall be notified of such rejection within [appropriate time period] after the application is rejected, including information sufficient for the applicant ascertain the reason for the rejection, and instructions for correcting the issue.

The [agency/official] shall employ security measures to ensure the accuracy and integrity of voter registration applications submitted through the system.

**APPENDIX C: waiting on permission from CA SOS to share their designated partner MOU and API platform code as a sample, otherwise, we should use the Rocky API as a sample.