

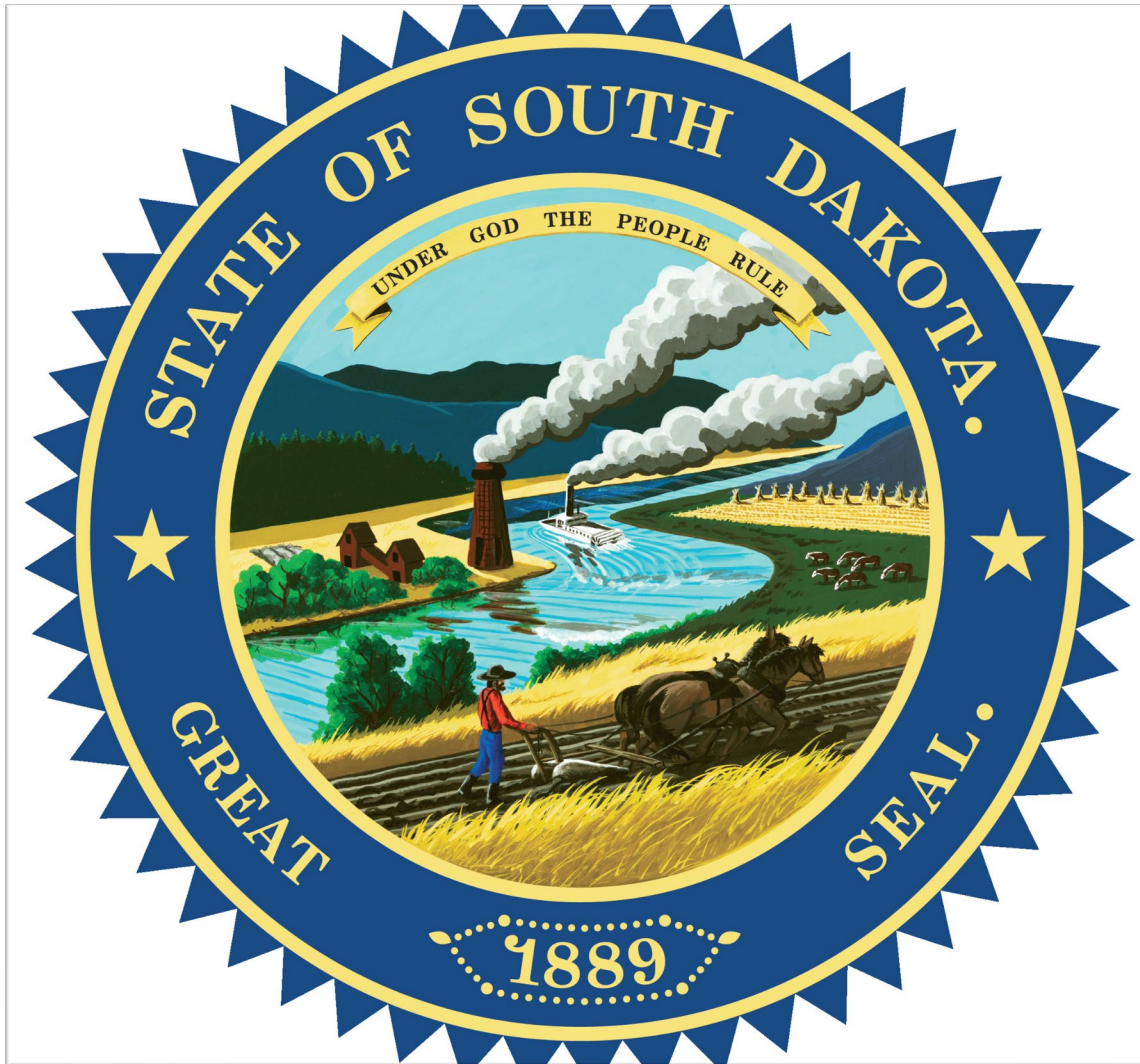


NATIONAL VOTER REGISTRATION ACT & MOTOR VEHICLE AGENCIES

TRAINING FOR VOTER
REGISTRATION AGENCY
STAFF

OVERVIEW OF TRAINING

- Part 1: National Voter Registration Act History/Overview
 - Part 2: Section 5 – Motor Vehicle Agencies
 - Part 3: Voter Registration



PART 1: NATIONAL VOTER REGISTRATION ACT (NVRA) HISTORY/OVERVIEW

NVRA HISTORY/OVERVIEW

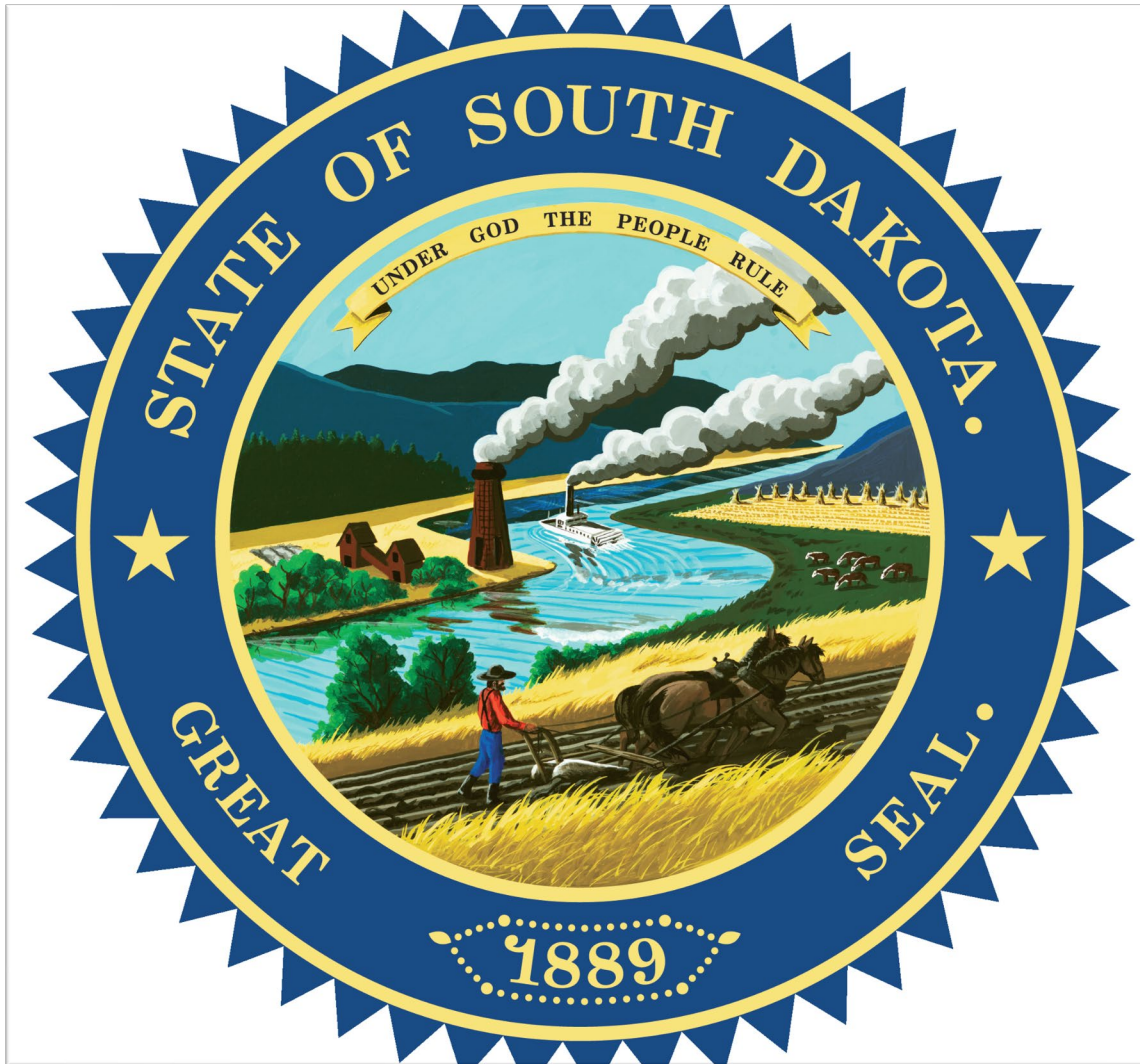
- Also known as “NVRA” or the “Motor Voter Act”
- Signed in 1993 by President Clinton
- NVRA is a federal voter registration law intended to:
 - Provide increased opportunities for eligible citizens to register to vote
 - Increase voter participation
 - Ensure voter registries are accurate and up-to-date

NVRA HISTORY/OVERVIEW

- NVRA Section 5 – Motor Vehicle Agencies – requires that applications for a driver’s license or non-driver ID card (including renewal and change of address requests) serve as voter registration applications except for applicants who affirmatively decline to register to vote.
- In South Dakota, DPS has a designated NVRA coordinator to coordinate compliance with section 5 by all driver’s license offices, including DPS offices and travel offices, as well as driver’s license issue sites operated by county or local governments.

NVRA HISTORY/OVERVIEW

- Voter registration services must be provided in a non-partisan manner that does not improperly influence applicants. While offering voter registration services, employees **MUST NOT**:
 - Attempt to persuade an applicant to join or not join a particular political party
 - Display any political preference or party allegiance
 - Say or do anything that would, or might, discourage an applicant from registering to vote
 - Say or do anything that would, or might, lead an applicant to believe that registering or not registering to vote will affect their ability to receive services or benefits



PART 2: SECTION 5 – MOTOR VEHICLE AGENCIES

SECTION 5 – MOTOR VEHICLE AGENCIES

- Every South Dakota Driver's License/ID Card Application (including for new licenses/ID cards, renewal applications, and change of address requests) submitted to a driver's licensing office in the State (including DPS offices, travel offices, and non-DPS issue sites), must serve as a simultaneous voter registration application unless the applicant fails to sign the application or declines to register to vote on the form. This application for voter registration must be considered as updating any previous voter registration by the applicant unless the applicant declines to update their registration on the form.
- Employees of travel offices and issue sites would follow the same procedures.

SECTION 5 – MOTOR VEHICLE AGENCIES

- Section 5 of the NVRA requires that any change of address submitted for State driver's license purposes must also serve as a notification of change of address for voter registration purposes unless the registrant states on the form that the change of address is not for voter registration purposes.
- This means that all changes of address submitted to State motor vehicle offices using the South Dakota Driver License/State I.D. Card Application must be transmitted to the appropriate county election authorities unless the registrant affirmatively requests otherwise by checking the opt-out box on the form.

SECTION 5 – MOTOR VEHICLE AGENCIES

**Voter Registration Section on South Dakota Driver's License Application*

SECTION B: VOTER REGISTRATION

Your information will be used to update your voter registration or register you to vote.

☐ Do not use my information for voter registration purposes. (Your decision not to register to vote is confidential. If you register, the place where you register is confidential.)

Choice of party _____ If you are currently registered to vote in South Dakota and you leave Choice of party field blank you will remain registered with your current party affiliation. If you are not currently registered to vote in South Dakota and you leave the choice of party blank, you will be entered as a no party affiliation voter.

Last registration location: City: _____ County: _____ State: _____

I declare, under penalty of perjury (2 years imprisonment and \$4,000 fine), that:

- | | |
|---|---|
| * I am a citizen of the United States of America; | * I have not been judged mentally incompetent; |
| * I have maintained residence in South Dakota for at least 30 days prior to submitting the registration form; | * I am not currently serving a sentence for a felony conviction; and; |
| * I will be 18 on or before the next election; | * I authorize cancellation of my previous registration. |

Description of address: If the address you provided above is a post office box, rural box or general delivery, please provide a physical location of your address, such as 2 miles south, 1 mile west of a community landmark. _____

SECTION 5 – MOTOR VEHICLE AGENCIES

- Section 5 requirements apply to all license and state I.D. applications submitted to driver's license offices in South Dakota, including DPS offices, travel offices, and non-DPS issue sites.
- The NVRA defines the term “motor vehicle driver's license” to include “any personal identification document issued by a State motor vehicle authority”, so the law's requirements apply to all applications, renewals, and change of address transactions regarding any personal identification document issued by the State.

SECTION 5 – MOTOR VEHICLE AGENCIES

- Each State must include a voter registration form as part of an application for a State driver's license and any application for driver's license renewal.
- The voter registration portion of the application may not require any information that duplicates information required on the driver's license portion of the application and may require only the minimum amount of information necessary to prevent duplicate voter registrations and permit State officials both to determine the eligibility of the applicant to vote and to administer the voting process.

SECTION 5 – MOTOR VEHICLE AGENCIES

**Current South Dakota Driver's License Application*

SOUTH DAKOTA DRIVER LICENSE / I.D. CARD APPLICATION
(Print in Black Ink)

SD DRIVER LICENSE/I.D. NUMBER _____ SOCIAL SECURITY NUMBER - -

NAME: LAST _____ FIRST _____ MIDDLE _____ DATE OF BIRTH: / / Sex:

RESIDENTIAL ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____
MAILING ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____
(If different than above)

HEIGHT: _____ FT. _____ IN. WEIGHT: _____ EYE COLOR: _____ COUNTY: _____

EMAIL ADDRESS: _____ DAYTIME PHONE NUMBER: _____

I AM APPLYING FOR: ☐ DRIVER LICENSE ☐ INSTRUCTION PERMIT ☐ IDENTIFICATION CARD

DRIVER LICENSE CLASS:
Car/Light Truck/Moped: _____ Class 1 _____ Class 2 _____
Car/Light Truck/Moped/Motorcycle: _____ Class 3 _____
Motorcycle Only: _____
Commercial Driver License: _____ CDL (Complete Sections A, B & D)

SECTION A: ALL APPLICANTS

1. YES _____ NO _____ Do you have a Living Will and want it to be indicated on your license?
2. YES _____ NO _____ Do you have Durable Power of Attorney for Health and want it to be indicated on your license?
3. YES _____ NO _____ Are you currently behind in child support payments of \$1,000 or more?
4. YES _____ NO _____ Do you currently have a license to drive in another state/country?
If YES, in what state/country? _____ LICENSE # _____
5. YES _____ NO _____ Do you currently have an Identification Card issued in any other state/country?
If YES, in what state/country? _____ ID # _____
6. YES _____ NO _____ Do you currently, or have you ever had your right to drive suspended, revoked, canceled, disqualified, or denied?
If YES, When _____ Which State? _____ Reason? _____
7. YES _____ NO _____ Have you lost your current driver license or identification card and are applying for a duplicate card?
If YES, which state was your last card issued from? _____
I also certify that I have lost or destroyed the last issued driver license or identification card issued to me and it is no longer in my possession. I understand that the prior card is now null and void and may not be used to operate a motor vehicle or to be used for identification purposes.
8. YES _____ NO _____ Have you, in the past twelve months, experienced any epileptic or narcoleptic episodes or other convulsions, seizures, or blackout? If YES, the date of the last episode: _____
9. YES _____ NO _____ Are you currently on active duty, or the dependent of a person on active duty, in the U.S. Armed Forces? (Must show ID)
10. YES _____ NO _____ Have you ever been known by any other name, including maiden name?
If YES, what name(s): _____
11. YES _____ NO _____ Are you a United States citizen? (If no, you must show documents proving lawful status.)
12. YES _____ NO _____ Would you like veteran indicated on your license? Must prove honorable discharge by providing military DD Form 214, DD Form 2 (retired), DD Form 3A (reserve retired), National Guard Form NGB26, Uniformed Services ID (Retired) or certificate signed by veteran's service officer.

☐ In the event of my death, I would like to be an organ/tissue donor.
☐ To remove an existing donor indicator on your card, write "remove" here _____ and initial here _____

SECTION B: VOTER REGISTRATION
Your information will be used to update your voter registration or register you to vote.

☐ Do not use my information for voter registration purposes. (Your decision not to register to vote is confidential. If you register, the place where you register is confidential.)

Choice of party: _____ If you are currently registered to vote in South Dakota and you leave Choice of party field blank you will remain registered with your current party affiliation. If you are not currently registered to vote in South Dakota and you leave the choice of party blank, you will be entered as a no party affiliation voter.

Last registration location: City: _____ County: _____ State: _____

I declare, under penalty of perjury (2 years imprisonment and \$4,000 fine), that:
* I am a citizen of the United States of America; * I have not been judged mentally incompetent;
* I have maintained residence in South Dakota for at least 30 days prior to submitting the registration form; * I am not currently serving a sentence for a felony conviction; and;
* I will be 18 on or before the next election; * I authorize cancellation of my previous registration.

Description of address: If the address you provided above is a post office box, rural box or general delivery, please provide a physical location of your address, such as 2 miles south, 1 mile west of a community landmark.

I UNDERSTAND that I, as an operator of a motor vehicle in this State, have consented to the withdrawal of my blood or other bodily substance in accordance with SDCL 32-23-10, which requires me to the withdrawal of my blood or other bodily substance subsequent to being arrested for a violation of SDCL 32-23-1. I declare and affirm under the penalties of perjury that this application has been examined by me, and to the best of my knowledge and belief, is in all things true and correct. Any false statement or concealment of any material facts subjects any license issued to immediate cancellation. I consent to the release of my driving record information.

I certify that, if required by law, I have already registered with the Selective Service; or if I have not registered, I am consenting to registration as required by Federal law. I authorize the Department of Public Safety to forward my personal information required for such registration to the U.S. Selective Service System pursuant to SDCL 32-12-17.12 and SDCL 32-12-7.1.

I understand that upon issuance of a driver's license or identification card in the state of South Dakota, any driver's license or identification card previously issued by another state will be cancelled.

SIGNATURE: _____ DATE OF APPLICATION: _____
Your signature here applies to the entire application

1 200,000 copies were printed at a cost of \$0.016 cents per copy per SDCL 5-18D-15

REV. 7-1-23

SECTION 5 – MOTOR VEHICLE AGENCIES

- The voter registration application must state each voter eligibility requirement (including citizenship), contain an attestation that the applicant meets each requirement, state the penalties provided by law for submission of a false voter registration application and require the signature of the applicant under penalty of perjury (*red box*).

SECTION B: VOTER REGISTRATION

Your information will be used to update your voter registration or register you to vote.

☐ Do not use my information for voter registration purposes. (Your decision not to register to vote is confidential. If you register, the place where you register is confidential.)

Choice of party _____ If you are currently registered to vote in South Dakota and you leave Choice of party field blank you will remain registered with your current party affiliation. If you are not currently registered to vote in South Dakota and you leave the choice of party blank, you will be entered as a no party affiliation voter.

Last registration location: City: _____ County: _____ State: _____

I declare, under penalty of perjury (2 years imprisonment and \$4,000 fine), that:

* I am a citizen of the United States of America;	* I have not been judged mentally incompetent;
* I have maintained residence in South Dakota for at least 30 days prior to submitting the registration form;	* I am not currently serving a sentence for a felony conviction; and;
* I will be 18 on or before the next election;	* I authorize cancellation of my previous registration.

Description of address: If the address you provided above is a post office box, rural box or general delivery, please provide a physical location of your address, such as 2 miles south, 1 mile west of a community landmark. _____

Policy regarding voter registration services for individuals without a license/ID or Social Security number

- Driver's license applicants without a valid South Dakota driver's license, South Dakota nondriver identification number, or Social Security number will not be directed to a county auditor's office to register to vote.
- All Driver's License Offices (including Travel Offices and Issue Sites) will provide voter registration services to all such driver's license applicants during Covered Transactions.
- For voters who do not have identification numbers, please use this affidavit.

**Statement by Person Registering to Vote
Without a South Dakota Driver License, Nondriver
Identification Card, or Social Security Number**

I, _____ (print complete name), under oath, declare that I do not have a valid South Dakota driver license or South Dakota nondriver identification number, and that I have not been issued a social security number. Because I do not have a South Dakota driver license, South Dakota nondriver identification number, or social security number, my voter registration form is blank in the spot requiring such number.

(Signed) _____

Sworn to before this _____ day of _____, 20____.

(Seal)

Signature of Notary of Public

My Commission Expires

SECTION 5 – MOTOR VEHICLE AGENCIES

- Additionally, the application shall include statements specifying that:
 - 1) if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and
 - 2) if an applicant does register to vote, the identity of the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes (*blue box*).

SECTION B: VOTER REGISTRATION	
Your information will be used to update your voter registration or register you to vote.	
<input type="checkbox"/> Do not use my information for voter registration purposes. (Your decision not to register to vote is confidential. If you register, the place where you register is confidential.)	
Choice of party _____ If you are currently registered to vote in South Dakota and you leave Choice of party field blank you will remain registered with your current party affiliation. If you are not currently registered to vote in South Dakota and you leave the choice of party blank, you will be entered as a no party affiliation voter.	
Last registration location: City: _____ County: _____ State: _____	
I declare, under penalty of perjury (2 years imprisonment and \$4,000 fine), that:	
* I am a citizen of the United States of America;	* I have not been judged mentally incompetent;
* I have maintained residence in South Dakota for at least 30 days prior to submitting the registration form;	* I am not currently serving a sentence for a felony conviction; and;
* I will be 18 on or before the next election;	* I authorize cancellation of my previous registration.
Description of address: If the address you provided above is a post office box, rural box or general delivery, please provide a physical location of your address, such as 2 miles south, 1 mile west of a community landmark. _____	

SECTION 5 – TIMEFRAME FOR SENDING APPLICATIONS

- DPS will ensure that, upon receipt of all completed Driver's License Application forms (including renewal and change of address requests) and Voter Registration Applications, all Driver's License Offices (including Travel Offices and Issue Sites) will immediately date and time-stamp the form
- Once the voter registration application is completed, they must be transmitted to the appropriate State election official no later than ten days after acceptance.
- If an application is accepted at a motor vehicle agency within five days of a voter registration deadline for an election, the application must be transmitted to election officials no later than five days after acceptance. The agency providing voter-registration services may not require a registrant to mail in the form himself or herself or discourage him or her in any manner from submitting the form to the agency.

SECTION 5 – TIMEFRAMES CONTINUED

- If it is the agency practice to make sure that agency forms are completed and signed when submitted by an applicant, the same practice should apply to a voter registration application submitted by that applicant.
- Consistent with South Dakota Codified Law 12-4-6.1, the operative voter registration date on a Voter Registration Application submitted to an Agency within five days following any voter registration deadline is the date the individual signed and dated the application, not the date the agency mailed it, the postmark date of the transmission, or the date received by the county auditor.

SECTION 5 – MOTOR VEHICLE AGENCIES

Ensure Accuracy When Entering Voting Information

- Voters are assigned jurisdictions based on their voting information (location).
- Every voter has two or more of the following jurisdictions:
 - State House
 - State Senate
 - Municipal
 - School District
- Additional jurisdictions may include:
 - Ambulance District
 - County Commissioner District
 - Municipal Ward
 - School District
 - Other special districts (road, fire, conservation, sanitary, and more)
- Each of the districts listed above have elections.

SECTION 5 – MOTOR VEHICLE AGENCIES

- Entering voter information incorrectly can cause an individual to be linked to an incorrect jurisdiction, which can result in a voter not being registered to vote, encountering difficulties when voting, or being denied the ability to vote during an election.
- County Auditors receive voter registration information from most DPS offices through an electronic data feed on the TotalVote portal.
- The data entered by Driver's Licensing personnel is what the county auditor receives.
- The county auditor may not catch a mistake if you enter the information incorrectly.
- Some driver's license offices, including non-DPS issue sites, do not have access to the TotalVote electronic data feed and must transmit hard copy applications to the appropriate county auditor.

SECTION 5 – MOTOR VEHICLE AGENCIES

Potential Inaccuracies

- Wrong spelling of name
- Last name entered in as first name, first name entered in as middle name, or middle name entered in as last name
- Political party entered incorrectly
 - *If blank, confirm if that is applicant's intention*
- County name entered incorrectly
- Date of Birth entered incorrectly
- Ensure the apartment number isn't left off
- Wrong zip code entered
- Residential address update but not the mailing addresses.

SECTION 5 – MOTOR VEHICLE AGENCIES

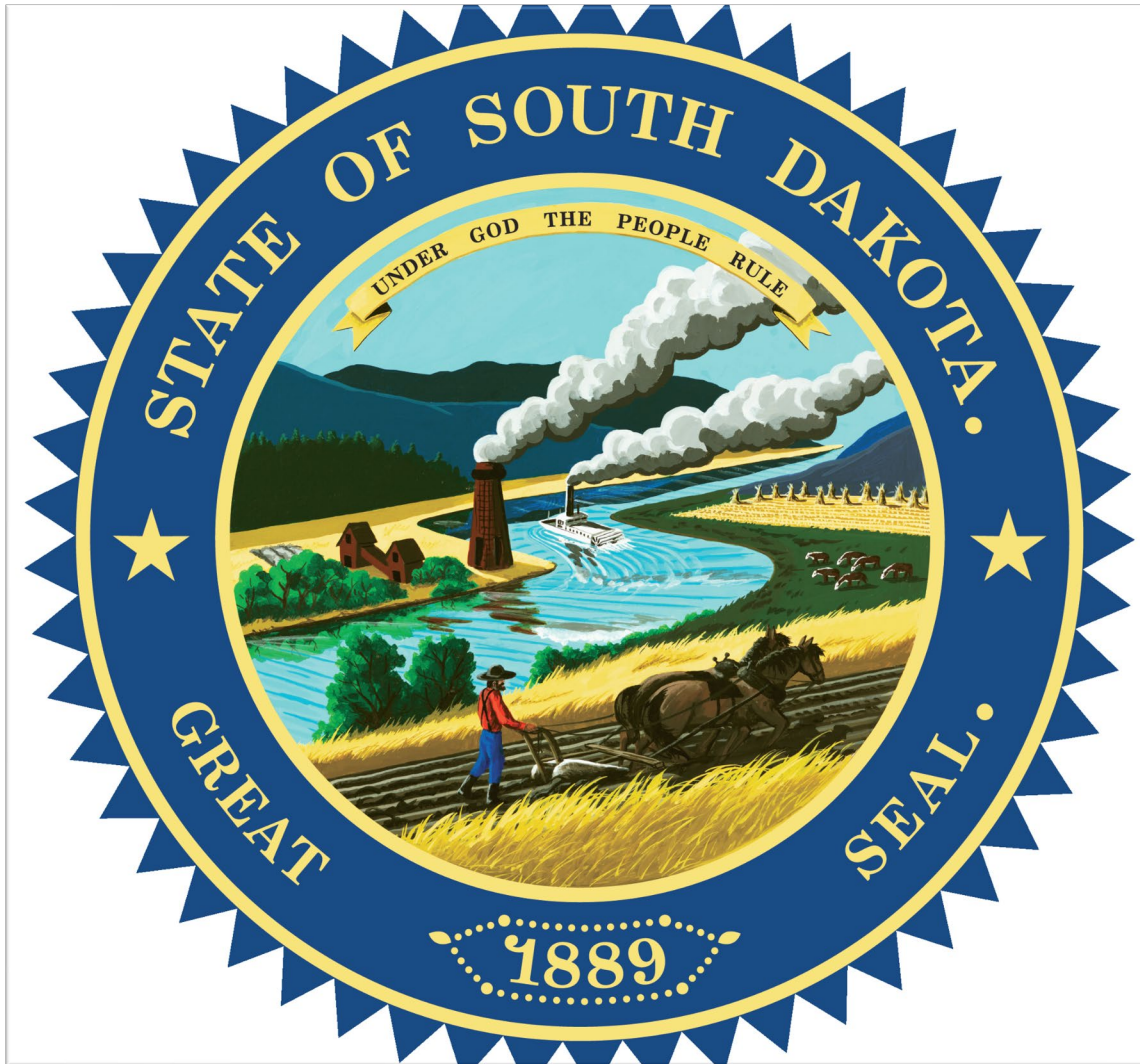
Example Scenario

- John Smith registered to vote at his local driver's license exam station prior to the voter registration deadline.
- He lives at 123 Main Street in Pierre, SD, but the agency personnel entering his voter registration information inadvertently enters it as 1123 Main Street.
- 123 Main Street is assigned to the Ward 1 jurisdiction.
- 1123 Main Street is assigned to the Ward 2 jurisdiction.
- Ward 1 is having an election and John Smith shows up at the polling location to vote. He is not on the voter registration list because he is linked to Ward 2.

SECTION 5 – MOTOR VEHICLE AGENCIES

Example Scenario

- In order to remediate the example on the previous slide, the following steps would need to occur to ensure the voter was allowed to cast their ballot during the election:
 - Poll worker contacts county auditor
 - County auditor contacts the Secretary of State's (SOS) office
 - SOS office contacts the Department of Public Safety (Driver's Licensing) to retrieve the individual's application
 - SOS office receives copy of original application and contacts the county auditor
 - County auditor contacts poll worker
 - Person is allowed to vote if County Auditor verifies eligibility based on voting information from original application



PART 3: VOTER REGISTRATION INFORMATION

VOTER REGISTRATION INFORMATION

- First and Last name
- Residence address IN SOUTH DAKOTA – if no physical residence address is available, applicants need to provide a description (ex. ½ mi. north of intersection of Main Street & 10th Avenue)
 - The mailing address may be out of state or a P.O. Box
 - Please let applicants know that a P.O. Box address cannot be listed as their physical address
 - DPS will not require any individual to affirmatively indicate that they wish to change their address for voter registration purposes.

VOTER REGISTRATION INFORMATION

- South Dakota Driver's License (or Nondriver ID) number
 - Last four digits of Social Security Number may be used only if applicant does not have a South Dakota Driver's License
 - Individuals without a valid South Dakota Driver's license, nondriver ID number, or Social Security number must still be permitted to register to vote at the time of a covered transaction.
- Date of Birth
 - **note individuals may be under 18 and still fill out the form, the County Auditor would not make them active until they are 18*
- Choice of Party
 - We encourage applicants to complete this section, however, if left blank, the applicant will be listed with an NPA affiliation. If the voter is currently registered and leaves blank, they will remain registered with their choice of party on their current voter registration.
- Signature

VOTER REGISTRATION INFORMATION

- Recognized political parties in South Dakota
 - Democrat (DEM)
 - Libertarian (LIB)
 - Republican (REP)
 - No Labels
- Examples of unofficial political parties in South Dakota
 - Americans Elect
 - Conservative
 - Constitutional
 - Liberal
 - Green Party
 - Tea Party
 - Any other political party name
 - Independent*

VOTER REGISTRATION INFORMATION

- *Independent (IND)/No Party Affiliation (NPA)
 - South Dakota Codified Law 12-1-3 (22) defines "Independent (IND)" or "no party affiliation (NPA)," any currently registered voter who writes independent, I, Ind, no party affiliation, no party, no choice, nonpartisan, or line crossed off in the choice of party field on the voter registration form and any individual who is not currently registered to vote who leaves the choice of party field blank on the voter registration form.

VOTER REGISTRATION INFORMATION

- The County Auditor will let the applicant know whether or not they are registered to vote following submission of their application to the Auditor's office.
- If applicants fill out driver's license application forms back-to-back in a short amount of time, let them know the voter registration information has gone through and they **DO NOT** need to register to vote again, however, it does not hurt them if they would like to register again.

VOTER REGISTRATION INFORMATION

- If an individual leaves the voter registration section blank, please confirm with them that by doing so they will be registering to vote. If they do not want to register to vote they need to check the opt out box.

DPS NVRA COORDINATOR

DPS NVRA Coordinator

The responsibilities of the DPS NVRA Coordinator include but are not limited to:

- Providing support and guidance (including technical expertise) to all of DPS's covered employees, regional offices, and local offices regarding compliance with Section 5, State voter registration law and regulations, and related voter registration requirements, procedures, and materials.

DPS NVRA Coordinator:

Jeannelle Yitagesu

Deputy Director/DPS NVRA Coordinator

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QUESTIONS?
