

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is entered into between the United States of America, through the Civil Rights Division of the U.S. Department of Justice, and the State of Connecticut, through the Office of the Connecticut Attorney General, the Office of the Connecticut Secretary of the State (Secretary of the State), and the Connecticut Department of Motor Vehicles (DMV).

I. Statement of the Parties

The United States and the State of Connecticut hereby recognize the following:

1. By letter dated April 15, 2016, the United States notified the State of Connecticut that the Principal Deputy Assistant Attorney General for the Civil Rights Division of the U.S. Department of Justice had authorized litigation against the State and appropriate State officials to enforce Section 5 of the National Voter Registration Act of 1993 (NVRA), 52 U.S.C. § 20504, which is also known as the Motor Voter provision of the NVRA.
2. The State of Connecticut subsequently informed the United States that the State was initiating efforts to bring about Motor Voter compliance through an electronic system to be implemented at motor vehicle offices in the State.
3. On May 16, 2016, the Secretary of the State and DMV entered into an agreement to implement, by August 1, 2016, a paper and/or electronic Motor Voter solution.
4. The State of Connecticut's current Motor Voter procedures do not comply fully with 52 U.S.C. § 20504.
5. The United States and the State of Connecticut share the goals of ensuring that the requirements of the Motor Voter provision of the NVRA are met and ensuring that Connecticut's citizens enjoy the benefits envisioned by that provision.
6. The United States and the State of Connecticut have negotiated in good faith and hereby agree to this MOU as an appropriate means to further their shared goals.

II. National Voter Registration Act of 1993

7. The National Voter Registration Act of 1993 (NVRA), 52 U.S.C. §§ 20501-11, includes certain requirements with respect to voter registration procedures for elections for Federal office for States covered by the NVRA. The State of Connecticut is covered by the NVRA and is obliged to ensure compliance with its requirements. 52 U.S.C. §§ 20502(4), 20503.
8. The NVRA requires that, "in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office . . . by application made simultaneously with an application for a motor

vehicle driver's license pursuant to section 20504" of Title 52 of the U.S. Code. 52 U.S.C. § 20503(a)(1).

9. The NVRA further requires that "[e]ach State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application." 52 U.S.C. § 20504(a)(1). This provision also requires that "[a]n application for voter registration submitted under [the provision] shall be considered as updating any previous voter registration by the applicant." 52 U.S.C. § 20504(a)(2).
10. The NVRA defines "motor vehicle driver's license" to include any personal identification document issued by a state motor vehicle authority. 52 U.S.C. § 20502(3). In Connecticut, the personal identification documents issued by DMV offices are commercial and non-commercial driver's licenses, including learner's permits, and non-driver ID cards. *See* Conn. Gen. Stat. §§ 1-1h; 14-36, 36d(c), 44c.
11. The NVRA requires that "[t]he voter registration application portion of an application for a State motor vehicle driver's license . . . may not require information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under [52 U.S.C. § 20504(c)(2)(C)])." 52 U.S.C. § 20504(c)(2)(A).
12. The NVRA requires that "[t]he voter registration application portion of an application for a State motor vehicle driver's license . . . shall include" a statement of the eligibility requirements for registration, an attestation that the applicant meets each such requirement, and a signature under penalty of perjury. 52 U.S.C. § 20504(c)(2)(C).
13. The NVRA requires that the voter registration application portion of an application for a State motor vehicle driver's license may require only the minimum amount of information necessary to prevent duplicate voter registrations and to enable State election officials both to assess the eligibility of the applicant and to administer voter registration and other parts of the election process. 52 U.S.C. § 20504(c)(2)(B).
14. The NVRA requires that any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license must serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved, unless the registrant states on the form that the change of address is not for voter registration purposes. 52 U.S.C. § 20504(d).
15. The NVRA requires that a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority must be transmitted to the appropriate election official not later than ten days after acceptance, and not later than five days after acceptance if accepted within five days before the last day of registration to vote in a Federal election. 52 U.S.C. § 20504(e).

16. The Secretary of the State is the chief election officer of the State of Connecticut. Conn. Gen. Stat. §§ 9-3. The Secretary is responsible for coordinating Connecticut's responsibilities under the NVRA. 52 U.S.C. § 20509; Conn. Gen. Stat. §§ 9-3, 9-4.
17. The Commissioner of the DMV administers, coordinates, and controls the operations of the DMV and is responsible for the overall supervision and direction of all DMV facilities. Conn. Gen. Stat. § 14-3. The DMV is responsible for integrating voter registration into any Connecticut motor vehicle driver's license application, including any renewal application, and for ensuring that any change of address form related to a motor vehicle driver's license serves as notification of change of address for voter registration with respect to elections for Federal office, unless the registrant states on the form that the change of address is not for voter registration purposes. Conn. Gen. Stat. § 14-3; 52 U.S.C. 20504(a), (c), (d).
18. Connecticut also licenses privately-owned offices of the American Automobile Association Allied Group and the American Automobile Association Northeast (collectively "AAA offices") to perform services relating to Connecticut automobile owners or drivers. Conn. Gen. Stat. § 14-67. Pursuant to State law, the DMV Commissioner has authorized Connecticut AAA offices to perform, on the State's behalf, driver's licenses and ID card duplicate and renewal services using DMV-approved forms, procedures, and systems. Conn. Gen. Stat. § 14-41(b); *see also* www.ct.gov/dmv. Connecticut's AAA offices are agents of the State for DMV driver's license and ID card duplicate and renewal services. As such, those offices are "state motor vehicle authorities" under the NVRA for the limited purpose of conducting those NVRA-covered transactions.
19. The Secretary has the authority to require that all town registrars comply with the NVRA and the DMV has the authority to require that all DMV offices, including AAA offices, comply with NVRA requirements. Conn. Gen. Stat. §§ 9-3, 9-4, 14-3. The Secretary, Commissioner, and Office of the Attorney General are appropriate signatories to this Agreement for the State of Connecticut and have the legal and statutory authority to ensure compliance with the terms and conditions of this Agreement. *Id.*

III. Terms of Agreement

NOW, THEREFORE, for full and adequate consideration given and received, the United States, through the Civil Rights Division of the U.S. Department of Justice, and the State of Connecticut, through the Office of the Connecticut Secretary of the State, DMV, and the Connecticut Attorney General, agree as follows:

A. Compliance Plan

20. On or before August 8, 2016, the State shall implement a functioning electronic system designed to remedy Connecticut's NVRA insufficient compliance and to ensure the State's future compliance with Section 5 of the NVRA, including through each DMV and AAA office. The electronic system shall comply with the requirements of the

Compliance Plan, attached hereto as Exhibit A to this MOU, which is fully incorporated herein. In general, that Compliance Plan shall apply to any paper, electronic, or computerized system used for applications for a Connecticut driver's license or ID card, including any renewal application and any change of address submitted for such purposes and requires that:

- a. Each application for a Connecticut driver's license or ID card, including any renewal application, serves as an application for voter registration with respect to elections for Federal office unless the applicant declines to register to vote;
- b. The voter registration portion of each application for a Connecticut driver's license or ID card, including any renewal application, shall conform to the requirements of Sections 5(a) and 5(c) of the NVRA, with particular attention to the elimination of queries that duplicate information sought on the driver's license or ID card portion of the application;
- c. All completed voter registration portions of each application for a Connecticut driver's license or ID card, including any renewal application, are accepted through all Connecticut DMV and AAA offices providing licensing services, and transmitted by those offices to appropriate election officials not later than 10 days after acceptance, or, if accepted within five days of the close of registration for an election, no later than five days after they are accepted by the DMV or AAA office, as provided by Section 5(e) of NVRA, 52 U.S.C. § 20504(e);
- d. Any change of address submitted by a registered voter in accordance with state law for purposes of a Connecticut driver's license or ID card serves as a change of address for voter registration with respect to elections for federal office for the registrant involved, unless the registrant states on the form that the change of address is not for voter registration purposes. Connecticut's change of address forms, policies, and procedures shall ensure that change of address forms for a Connecticut driver's license or ID card submitted through the DMV or AAA office by a registered Connecticut voter shall result in the transmission of voter registration information to appropriate election officials for voter registration purposes under timelines established by Section 5(e) of the NVRA, including the transmission of a registrant's voter registration information to the appropriate election official in a new town when a voter submits a change of address indicating a move to another Connecticut town, unless the registrant states on the form that the change of address is not for voter registration purposes;
- e. All applications for a Connecticut driver's license or ID card, including any renewal application, comply with Section 5. The State shall also track the number of voter registration applications transmitted from DMV or AAA offices to local election officials and the number of days between the acceptance and transmittal of such applications to the appropriate local election official; and
- f. Any address changes to Connecticut driver's licenses and ID cards comply with Section 5. The State shall also track the number of address changes to voter

registration between two Connecticut towns transmitted from DMV or AAA offices to local election officials, the nature of the DMV transaction that triggered the address change, and the number of days between the acceptance and the transmittal of such voter registration applications to the appropriate local election official.

B. State Oversight of NVRA Compliance

21. On or before August 8, 2016, the Secretary shall issue, pursuant to Conn. Gen. Stat. §§ 9-3, 9-4, a regulation, declaratory ruling, instruction or opinion, directed at town registrars of voters to ensure that all town registrars of voters accept voter registration applications submitted pursuant to Section 5 of the NVRA and this MOU.
22. On or before August 8, 2016, the Commissioner shall establish uniform written policies and procedures designed to ensure statewide compliance with Section 5 of the NVRA and this MOU and shall develop uniform written materials to conduct the trainings required by Paragraphs 29, 35, and 37 of this MOU.
23. On or before September 30, 2016, the State shall, in consultation with counsel for the United States, develop and implement oversight procedures for determining whether employees and agents at DMV and AAA offices that provide driver's license and ID card services are complying with Section 5 of the NVRA, this MOU, and Exhibit A. Such procedures shall include, but are not limited to:
 - a. Incorporating compliance with NVRA-related procedures in the ongoing, continuous evaluation of DMV and AAA offices as well as DMV agents and employees;
 - b. Annual audits of offices' voter registration procedures, including audits of driver's license and ID card applications, to review the rates at which applicants declined to sign the voter registration portion of the form; and
 - c. Unscheduled and unannounced site visits to review procedures, policies, forms, and training materials related to voter registration at DMV and AAA offices.

C. NVRA Compliant DMV Written Materials

24. The State shall, in accordance with Exhibit A, and in consultation with counsel for the United States, revise all NVRA-related DMV forms and other written materials, including informational brochures and training materials, for use by DMV employees, agents, and contractors with NVRA-related responsibilities and any written material for use by DMV clients engaging in, or seeking information about, NVRA-related transactions at DMV or AAA offices. The State hereby agrees to notify counsel for the United States of all NVRA-related revisions to DMV forms and other written materials created under this paragraph, including training materials and informational brochures, and provide such materials, with each change identified, at least 14 days before such materials are used or distributed.

D. Annual Training

25. The State shall, in accordance with the deadlines in Exhibit A, and in consultation with counsel for the United States, create an annual NVRA education and training program designed to facilitate compliance with Section 5 to all DMV and AAA employees. The training shall be mandatory for DMV and AAA employees who provide services related to driver's licenses and ID cards. Thereafter, the State shall offer annual NVRA education and training programs for every DMV and AAA employee or agent responsible for providing services related to driver's licenses and ID cards to Connecticut residents.

E. State DMV NVRA Coordinator

26. On or before August 8, 2016, the State shall appoint an interim statewide "DMV NVRA Coordinator" and shall notify the United States as to the identity of, and contact information for, that individual within five days of that appointment. If the identity of, and contact information for, the interim DMV NVRA Coordinator changes before the appointment of a permanent DMV NVRA Coordinator in accordance with Paragraph 27, the State shall notify the United States within two days of any change.
27. Within 60 days of the appointment of the interim DMV NVRA Coordinator, the State shall appoint a permanent DMV NVRA Coordinator who shall continue in that position for at least one year beyond the termination date of this MOU. The State shall notify the United States as to the identity of, and contact information for, that individual within five days of that appointment.
28. The DMV NVRA Coordinator's responsibilities shall include, but not be limited to:
 - a. Coordinating and overseeing statewide compliance with the requirements of Section 5 of the NVRA and this MOU at DMV and AAA offices, in consultation with the Secretary;
 - b. Reviewing data and implementation reports received from NVRA Site Coordinators, whose responsibilities are identified in Section F below, to evaluate whether the data reflect implementation problems;
 - c. Determining the necessity for a corrective action plan and, if necessary, directing the implementation of the corrective plan within 30 days of the date that any implementation problem is identified at any DMV or AAA office;
 - d. Providing a statewide report to the Secretary (with a copy to counsel for the United States) in April and October of each year during the time that this MOU is in effect that evaluates each DMV and AAA office's compliance with the NVRA during the preceding six months;
 - e. Coordinating with DMV officials to ensure that NVRA compliance is a factor in the evaluation of DMV offices, employees, and agents;

- f. Providing technical assistance to NVRA Site Coordinators, including periodic reminders, trainings, and procedural updates concerning their NVRA responsibilities; and
 - g. Ensuring that the website homepage maintained by the Connecticut DMV (currently www.ct.gov/dmv) provides prominent notice of the opportunity to register to vote or update voter registration information while applying for, renewing, or submitting an address change to a Connecticut driver's license or ID card.
29. On or before August 8, 2016, the interim DMV NVRA Coordinator shall become familiar with the requirements of the NVRA and the DMV NVRA Coordinators' responsibilities under this MOU and Exhibit A. The interim DMV NVRA Coordinator shall, in turn, ensure that NVRA Site Coordinators attend and provide the trainings described in Paragraphs 35 and 37 of this MOU. If the identity of the interim DMV NVRA Coordinator changes before a permanent DMV NVRA Coordinator is appointed, the new interim DMV NVRA coordinator shall comply with this Paragraph.
30. Within five days of the date of their appointment, the permanent DMV NVRA Coordinator shall attend a training provided by the DMV and/or Secretary that explains the requirements of the NVRA and the DMV NVRA Coordinators' responsibilities under this MOU and Exhibit A. The DMV NVRA Coordinator shall, in turn, ensure that permanent NVRA Site Coordinators attend and provide the trainings described in Paragraphs 36 and 38(b) and (e) of this MOU.
31. In the event of a vacancy in the interim DMV NVRA Coordinator position, the DMV shall fill that vacancy within five business days and shall within two days of the appointment notify counsel for the United States of the appointee's name and contact information.
32. In the event of a vacancy in the permanent DMV NVRA Coordinator position, the DMV shall fill that vacancy within 30 days and shall within 10 days of the appointment notify counsel for the United States of the appointee's name and contact information.

F. NVRA Site Coordinators

33. On or before August 8, 2016, the State shall appoint at each DMV or AAA office that provides driver's license services an interim "NVRA Site Coordinator" and shall notify the United States as to the identity and location of all NVRA Site Coordinators within five days of their appointment. The State may, in consultation with the United States, identify NVRA Site Coordinators who may be responsible for more than one DMV or AAA office.
34. Within 60 days of the appointment of the interim NVRA Site Coordinators, the State shall appoint permanent NVRA Site Coordinators. The position of NVRA Site Coordinator shall continue to exist until at least one year beyond termination of this MOU.

35. On or before August 8, 2016, the interim NVRA Site Coordinators shall attend a training or trainings provided by the State that explains the requirements of the NVRA and the NVRA Site Coordinators' responsibilities under this MOU and Exhibit A.
36. Within five days of the date of their appointment, permanent NVRA Site Coordinators shall attend a training or trainings provided by the State that explains the requirements of the NVRA and the NVRA Site Coordinators' responsibilities under this MOU and Exhibit A.
37. On or before August 8, 2016, the State shall provide a training or trainings for all employees at NVRA sites who participate in driver's license or ID card transactions that explains the requirements of the NVRA and the NVRA responsibilities of all DMV employees who participate in driver's license or ID card transactions.
38. The NVRA Site Coordinators' responsibilities shall include, but not be limited to:
 - a. Coordinating and overseeing compliance with the requirements of Section 5 of the NVRA and this MOU at their sites, in consultation with the DMV NVRA Coordinator;
 - b. Ensuring that the annual NVRA training described in Paragraph 25 of this MOU is provided to all employees at their site who participate in driver's license or ID card transactions annually;
 - c. Identifying and resolving NVRA implementation problems;
 - d. Preparing a quarterly report (due 15 days following the close of each calendar year quarter) that documents NVRA compliance. The quarterly report shall include the number of completed driver's license and ID card applications, renewals, and address changes, and the number of completed voter registration applications accepted as part of such applications and transmitted to appropriate local election officials. The report shall also include the maximum number of days between the acceptance of such voter registration applications at a DMV or AAA office and transmittal to the appropriate local election official and, for any voter registration applications accepted within 5 days before the registration deadline for an election, the maximum number of days between the acceptance and transmittal of such voter registration applications to the appropriate local election official. The NVRA Site Coordinator shall transmit the quarterly report to the DMV NVRA Coordinator. The quarterly report prepared in accordance with this Paragraph shall identify any implementation problems and report the resolutions to such problems, identify training needs, and record any local- or state-level recommendations for the improvement of NVRA compliance at DMV or AAA offices. The first quarterly report shall be submitted to the DMV NVRA Coordinator after the end of the third quarter of 2016 (September 30, 2016); and
 - e. Ensuring that any new DMV or AAA employee with responsibilities related to driver's licenses and ID cards at each DMV or AAA office receives information and training concerning the requirements of Section 5 of the NVRA, and this MOU within 14 business days of the new employee's start date.

39. In the event of a vacancy in the interim NVRA Site Coordinator position, the DMV shall fill the vacancy within five days and shall within two days of the appointment notify the United States of the appointee's name and contact information.
40. In the event of a vacancy of an NVRA Site Coordinator position, the DMV shall fill the vacancy within 30 days and shall within five days of the appointment notify the United States of the appointee's name and contact information.

G. Remedial Recapture Plan

41. On or before August 15, 2016, the State shall, in consultation with counsel for the United States, develop and implement a remedial recapture plan for offering voter registration opportunities to individuals who completed a Connecticut driver's license or ID card application, including any renewal application, but did not receive an opportunity to register to vote in accordance with Section 5 of the NVRA or who in accordance with state law notified the DMV of an address change, but whose voter registration records were not updated when those registrants moved between Connecticut towns.
42. The United States, Secretary, and DMV acknowledge and recognize that Connecticut is a member of the inter-state consortium called the Electronic Registration Information Center ("ERIC"). See www.ericstates.org.
43. As a member of ERIC, Connecticut has been required since before the effective date of this MOU to utilize data to identify those persons living within the state who are eligible to register to vote, have a DMV credential, but are not registered to vote at the address indicated in DMV records, and to offer those persons an opportunity to register to vote by way of a mailing during Federal election years.
44. Connecticut undertook an ERIC-required mailing for the 2014 Federal election.
45. In 2014, the State sent a postcard to persons identified as likely eligible voters but likely unregistered as described herein with a unique URL for online voter registration. Such persons necessarily included persons who reported a change of address to the DMV during the relevant time period.
46. As a member of ERIC, the State will undertake another ERIC-required mailing before the November 8, 2016 Federal election.
47. The 2016 ERIC-required mailing will reach persons who filed a change of address with DMV since the last mailing in 2014.
48. The State will modify and augment its 2016 ERIC-required mailing to provide appropriate information or materials to persons who may have limited access to online voter registration by virtue of demographic factors.
49. The State, utilizing census data and other relevant sources, shall, in consultation with counsel for the United States, prepare a plan for modified and enhanced ERIC outreach strategies to persons identified as likely eligible voters.

50. The State shall continue to conduct such outreach activities through the 2018 election cycle.
51. In consultation with the United States, the State shall make a reasonable effort to identify the number of individuals who are mailed voter registration materials and information, as described in Paragraphs 41-49, and submit a voter registration application between the date of such mailing or mailings and the close of registration-by-mail for the November 8, 2016 election. The State shall prepare a report describing its findings and submit such report to the United States by January 31, 2017.

H. Reporting and Monitoring

52. On April 31 and October 31 of each year this MOU is in effect, the State shall submit to the United States a report for the six-month period ending March 30 and September 30 respectively, which shall include the following components:
 - a. The number of applications for a Connecticut driver's license or ID card, including any renewal application, received at each DMV and AAA office that provides driver's license services and the number of completed voter registration forms received at each such DMV and AAA location;
 - b. The number of changes of address received by the DMV with regard to a Connecticut driver's license or ID card and the number of changes of address transmitted from the DMV to appropriate state election officials for voter registration purposes;
 - c. The maximum number of days between the acceptance of voter registration applications at a DMV or AAA office as part of an application for a driver's license, ID card, including any renewal application, or a change of address and transmittal of such voter registration applications to the appropriate local election official and, for any such voter registration applications accepted within 5 days before the registration deadline for an election, the maximum number of days between the acceptance and transmittal of such voter registration applications to the appropriate local election official.
 - d. A summary of efforts to implement each of the provisions and requirements of this MOU, including the results of the State's own internal tracking, audits, and site visits, as provided in the compliance plan and Paragraphs 23 (a)-(c);
 - e. A description of any corrective action plans devised and implemented pursuant to Paragraph 28(c); and
 - f. Updated copies of all new or revised NVRA policies, procedures, rules, declaratory rulings, regulations, publications, advertisements, training materials, and other written materials used in the preceding reporting period or to be used in the future reporting periods to ensure compliance with the NVRA.
53. The United States may object to any regulation, declaratory ruling, instruction or opinion, form, plan, report, procedure, or other document prepared by the State pursuant to this

MOU on the ground that it does not comply, or is not sufficient to ensure compliance with Section 5 of the NVRA and this MOU. The United States will do so by providing written notice to the State describing any objections. The parties shall make a good-faith effort to resolve any differences.

54. Each year this MOU is in effect, employees, agents, and investigators of the United States shall have the right to:
- a. Conduct audits, including review of documents and records related to voter registration, of any Connecticut DMV or AAA office without prior notice to the State;
 - b. Contact officials, employees, agents, and representatives of the State involved in NVRA-related activities without prior notice to the State;
 - c. Visit any office of any Connecticut DMV or AAA office without prior notice to the State for purposes of determining whether the office is complying with Section 5 of the NVRA and this MOU; and
 - d. Request, in writing, any data and implementation reports prepared by NVRA Site Coordinators or the DMV NVRA Coordinator, including but not limited to reports prepared pursuant to Paragraph 38(d) of this MOU. The Secretary shall provide those reports or data within 20 days of the United States' written request.

I. Deadlines

55. Any deadline in this MOU may be extended by the consent of the parties. The United States shall not unreasonably withhold consent following a showing of good cause by the Secretary of the State or DMV.
56. With respect to any time deadline imposed on the State in this MOU, if the State is unable, despite good faith efforts, to comply with a time deadline, the State shall notify the United States of such inability prior to the expiration of such deadline and may request a reasonable extension of the deadline.
57. The State agrees that if any request for an extension of any deadline in accordance with Paragraphs 55 or 56 of this MOU prevents the implementation of the full remedy to the NVRA violations as described in this MOU, including Exhibit A, the State shall include with its request an interim remedy that can be implemented immediately in accordance with the deadline and obligations required by the relevant Paragraph. If such interim remedy is acceptable to the United States consent to such a request shall not be unreasonably withheld.

J. Effective Date

58. This MOU shall take effect immediately upon signing by all signatories.

IV. Enforcement

59. If at any time the United States obtains information that the State of Connecticut is or is about to be in breach of any of the terms of this MOU, the United States shall advise the Secretary in writing by notice sent to the Secretary, through the Office of the Attorney General, by overnight mail and email. The notice shall identify the facts that form the basis of the alleged breach. The Secretary shall have five business days following receipt of such notice to respond in writing to the United States. The Parties shall thereafter immediately attempt to resolve any issue of potential noncompliance. If the Parties are unable to agree on a resolution of the issue, the United States may take appropriate action to enforce the terms of this MOU or to immediately terminate the MOU and enforce Section 5 of the NVRA, as provided in Section 11 of the Act, 52 U.S.C. § 20510.
60. Nothing in this MOU shall prevent the United States from taking any actions required to enforce any and all applicable provisions of the NVRA.
61. Any legal proceeding arising in connection with the MOU may be brought only in the United States District Court in the District of Connecticut, and all parties consent to venue in that court.
62. Any legal proceeding to enforce this MOU may seek specific performance of the terms therein.
63. This MOU creates no third-party rights and may not be enforced by any individual, organization, or entity not a party thereto.

V. Termination

64. This MOU shall remain in effect for four years from its effective date, unless terminated earlier by the parties.
65. Before this MOU may be terminated, the State shall implement formal uniform written policies and procedures consistent with this MOU to facilitate and ensure full statewide compliance with Section 5 of the NVRA. To ensure full statewide compliance with Section 5 of the NVRA, the State shall promulgate final rules or regulations necessary to ensure continued compliance with this MOU under state law. Any final rules or regulations shall be consistent with the Connecticut Uniform Administrative Procedure Act, Conn. Gen. Stat. § 4-166 *et seq.*, and subject to the review and approval of the Legislative Regulation Review Committee of the Connecticut General Assembly, and consistent with § 445 of Public Act 15-5 (June Special Session 2015).
66. To demonstrate that it has achieved substantial compliance with the MOU for purposes of termination, the State shall file a report, including appropriate documentation, with counsel for the United States that establishes that the State has substantially complied and that the State has the means and intent to continue compliance with Section 5 of the NVRA. This report shall include the formal written policies and procedures and any final rules and regulations adopted pursuant to Paragraph 65.

67. After conferring with the State, the United States in good faith will determine whether it believes the State has achieved substantial compliance with the MOU, including whether the formal written policies and procedures and any final rules and regulations adopted pursuant to Paragraph 65 are reasonably likely to ensure future compliance with Section 5 of the NVRA. A conclusion of substantial compliance by the State may not be unreasonably withheld by the United States. If the parties agree that substantial compliance has been achieved, they may terminate this MOU in writing.

VI. Construction

68. The MOU shall be interpreted as if jointly written by all parties, and the rule of construction providing that any ambiguities are to be resolved against the drafting party shall not be used in interpreting this MOU.

69. Prior drafts of this MOU may not be used to construe this MOU.

The undersigned agree to entry of this MOU.

For the United States of America:



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8/5/16
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August 4, 2016
Date

For the State of Connecticut:


CONNECTICUT SECRETARY OF THE STATE

A handwritten signature in black ink, appearing to read "Denise W. Merrill", written over a horizontal dotted line.

DENISE W. MERRILL
Secretary of the State
30 Trinity Street
Hartford, CT 06106

8-5-16
Date

CONNECTICUT DEPARTMENT OF MOTOR VEHICLES


MICHAEL BZDYRA
Commissioner
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8/4/2016
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8-4-14
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Exhibit A

STATE OF CONNECTICUT

NATIONAL VOTER REGISTRATION ACT COMPLIANCE PLAN

August 5, 2016

I. Background, Purpose and Policy

- A. This National Voter Registration Act Compliance Plan (Compliance Plan) is issued pursuant to a Memorandum of Understanding (the "DOJ MOU") between the United States of America, through the Civil Rights Division of the U.S. Department of Justice, and the State of Connecticut, through the Office of the Connecticut Attorney General, the Office of the Connecticut Secretary of the State (SOTS), and the Connecticut Department of Motor Vehicles (DMV).
- B. This Compliance Plan is issued jointly by SOTS and the Commissioner of DMV (Commissioner) pursuant to the DOJ MOU and in furtherance of the goals and commitments stated in the Memorandum of Understanding between SOTS and the DMV Concerning the Execution of the National Voter Registration Act of 1993.
- C. The purpose of this Compliance Plan is to promulgate a plan, policies and procedures, and describe actions already taken, to comply with Section 5 of the National Voter Registration Act of 1993 (NVRA). This document shall represent the official policy of SOTS, as the official responsible for coordinating statewide compliance with the NVRA, and of the Commissioner, and shall be mandatory for all DMV employees, SOTS employees, and contractors or other third parties with responsibilities related to conducting, overseeing, or supporting transactions covered by the NVRA.
- D. It shall be the policy of the DMV that every potentially eligible customer shall be offered the opportunity to apply to register to vote, and/or update their voter information in conjunction with any licensing transaction; that providing such voter registration opportunity is a legal responsibility of the DMV; and that DMV employees shall take every opportunity to affirmatively inform customers of voter registration opportunities; and to provide assistance with such transactions if requested.
- E. Whenever an outside contractor or other third party (e.g. AAA) performs a function on behalf of DMV that involves an NVRA covered transaction, such

contractor or third party shall be required to take the corresponding actions required of DMV personnel by this Compliance Plan.

II. DMV Electronic Voter Registration System

- A. To comply with Secs. 5 (a) and (c) of the NVRA, the DMV shall implement, not later than August 8, 2016, an electronic voter registration system that integrates voter registration into its existing licensing transaction system for DMV and AAA customers, so that every application for a driver's license or non-driver identification, including a renewal application, shall function as an application to register to vote, unless the customer chooses to opt out of voter registration. Should the DMV offer licensing services through any other third party in the future, such third party shall use the same system or any successor system and comply with its requirements and those of the NVRA.
- i. To comply with the requirement of NVRA Sec. 5(c) to avoid duplication of data queries, the system shall prepopulate the voter registration application with all available data from the driver licensing system during driver's license and non-driver identification card transactions.
 - ii. The electronic voter registration system shall require a response from the DMV employee, before allowing the examiner to move on, for the following transactions (collectively, "licensing transactions"):
 1. New license issuance
 2. Issuance of license for drivers moving to Connecticut from other states
 3. License renewal
 4. License replacement
 5. Standalone requests for voter registration without a license transaction
 6. Non-driver identification and associated renewals
 7. In-person change of address, party affiliation, or other information at DMV or AAA.
 - iii. No DMV employee or third-party agent may exit a licensing transaction without either conducting the voter registration transaction, confirming ineligibility, or confirming and recording a customer's decision not to register. Each customer who registers to vote or declines the opportunity to register is given a paper receipt with a date/time stamp confirming the voter's registration information or decision to decline. A customer shall be given an opportunity before leaving the service location to confirm vital details and party affiliation, and if necessary, correct such information

without initiating a new transaction or application. In addition to the paper receipt given to the voter, the DMV shall keep a paper record of the registrant's affirmation of qualifying information, which contains the registrant's party affiliation, if any, and signature, and an electronic record of the transaction. For compliance management and analysis purposes, the system records date, time, location, and employee data for each transaction.

- iv. In compliance with NVRA Sec. 5(e), as provided by Section 5(e) of the NVRA, 52 U.S.C. § 20504(e), the system will conduct daily electronic transmission of new voter registrations and any other required NVRA data (e.g. changes of name, address, or party affiliation) to local registrars through a daily automated upload to the state's Centralized Voter Registration System (CVRS). The system will provide electronic confirmation that data has been sent and that registration applications are either pending or have been processed by local registrars.
 1. In the event of an information technology failure or fault that prevents or delays transmission of data to the CVRS or to local registrars, the DMV shall:
 - a. Immediately inform the Elections Division of the Office of the Secretary of the State.
 - b. Engage appropriate resources and personnel to ensure transmission of pending voter registration transactions not later than 10 days after acceptance, or, if accepted within five days before the close of registration for an election, no later than five days after they are accepted by the DMV or AAA office, as provided by Section 5(e) of NVRA, 52 U.S.C. § 20504(e);
 - c. If the IT failure is anticipated to delay electronic transmission of voter registration applications and data beyond the statutory deadline, DMV shall:
 - i. Take steps to ensure delivery of voter registration data to registrars by alternative means.
 - ii. While the DOJ MOU is in effect, immediately inform the Department of Justice.

III. Paper Based Change of Address, License Renewal, and Legacy Voter Registration Forms

- A. Upon implementation of the electronic voter registration system, in compliance with Sec. 5 (d) of the NVRA, DMV shall promulgate and begin accepting updated Change of Address and Mail-In License Renewal Forms that solicit all information necessary for DMV employees to complete NVRA-compliant voter registration transactions using the electronic system, unless the customer indicates that the form shall not be used for voter registration purposes.
- i. Change of Address– the updated DMV Change of Address form includes an opt-out provision with a clear notice that if the customer does not opt out, the form will be used to:
 1. update each existing voter’s current voter file with the new address for people moving within a town; or
 2. register the voter in the new town using the voter’s existing voter information, party affiliation, and DMV verification information without further action by the voter.
 - a. Changes of address to a new town are processed in the CVRS as new voter applications that appear in the same application category as all other new voter applications from DMV or AAA. Only SOTS personnel, not registrars, can identify a new voter application as originating from a DMV change of address.
 - b. Pursuant to Paragraph 20 of the DOJ MOU, SOTS, not later than August 8, 2016, will issue written instructions to registrars pursuant to Conn. Gen. Stat. Secs 9-3 and 9-4 regarding requirements and procedures for processing voter registration applications and changes of address in compliance with Section 5 of the NVRA.
 - ii. Change of Address forms shall be processed upon receipt at DMV by entering all voter information into the electronic voter registration system and transmitting such information to the CVRS along with all other NVRA transactions for that day.
 - iii. The updated Change of Address form includes an additional section for new voter registration or change of party affiliation that complies with

NVRA by allowing existing DMV credential holders to register to vote or change affiliation without providing information already held by DMV.

- B. The updated Mail-In License Renewal form for military members and others temporarily out of state now includes a section for new voter registration, with corresponding instructions.
- C. Legacy Forms: All DMV and AAA employees are instructed to process legacy voter registration cards (including those in mailed license renewal notices) by completing the voter registration application in the electronic system, so long as the applicant consents to their electronic signature being used for voter registration purposes. If the applicant does not consent to the use of their electronic signature for voter registration purposes, the DMV will transfer legacy voter registration cards in accordance with the requirements of Section 5(e) of the NVRA.
 - i. A revised voter registration card included with every license and non-driver identification renewal reminder will include a signature line for voters with notice that the DMV may use their on-file DMV signatures for voter registration purposes.
- D. It shall be the policy of the DMV and SOTS that all change of address forms, voter registration applications using Mail-In License Renewal and legacy voter registration and change of address forms, must be entered into the electronic voter registration system and/or transmitted to local registrars by the previously mentioned statutory deadlines.

IV. Training

A. DMV Training

- i. Pursuant to Paragraph 25 of the DOJ MOU, the DMV shall conduct training on NVRA requirements and procedures for the interim and permanent Statewide DMV NVRA Coordinator, interim and permanent NVRA Site Coordinators, and each supervisor, support staff member, front line employee, and contractor or other third party with responsibility for conducting, supporting or supervising licensing transactions.
- ii. Training required by this section shall include instruction on:
 - 1. Requirements of the NVRA including what transactions are covered and the specific requirements for each.
 - 2. Intersection of the NVRA with Connecticut election law.
 - 3. Technical procedures for using the electronic voter registration system.
 - 4. Verification requirements for voter registration.

5. Processing and timely transmission of paper-based alternative forms.
 6. Troubleshooting procedures.
 7. Requirements to offer assistance in completing voter registration and other NVRA transactions.
 8. For the Statewide DMV Coordinator and NVRA Site Coordinators, the duties and responsibilities of their positions.
- iii. Such training shall be conducted on the following schedule:
1. Within 14 days of beginning employment for every new employee.
 2. Annually for all employees described in V.A.i of this Compliance Plan. Initial training was completed for all such employees by August 5, 2016; annual training shall be completed for each employee no later than July 30 of each year.
 3. Whenever a new Statewide NVRA Coordinator or NVRA Site Coordinator is appointed, such person shall complete or repeat, as applicable, the training required by this section within five days of appointment, unless such person has completed such training within 30 days before appointment.
- iv. Instructors: Training required by this section shall be conducted by the Statewide NVRA Coordinator, an NVRA Site Coordinator, supervisory personnel, or third-party experts, including but not limited to SOTS personnel, designated by the Commissioner or by the Statewide NVRA Coordinator and deemed by the Commissioner or Statewide NVRA Coordinator to have sufficient expertise in NVRA requirements and associated procedures.
- v. Training shall be documented using attendance sheets listing the date, time and topic of the training and the name and job responsibility of each attendee. Such documentation shall be retained in accordance with the statewide retention schedule, DMV policies and procedures, and any agreement with the Department of Justice.
- vi. In coordination with the DOJ and SOTS, DMV shall review and, if necessary, update NVRA training materials annually and after any change in state or federal election law that may affect NVRA covered transactions.

B. SOTS Training

- i. Not later than August 8, 2016, SOTS shall provide initial implementation training on NVRA requirements and integration of the DMV electronic

voter registration system into the CVRS for all local registrars and for all SOTS personnel with relevant oversight or support responsibilities.

- ii. SOTS shall incorporate such training into the standard training required of all registrars and SOTS personnel with oversight or support responsibilities.
- iii. When requested by the DMV Commissioner, SOTS shall provide supplementary training to DMV and AAA personnel on NVRA and related state law requirements relevant to NVRA covered transactions.
- iv. In coordination with DOJ and DMV, SOTS shall review and, if necessary, update, NVRA training materials annually and with any change in state or federal election law that may affect NVRA covered transactions.

V. Tracking and Data Analysis for Initial Implementation of Electronic System

- A. During the first five business days after implementation of the DMV electronic voter registration system, DMV and SOTS shall compile and compare statistics each day on the number of voter registration applications and other transactions transmitted by DMV and AAA service locations to confirm the receipt of all transactions by the CVRS and to detect any bugs in the system.
- B. During the first five business days after implementation, SOTS, with the assistance of selected local registrars if necessary, shall spot check voter records for each of five municipalities originating at DMV or AAA each day to confirm that all required data is visible to and able to be processed to the local registrar in the CVRS.
- C. Between 10 and 20 business days after implementation, SOTS and DMV shall perform whatever other statistical and technical evaluation may be necessary to confirm the proper operation of the system and the timely transmission of NVRA data to local registrars and the proper processing by registrars within the required time frames.

VI. Outreach and Customer Notification

- A. No later than September 15, 2016, DMV will post in prominent locations in each DMV and AAA location, using posters, electronic message boards or other means, notifications to customers of the opportunity to register to vote during any licensing transactions.

Written Materials: In accordance with the DOJ MOU, SOTS and DMV shall, not later than September 30, 2016, and in consultation with counsel for the Department, revise all NVRA-related DMV forms and other written materials, including informational brochures and training materials, for use by DMV employees, agents, and contractors with NVRA-related responsibilities and any written material for use by DMV clients engaging in, or seeking information about, NVRA-related transactions at DMV or AAA offices. DMV, through SOTS, shall notify counsel for the United States of all NVRA-related revisions to DMV forms and other written materials created under this paragraph, including training materials and informational brochures, and provide such materials, with each change identified, at least 14 days before such materials are used or distributed.

- B. Within available resources, SOTS and DMV will use public outreach tools, including but not limited to social media, public service announcements, and statewide and local media outreach, to inform voters of registration opportunities.
- C. DMV will post prominent notices on its web site of the availability of the opportunity to register to vote during licensing transactions, along with links to the SOTS Online Voter Registration system for people accessing the web site for information or non-licensing transactions.
- D. SOTS will integrate information about NVRA registration opportunities through DMV and AAA into existing and future voter education efforts.