

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

LEAGUE OF WOMEN VOTERS OF
MISSOURI, ST. LOUIS A. PHILIP
RANDOLPH INSTITUTE, and GREATER
KANSAS CITY A. PHILIP RANDOLPH
INSTITUTE,

Plaintiffs,

v.

JOHN R. ASHCROFT,
in his official capacity as the Missouri
Secretary of State, and

JOEL W. WALTERS,
in his official capacity as the Director of the
Missouri Department of Revenue,

Defendants.

No. 18-4073

COMPLAINT

1. This action concerns the ongoing failure of Defendant officials of the State of Missouri to comply with portions of the “Motor Voter” provisions of the National Voter Registration Act of 1993, 52 U.S.C. § 20501, *et seq.* (“NVRA”).

2. Section 5 of the NVRA requires states to provide voter registration opportunities when individuals apply for or renew their driver’s and nondriver’s licenses (together, “licenses”). It further requires that when a voter updates their address information with the state motor vehicle agency, the state must automatically update the individual’s voter registration record as well, unless the voter specifically declines to have their voter-registration information updated.¹ This change-of-address provision is central to the NVRA because it allows localities to maintain accurate voter rolls, while placing little to no burden on the voter. Moreover, failure of states to update registration information can seriously abridge the ability of voters to cast their ballots.

3. The Missouri Secretary of State and the Director of the state motor vehicle agency, the Department of Revenue (“DOR”), are flouting their NVRA obligations with respect to change-of-address transactions, mail transactions for active-duty military personnel and their dependents, and certain in-person license transactions for Missourians over the age of 65, among others. Rather than address these violations after Plaintiffs provided notice, Defendants made the violations worse.

4. Defendants’ violations have concrete consequences for the voters of Missouri, up to and including total disenfranchisement. The scope of the impact on voters with respect to change-of-address allegations is particularly notable. According to United States Census data, in 2015 and 2016, over 580,000 Missourians moved within the state, 200,000 of them to a different county. For those who move from one county to another without updating their voting registration address before the registration deadline, Missouri will not count their vote at all. If the voter has moved from one election jurisdiction to another, for instance from St. Louis City to St. Louis County, that voter’s ballot will be discarded—even in elections for nationwide or statewide offices.

5. Furthermore, when a voter moves within an election jurisdiction but no registration update occurs, that voter must cast a provisional ballot. This itself places a burden the voter, and further harms them because part of their ballot may not be counted if it is not cast in the polling place that serves the voter’s then-current address. Accordingly, DOR’s accurate transmittal of address changes is pivotal to the ability of Missouri voters to cast a ballot and have it counted.

6. Because DOR does not provide the voter-registration services required by the NVRA, Missouri citizens cannot rely on the State and local governments to protect their fundamental right to vote. This is particularly true for online transactions, where Missouri citizens

¹ In this complaint, “they” and “their” are used rather than “he” or “she” to remain gender neutral.

receive only the information that appears on their computer or phone screens. When DOR makes no mention of voter registration services on that interface, it leaves Missouri citizens without the opportunity to participate in their democracy. Although Plaintiffs and other nonprofit organizations have tried to fill the gap, in doing so they expend their limited resources to ensure voters are properly and timely registered. Defendants' violations require these organizations to divert resources away from their other activities, which include voter education and civic engagement efforts.

SUMMARY OF VIOLATIONS

7. In this action, Plaintiffs League of Women Voters of Missouri and the St. Louis and Greater Kansas City chapters of the A. Philip Randolph Institute seek to bring DOR and the Missouri Secretary of State into compliance with the “Motor Voter” provisions of the NVRA.

8. The NVRA’s “Motor Voter” provisions are intended to streamline the federal voter registration process, improve accessibility to voter registration, and increase the number of qualified voters properly registered. *See, e.g.*, S. Rep. No. 103-6, at 5 (1993) (“[I]ncorporating voter registration into the drivers licensing process provides a secure and convenient method for registering voters; an effective means of reaching groups of individuals generally considered hard-to-reach for voting purposes . . . ; and a procedure for keeping rolls current through contact with licensees who change addresses[.]”).

9. To accomplish these objectives, Congress enacted Section 5 of the NVRA, 52 U.S.C. § 20504 (“Section 5”).

10. Section 5 requires motor vehicle agencies to provide voter registration services to citizens who engage in certain types of interactions—commonly referred to as “covered transactions.”

11. Specifically, Section 5 requires that when individuals notify a motor vehicle agency of a change of address, their voter registration address be automatically updated unless

they affirmatively state that the change of address is not for voter registration purposes. *Id.* § 20405(d).²

12. Section 5 also requires that motor vehicle agencies “include a voter registration form . . . as part of an application for,” or renewal of, a driver’s license or nondriver’s license. *Id.* § 20504(c)(1); *see also id.* § 20504(a)(1). Voter registration forms supplied as part of this process “may not require any information that duplicates information” provided by the applicant in other portions of the application, “other than a second signature.” *Id.* § 20504(c)(2). However, voter registration forms must include an attestation of eligibility, along with disclosures noting that a DOR client’s decision to register—or not to register—to vote will remain confidential. *See id.* § 20504(c)(2)(C)-(D).

13. Motor vehicle agencies are responsible for transmitting voter registration information received during these covered transactions to the appropriate election officials within ten days of acceptance or, if within five days before the deadline to register to vote in an election, within five days. *See* 52 U.S.C. § 20504(e).

14. These requirements must be met regardless of whether a covered transaction takes place in-person at a motor vehicle office, online, by mail, over the phone, or through other remote means.

15. In Missouri, DOR and the Missouri Secretary of State are tasked with ensuring that the state is providing the voter registration services required by Section 5 of the NVRA.

16. DOR is responsible for “issu[ing], renew[ing], suspend[ing], revok[ing], and reinstat[ing] driver and nondriver licenses and driving permits.” *See* Missouri Department of Revenue, About the Missouri Department of Revenue, <http://dor.mo.gov/aboutdor/> (last visited Apr. 16, 2018). Such transactions may take place at contracted Department of Motor Vehicles

² The NVRA defines a “motor vehicle driver’s license” as including “any personal identification document issued by a State motor vehicle authority.” 52 U.S.C. § 20502(3). This definition encompasses all state-issued nondriver’s licenses.

(“DMV”) offices throughout the state, through the U.S. mail, or through online options on DOR’s website.

17. The Missouri Secretary of State is the state’s chief election official and, as such, is responsible for coordinating State responsibilities under the NVRA. *See* 52 U.S.C. § 20509; Mo. Rev. Stat. § 115.136(1). The Secretary’s responsibilities include, but are not limited to, ensuring DOR complies with Section 5.

18. The Director of DOR and the Missouri Secretary of State are failing to meet their NVRA obligations with respect to change-of-address transactions, mail transactions for active-duty military personnel and their dependents, and certain in-person license transactions.

19. *First*, DOR is not complying with the NVRA’s requirements related to change-of-address transactions. When DOR clients use the agency’s online change-of-address portal or mail-in change-of-address form to update the information on their license, DOR does not provide clients with any voter registration services or information, much less automatically update client voter registration information as the NVRA requires. And, while DOR gives clients who conduct in-person change-of-address transactions at the DMV offices the opportunity to *opt-in* to voter registration services, this violates Defendants’ obligation to update the individual’s voter address unless the voter specifically opts out.

20. *Second*, mail applications for new, renewal, or duplicate licenses used by military members and their families do not provide the required voter registration services. DOR clients using these forms are required to fill out their DOR application and then fill out an entirely separate voter registration form, where they must provide much of the same information that was provided in their application. They are required to provide duplicative information beyond a second signature and attestation of eligibility in order to register to vote—a clear violation of the NVRA.

21. *Third*, DOR is failing to provide any voter registration services to a portion of its clients who conduct covered transactions in DMV offices. DOR's in-office system requires that DMV workers verify an individual's citizenship during license transactions, either through a document already on file with DOR or through a document provided by clients during in-person transactions. If a client's citizenship status cannot be verified, DOR's in-office system blocks out all questions related to voter registration. Because certain DOR clients—those who are 65 or older or those who have 15 years of Missouri document history with DOR—do not need to provide documentation to verify their citizenship status, qualified Missouri voters are being denied the right to voter registration services demanded in the NVRA.

22. *Finally*, DOR fails to provide mandatory disclosures to any clients who apply for, renew, or change the address on a license, whether done in-person, over the phone, or online.

23. Separately and collectively, Defendants' conduct has caused, and will continue to cause, eligible citizens of Missouri to be deprived of the federally-mandated opportunity to register to vote and update their voter registration on a regular basis when they conduct business with DOR.

24. Plaintiffs notified Defendants of their violations of Section 5 of the NVRA by letter dated July 6, 2017, as required by 52 U.S.C. § 20510(b), initiating a statutory 90-day waiting period. *See* Exhibit A. At the end of the 90-day notice period, Defendants had made no effort to engage with Plaintiffs regarding the issues raised in the July 6, 2017 notice letter. However, Plaintiffs sent further correspondence to urge Defendants to take action to rectify the violations of the NVRA they identified. *See* Exhibit B (October 25, 2017 letter to Defendant Ashcroft, copying Defendant Walters); Exhibit C (October 27, 2017 letter to Defendant Walters, copying Defendant Ashcroft). Plaintiffs followed up with additional phone calls and electronic correspondence in an effort to work with the state to remedy the compliance violations.

25. Despite these efforts, Defendants have not only failed to correct the violations identified in the July notice letter to date, they have failed to substantively respond to any communications about the violations. To remedy these violations and protect the rights of their members, Plaintiffs bring this action for declaratory and injunctive relief. Specifically, Plaintiffs ask this Court to declare that Defendants are in violation of Section 5 of the NVRA, and to order such injunctive relief as is required to ensure that Defendants and their officers and agents promptly and fully correct those violations.

JURISDICTION AND VENUE

26. Plaintiffs bring this action under Section 11(b) of the NVRA, 52 U.S.C. § 20510(b).

27. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a).

28. This Court has personal jurisdiction over each Defendant because each is a citizen of the State of Missouri and each of the acts and omissions giving rise to this action occurred in Missouri.

29. Venue in this district is proper under 28 U.S.C. § 1391 because a substantial part of the events giving rise to the claims occurred in this district, and each Defendant resides in and conducts business in this district.

PARTIES

30. Plaintiff LEAGUE OF WOMEN VOTERS OF MISSOURI (the “League”) is a state chapter of the League of Women Voters. Formed in 1920, the League is a nonpartisan political organization that encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences policy through education and advocacy. The League works to ensure that every citizen has the opportunity and information to register and exercise their right to vote.

31. The Missouri League includes eight active, local chapters: LWV Southwest MO (Springfield), LWV Southeast MO (Cape Girardeau), LWV Metro St. Louis, LWV Moberly-Randolph County, LWV Mexico-Audrain County, LWV Columbia-Boone County, LWV Sedalia-Pettis County, and LWV KC/J/CP Counties - Jackson, Clay, Platte.

32. The League has registered voters and conducted issue-based outreach throughout Missouri. It regularly conducts a variety of voter registration activities, which include organizing and participating in voter registration efforts at community events, among other places, and participating in National Voter Registration Day. This year, among other things, the League plans to continue its voter registration activities at high schools, community colleges, and other community events.

33. When the League conducts voter registration, League members must regularly educate Missouri residents on the need to update their voter registration address if they have moved. League members regularly collect voter registration forms from individuals who are already registered to vote but who have moved and need to update their address for voter registration.

34. Upon information and belief, a substantial portion of the individuals registered by League members who were not registered at their current residences have had contact with DOR and would have updated their voter registration without the League's assistance had Defendants complied with their obligations under Section 5 of the NVRA.

35. As a direct result of Defendants' Section 5 NVRA violations, the League has had to divert time and resources to additional voter registration efforts, which it would have otherwise been directed toward its education and advocacy efforts, including educating the public about ballot initiatives and candidates, promoting higher voter turnout, and publishing education materials about voting and candidates. This education work includes creating and publicizing non-partisan, balanced materials on candidates and ballot issues, and is essential to the League's

mission because it helps voters feel informed and thus encourages voters to go to the polls and vote. The League would have more resources, such as additional volunteer time, to devote to these efforts if not for voter registration gaps caused by Defendants' Section 5 noncompliance. In particular, the League would be able to make their education efforts more robust and prepare materials like PowerPoint presentations, YouTube videos, camera-ready pdf documents, and better developed talking points were it not for the resource drain caused by the Defendants' NVRA violations.

36. The League is a membership organization with members across the state of Missouri. Its members include individuals who have Missouri licenses and are also registered to vote, who have moved or otherwise need to update their address, or who will move or need to update their address in the near future. League members were harmed and will be harmed in the future because of Defendants' ongoing violations of Section 5 of the NVRA during change-of-address transactions.

37. The League also has members over the age of 65 who either have, or will, renew their license or apply for a duplicate license, while unregistered to vote and desiring to register to vote or while needing to update their voter registration information. These League members were harmed and/or will be harmed in the future because of Defendants' ongoing violations of Section 5 during covered transactions in which DOR does not seek to ascertain an individual's citizenship status, which results in these members not being offered voter registration services.

38. Additionally, the League has members who have renewed or will be eligible to renew their license without providing documentation of their citizenship status because they have a valid document on file and have 15 years of Missouri document history, and who wish to register to vote or update their voter registration. These League members were harmed or will be harmed in the future because Defendants provide no voter registration services in clear violation of the NVRA.

39. The ST. LOUIS CHAPTER OF THE A. PHILIP RANDOLPH INSTITUTE (“APRI St. Louis”) is a local chapter of the A. Philip Randolph Institute, a national organization for African-American trade unionists and community activists, established in 1965 to forge an alliance between the civil rights and labor movements. APRI is a senior constituency group of the American Federation of Labor and Congress of Industrial Organizations (“AFL-CIO”).

40. APRI St. Louis focuses the bulk of its work on voter education, registration, and outreach efforts at community events, churches, and schools. These voter registration efforts have traditionally targeted underserved communities and areas where a high proportion of eligible voters are not registered at their current residence.

41. APRI St. Louis allots a significant amount of time and organizational resources, such as volunteer time, to voter registration efforts in service of its members and the constituencies it serves. These voter registration efforts have included and will include in the future, without limitation, conducting registration drives at large churches, community health fairs, and schools.

42. When APRI St. Louis conducts voter registration activities, it must regularly educate Missouri residents on the need to update their voter registration address if they have moved. APRI regularly collects voter registration forms from individuals who are already registered to vote but who have moved and need to update their voter registration address, particularly in the low-income areas where APRI St. Louis conducts a significant portion of its voter registration work, and where populations are more mobile and move frequently.

43. On information and belief, a substantial proportion of the individuals reached by APRI St. Louis’s voter registration efforts have had contact with DOR and could have registered to vote or updated their registration without the assistance of APRI St. Louis had Defendants complied with their obligations under the NVRA.

44. As a direct result of Defendants' Section 5 NVRA violations, APRI St. Louis has diverted time and resources to voter registration efforts that would have otherwise been directed toward other voter education, outreach, and advocacy efforts. This year, among other things, APRI St. Louis plans to engage in community education and organizing efforts regarding ballot initiatives—efforts toward which it would devote more resources if not for voter registration gaps caused by Defendants' Section 5 noncompliance.

45. The GREATER KANSAS CITY CHAPTER OF THE A. PHILIP RANDOLPH INSTITUTE (“APRI GKC”) is also a local chapter of the A. Philip Randolph Institute, a senior constituency group of the AFL-CIO.

46. Like APRI St. Louis, APRI GKC's work focuses on voter education, registration, and outreach. APRI GKC regularly conducts and participates in a variety of voter registration activities, including voter registration efforts at community events, churches, and schools. These voter registration efforts have traditionally focused on underserved communities and areas where a high number of individuals reside who are not registered at their current residence.

47. APRI GKC allots a significant amount of time and organizational resources, such as volunteer time, to voter registration efforts in service of its members and the constituencies it serves. APRI GKC's engages in voter registration drives at union meetings, schools, libraries, and local businesses.

48. When APRI GKC conducts voter registration, it must regularly educate Missouri residents on the need to update their voter registration address if they have moved. APRI GKC members frequently collect voter registration forms from individuals who are already registered to vote but who have moved and need to update their address for voter registration, particularly in the low-income areas where APRI GKC conducts a significant portion of its voter registration work.

49. On information and belief, a substantial proportion of the individuals reached by APRI GKC's voter registration efforts have had contact with DOR and could have registered to vote or updated their registration without the assistance of APRI GKC had Defendants complied with their obligations under the NVRA.

50. As a direct result of Defendants' Section 5 NVRA violations, APRI GKC has diverted time and resources to voter registration efforts that would have otherwise been directed toward other voter education, outreach, and advocacy efforts. This year, among other things, APRI GKC plans hold forums on issues and candidates, and to focus on advocacy related to a state ballot initiative and increased involvement in diversity in apprenticeship programs—efforts toward which it would devote more resources if not for the voter registration gaps caused by Defendants' Section 5 noncompliance.

51. The League, APRI St. Louis, and APRI GKC (collectively "Plaintiffs") have individually and collectively suffered and will continue to suffer direct harm from the Defendants' noncompliance with Section 5 of the NVRA. Because Plaintiffs have had to divert their limited resources to provide Missouri residents with voter registration services that should have been provided through DOR, Plaintiffs have been unable to conduct other activities important to their respective missions.

52. These injuries to the Plaintiffs—and in the case of the League, its members—will continue so long as Defendants fail to comply with their obligations under the NVRA.

53. Defendant JOHN R. ASHCROFT is the Missouri Secretary of State. Pursuant to Mo. Rev. Stat. § 115.136.1 (2016), Defendant Ashcroft is "the chief state election official responsible for the coordination of state responsibilities under the National Voter Registration Act of 1993." As such, Defendant Ashcroft is responsible for overseeing the administration of election processes throughout the State of Missouri, including in this judicial district. In his official capacity, Defendant Ashcroft, among other things, oversees the conduct of local elections,

the operation of voting sites, and the maintenance of voter registration lists. And, he is responsible for the coordination of Missouri's responsibilities under the NVRA, including but not limited to ensuring DOR complies with Section 5. *See* 52 U.S.C. § 20509; *see also* Mo. Rev. Stat. § 115.136.1 (2016). The Secretary of State failed to fulfill his obligations by, without limitation, allowing DOR to continue to use in-person, mail, and online processes that violate the NVRA.

54. Defendant JOEL WALTERS is Director of the Missouri DOR. In this capacity, Defendant Walters oversees the daily operations of DOR, which oversees DMV offices throughout the State. In Missouri, DOR is the state entity responsible for accepting and processing all applications for, renewals of, and changes of address for licenses. As such, DOR is required to provide the voter registration services detailed in Section 5 of the NVRA and Missouri state law. 52 U.S.C. § 20504(a)(1); Mo. Rev. Stat. § 115.160 (2016). In his official capacity as Director of DOR, Defendant Walters is responsible for ensuring that DOR is in compliance with Section 5 of the NVRA and Missouri law. *See, e.g.*, Mo. Rev. Stat. § 115.160 (2016).

FACTUAL ALLEGATIONS

55. Defendants are violating Section 5 of the NVRA by and through their conduct, policies, practices, procedures, and failure to establish appropriate systems and protocols.

Failure to Provide Required Voter Registration Services During Change-of-Address Transactions

56. Section 5 requires that a client's voter registration information must be updated each time the client changes the address for their license, unless the client requests that their voter registration information not be altered.

57. Defendants fail to provide Missourians with required voter registration services during online, mail, and in-person change-of-address transactions.

Online Transactions

58. DOR's online change-of-address system has been and remains non-compliant with the NVRA. As of July 2017, DOR's online change-of-address system was not linked with Missouri's voter registration systems or personnel in any way and thus did not provide clients the opportunity to update their voter registration information during online DOR transactions. Instead, clients were directed to visit the Secretary of State's website, which required DOR clients to complete a separate change-of-address transaction in which they had to download, fill out, and mail a separate voter registration application to their local election authority in order to update their voter registration information.

59. DOR changed its online change-of-address system in August 2017, removing all references to voter registration in the online change-of-address portal. DOR's current online change-of-address system does not provide clients updating their driver's license records with information indicating they need to update their voter registration information if they have moved or instructions on how they can update their voter registration information, let alone the automatic update process required by the NVRA. Clients are not provided with the opportunity to indicate whether or not changes of address submitted to DOR should also be considered for voter registration purposes. *See, e.g.*, Missouri Department of Revenue, Request for Change of Mail-To Address, <https://sa.dor.mo.gov/coa/?check=true> (last visited Apr. 16, 2018). Exhibit D.

Mail Transactions

60. DOR also fails to provide voter registration services to clients who submit a request to change the address associated with their license by mail. Such requests are made using DOR Form 4160. As of April 2016, DOR offices were using at least two versions of Form 4160: those designed in 2006 and 2015. Form 4160 was later revised in August 2016. In August 2017 and January 2018, also after receiving Plaintiffs' Notice Letter, DOR changed the form again. None of the versions of Form 4160 mention voter registration or provide clients with the

opportunity to indicate whether or not changes of address submitted to DOR should also be considered for voter registration purposes. *See, e.g.*, Missouri Department of Revenue, Form 4160 Address Change Request, <http://dor.mo.gov/forms/4160.pdf> (last revised Jan. 2018). Exhibit E.

In-Person Transactions

61. DOR clients conducting change-of-address transactions in person at DMV offices are offered voter registration services, but the manner in which they are provided such services does not comply with Section 5 of the NVRA. Section 5 mandates that, when a voter engages in a change-of-address transaction through DOR, the voter's registration information must be automatically updated unless the voter affirmatively states "that the change of address is not for voter registration services." 52 U.S.C. § 20504(d). This creates a system where a registered voter has to opt-out of having their address updated by DOR. Yet DOR's in-person change-of-address system creates an *opt-in*, rather than *opt-out*, system. According to Missouri's Uniform License Issuance Manual ("ULIM"), when a DOR client applies in-person to update the address on their license, DOR procedure requires the client to affirmatively request that their voter registration information be updated, rather than mandate that a client's voter registration address be updated unless the client opts out.

62. DOR's failure to meet the NVRA's requirements with respect to change-of-address transactions undercut Missouri's ability to keep its "vot[er] rolls current and correct." S. Rep. No. 103-6, at 11 (1993).

Mail-In License Applications for Military Members and their Families Require Duplicative Information to Complete a Voter Registration Application

63. The NVRA requires that a voter registration application be included as part of the form used to apply for or renew a license or identification card, 52 U.S.C. § 20504(c)(1), and specifically prohibits the voter registration application from "requir[ing] any information that duplicates information required in" other parts of the form other than a signature and an attestation of eligibility. *See id.* § 20504(c)(2)(A),(C).

64. Mail applications for new, renewal, or duplicate licenses used by active-duty military members and their families do not comport with these requirements..

65. In Missouri, “active duty military personnel or [their] dependent[s who] are temporarily out-of-state or country” may use DOR Form 4317 to “renew [a] driver[’s] license or obtain a duplicate driver[’s] license.” *See* Missouri Department of Revenue, Form 4317 Mail-in Driver License Application, <http://dor.mo.gov/forms/4317.pdf> (last revised Nov. 2017). Exhibit F.

66. “[A]ctive-duty members of the armed forces [who are] temporarily mobilized and deployed outside the state of Missouri” may also use DOR Form 4318 “to obtain a new, renewal or duplicate permit, driver, or nondriver license.” *See* Missouri Department of Revenue, Form 4318 Military Application With Power of Attorney (For Persons Mobilized and Deployed with the U.S. Armed Forces, <http://dor.mo.gov/forms/4318.pdf> (last visited Apr. 16, 2018) Exhibit G.

67. DOR Forms 4317 and 4318 both include a separate and additional form for voter registration at the end, which require DOR clients to provide duplicative information— information already provided in Form 4317 and 4318 (such as first, middle, and last name; date of birth; gender; home address; mailing address; and the last four digits of the client’s social security number)—in order to register to vote or update their registration information.

68. This process violates the NVRA.

DOR Does Not Offer Voter Registration Services to Individuals Whose Citizenship is not Verified During In-Office Covered Transactions

69. Upon information and belief, DOR does not provide all individuals engaging in license renewal or duplicate (such as replacing a lost or stolen license) transactions in a DMV office with required voter registration services.

70. Missouri’s ULIM indicates that DOR must verify an individual’s citizenship during the license process, either through an existing document on file or by the individual

providing such a document in person. If an individual's status cannot be verified, no voter registration services are provided.

71. Not all DOR clients must provide documents that verify citizenship status, however. Under the ULIM, individuals over the age of 65 do not have to provide information verifying their immigration status for certain license-related transactions. Similarly, certain individuals with 15-plus years of Missouri document history who need to renew their licenses but do not have the required documents can renew their licenses for one year without providing information verifying their citizenship status.

72. Upon information and belief, DOR is not providing people in these categories with any voter registration services.

73. DOR's failure to provide voter registration services to customers in these categories violates Section 5 of the NVRA, which requires that DOR provide all clients engaging in covered transactions with the opportunity to register to vote. *See, e.g.*, 52 U.S.C. § 20504(a)(1) (requiring that "each" application and renewal "serve as an application for voter registration"); *see also id.* § 20504(c)(2)(C).

DOR is Failing to Provide Required Disclosures When Individuals Apply For, Renew, or Change the Addresses on Their Licenses

74. Section 5 requires that DOR provide clients with written information that explains Missouri's voter eligibility requirements, the penalties for submitting a false voter registration application, and information indicating that their decision to register to vote or decline to register to vote will remain confidential. *See id.* § 20504(c)(2)(C)-(D).

75. Forms used by DOR, including Forms 4317 and 4318, fail to disclose to DOR clients that their decision to register to vote, or decline voter registration, is "confidential and will be used only for voter registration purposes," *id.* The lack of this disclosure not only violates the NVRA, but also may discourage individuals from registering to vote or updating their information for voter-registration purposes.

Plaintiffs Timely Notified Defendants of Their NVRA Violations

76. On July 6, 2017, Plaintiffs, through their counsel, sent a letter by mail and email to Defendant Ashcroft notifying him that the State of Missouri was failing to meet its obligations under Section 5 of the NVRA. Defendant Walters was sent a copy of the letter on the same day. *See Exhibit A.*

77. The July 2017 letter served as notice pursuant to 52 U.S.C. § 20510(b), and initiated a statutory 90-day waiting period before litigation could be commenced.

78. At the end of the 90-day notice period, Defendants failed to provide a substantive response and did not address the issues raised in the July 6, 2017 notice letter.

79. Defendants have not taken the steps necessary to remedy their noncompliance with Section 5 of the NVRA.

CLAIM FOR RELIEF

Violation of Section 5 of the National Voter Registration Act of 1993

80. Plaintiffs incorporate herein all the paragraphs of this Complaint.

81. As a consequence of their past and continuing failure to provide required voter registration services, Defendants have violated, and continue to violate, Section 5 of the NVRA, 52 U.S.C. § 20504—Defendant Walters by DOR’s failure to implement the required voter registration services, and Defendant Ashcroft by his failure to coordinate and/or ensure DOR’s compliance.

82. The failure of Defendants to comply with Section 5 has injured and will continue to injure the Plaintiffs because Plaintiffs have been required to invest additional resources in voter registration and divert resources from other activities critical to their missions. Remediation of these ongoing violations will permit Plaintiffs to allocate their scarce resources to other important activities.

83. The failure of Defendants to comply with Section 5 has also injured and will continue to injure the League's members. Remediation of these ongoing violations will ensure that the League's members receive the voter registration services required by the NVRA during future DOR transactions.

84. Plaintiffs are aggrieved by the Defendants' past and continuing violations of the NVRA, and have no adequate remedy at law. Declaratory and injunctive relief is required to remedy past and continuing violations of Section 5 and to ensure the Defendants' future compliance with the NVRA.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

i. Declare that the Defendants have violated, and are continuing to violate, Section 5 of the NVRA, 52 U.S.C. § 20504, by failing to provide NVRA-required disclosures and by failing to provide NVRA-compliant voter registration opportunities during: in-person, online, and mail change-of-address transactions, mail-renewal transactions for active-duty military personnel and their dependents, and certain in-person transactions in which an individual's immigration status is not verified;

ii. Issue preliminary and permanent injunctions ordering the Defendants, their officers, agents, employees, and successors in office, and all persons in active concert or participation with them, to develop, implement, and enforce practices and policies to ensure compliance with Section 5 of the NVRA;

iii. Direct the Defendants, under a court-approved plan with appropriate mandatory reporting and monitoring requirements, to take all actions necessary to remedy the past and continuing violations of Section 5, including, without limitation, ensuring that all persons affected by Defendants' violations are provided opportunities to register to vote or to change their voter

registration addresses to enable them to vote in the next federal election cycle, or opt-out if desired;

iv. Direct Defendants, under a court-approved plan with appropriate mandatory reporting and monitoring requirements to take all actions necessary to ensure future compliance with the requirements of Section 5, including, without limitation, to implement practices and policies for offering compliant voter registration services to individuals engaging in license transactions in-person, online, and by mail, and to ensure DOR offices and personnel are conducting compliant in-person covered transactions;

v. Award Plaintiffs reasonable attorneys' fees, litigation expenses, and costs incurred in connection with this action, pursuant to 52 U.S.C. § 20510(c);

vi. Retain jurisdiction over this action to ensure that Defendants comply with any order(s) issued by this Court and with their obligations under the NVRA and Missouri statute; and

vii. Grant such additional relief as this Court deems just and proper.

Dated: April 16, 2018

Respectfully Submitted,

/s/ Anthony E. Rothert

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* Application for admission pro hac vice to be submitted

**Not admitted in the District of Columbia; practice limited pursuant to D.C. App. R. 49(c)(3).



July 6, 2017

Via certified mail and email

John R. Ashcroft
Missouri Secretary of State
600 West Main Street
Jefferson City, MO 65101
john.r.ashcroft@sos.mo.gov

RE: *Compliance with Section 5 of the National Voter Registration Act*

Dear Secretary Ashcroft:

We write on behalf of the League of Women Voters of Missouri, the St. Louis and Greater Kansas City Chapters of the A. Philip Randolph Institute, persons eligible to register to vote that these organizations represent, and others similarly situated to notify you that the state of Missouri is not in compliance with Section 5 of the National Voter Registration Act of 1993 ("NVRA"), 52 U.S.C. § 20504. As you know, Section 5 of the NVRA requires states, including Missouri, to provide individuals with an opportunity to register to vote when they conduct certain driver's license and nondriver identification card transactions with the Department of Revenue ("DOR").

Missouri is failing to fully comply with the requirements of Section 5 of the NVRA. We detail these failures below and urge you, as the State's chief election official, to take immediate steps, in conjunction with the DOR, to bring the State into compliance with federal law.

I. The Requirements of Section 5 of the NVRA

Section 5 of the NVRA requires the DOR to provide individuals with an opportunity to register to vote whenever they apply for, renew, or change their address on a driver's license or state-issued identification card ("ID card"). 52 U.S.C. § 20504(a)(1) & (d); *see also* 52 U.S.C. § 20502(3) (defining "motor vehicle driver's license" to "include[] any personal identification document issued by a State motor vehicle authority").

The NVRA mandates that when an individual applies for or renews a driver's license or ID card (known as a nondriver identification card in Missouri), that application also "serve as an application for voter registration ... unless the applicant fails to

Exhibit A

sign the voter registration application.”¹ 52 U.S.C. § 20504(a)(1). A voter registration application “shall” be included as part of every application for state driver’s license or ID card. 52 U.S.C. § 20504(c)(1). As part of this application, the state may collect additional information necessary to register the individual to vote, but the voter registration portion of a driver’s license or ID card application “may not require any information that duplicates information” provided by the applicant in other portions of the form, “other than a second signature” and an attestation of eligibility. *Id.* § 20504(c)(2).

Further, Section 5(d) of the NVRA requires that any request DOR receives to change the address associated with a driver’s license or ID card must serve to automatically update the customer’s voter registration information unless the customer affirmatively opts out. *Id.* § 20504(d) (noting that such change-of-address forms “shall serve as a notification of change of address for voter registration . . . unless the registrant states on the form that the change of address is not for voter registration purposes” (emphasis added)).

These voter registration services must be provided by DOR, regardless of whether a covered transaction takes place in person at a DOR office or remotely via phone, mail, email, or internet. *See, e.g., Georgia Conf. of the NAACP v. Kemp*, 841 F. Supp. 2d 1320, 1331 (N.D. Ga. 2012) (voter registration must be provided during remote transactions); *Action NC et al. v. Strach et al.*, -- F. Supp. 3d--, 2016 WL 6304731, at *14 (M.D.N.C. Oct. 27, 2016) (“Sections 5 and 7 of the NVRA apply equally to in-person and remote covered transactions”); *see also* U.S. Department of Justice, The National Voter Registration Act of 1993 (NVRA): Questions and Answers, Q4. Moreover, NVRA requirements cannot be circumvented simply by contracting the underlying driver license or ID card transaction to a third party. U.S. Department of Justice, The National Voter Registration Act of 1993 (NVRA): Questions and Answers, Q5 (“When a state contracts with a private entity to administer services in an agency that is required to offer voter registration, the ultimate responsibility for ensuring provision of voter registration services remains with the state, and the voter registration requirements under the NVRA remain the same.”); *see also United States v. Louisiana*, ---F. Supp. 3d---, 2016 WL 4055648, at *45 (5th Cir. July 26, 2016) (“[T]he NVRA compel[s] this Court to hold [the Louisiana Department of Health] responsible for the violations of its chosen agents when the power to appoint, to monitor, and to maintain rests upon it alone and when each agent receives payment from LA by virtue of its contracts.”).

II. Missouri’s Violations of Section 5 of the NVRA

DOR’s current and on-going failure to comply with its voter registration obligations under Section 5 of the NVRA is established by several sources, including site visits and DOR’s responses to public records requests. We detail these violations below.

¹ If a voter is already registered, their driver’s license application or renewal “update[s] any previous voter registration[.]” 52 U.S.C. § 20504(a)(2).

A. Missouri DOR Does Not Offer Customers Who Engage in Change-of-Address Transactions Online, by Mail, or In-Person With the Voter Registration Services Required by the NVRA.

Missouri DOR change-of-address transactions may be conducted online, by mail, or in person at a DOR office. Currently, however, DOR customers who conduct a change-of-address transaction online or by mail are not provided with the voter registration services the State is required to offer under the NVRA. Further, for those customers who elect to change their address in the office, DOR appears to require—in violation of Section 5(d) of the NVRA—that they opt in to having their voter registration information updated by requiring that the applicant affirmatively ask to “apply for an address change on his or her voter registration.”

1. No Voter Registration Services are Offered When a DOR Customer Conducts a Change-of-Address Transaction Online or by Mail.

Missouri DOR fails to provide customers the opportunity to update their voter registration information when they submit a change of address online or by mail, in violation of Section 5 of the NVRA.

DOR allows individuals to update their driver’s license address online. *See* Missouri Department of Revenue, Request for Change of Address, <https://sa.dor.mo.gov/coa/default.aspx?check=true>. However, Missouri driver’s license holders are not provided the opportunity to update their voter registration address as part of this transaction, as Section 5 requires. Rather, individuals using DOR’s online change-of-address form are directed to visit the Secretary of State’s website, where they must complete a separate change-of-address transaction if they need to update their voter registration information. *See id.* (instructing voters “For Voter Registration address changes, visit the Elections & Voting – Frequently Asked Questions page” operated by the Secretary of State).

Further, DOR Form 4160, which Missouri residents can use to change their driver’s license address by mail, fails to provide DOR customers with the opportunity to update their voter registration information and does not even mention how customers completing the form can update their voter registration information.²

2. In-Office Change-of-Address Transactions Require DOR Customers to Opt-In to Changing their Voter Registration Information.

During change of address transactions conducted in DOR offices, rather than using the opt-out procedure required by Section 5, DOR requires voters to opt in in order

² In April 2016, DOR offices were using at least 2 versions of DOR Form 4160: those last designed in 2006 and 2015. In August 2016, DOR issued a new version of this form. *See* Missouri Department of Revenue, Form 4160 Address Change Request (Revised 08-2016), *available at* <http://dor.mo.gov/forms/4160.pdf>. None of these versions of Form 4160 mention voter registration.

to have their voter registration address updated. That is, according to Section 11 of Missouri's Uniform License Issuance Manual ("ULIM"), when a DOR customer submits an in-person request that the address on that their license or state-ID be updated, the individual must affirmatively request that their voter registration information be updated rather than automatically updating the information unless the individual affirmatively declines that such a change be made in violation of Section 5 of the NVRA. *See* ULIM Section 11, at 2, Step 6 (Rev. 5/2015).

B. Mail-In License Applications Used by Service Members Require Duplicative Information in Violation of the NVRA.

Section 5 of the NVRA requires that any time a DOR customer applies for or renews a state driver's license or ID card, they be afforded the opportunity to register to vote. *See, e.g.*, 52 U.S.C. § 20504(a) & (c). Specifically, the NVRA requires that a voter registration application be included as part of the form used to apply for or renew a driver's license or state ID. *Id.* § 20504(c)(1). The NVRA prohibits the voter registration application portion of the form from "requir[ing] any information that duplicates information required in" other parts of the form other than a signature and an attestation of eligibility. *See id.* § 20504(c)(2)(A) & (C).

DOR forms 4317 and 4318, which may be used by active-duty military personnel "to obtain a new, renewal or duplicate permit, driver, or nondriver license,"³ each include a separate voter registration application at the end of the form. Both of these forms require that a large amount of information be duplicated in order for the applicant to register to vote. Information duplicative of that required in forms 4317 and 4318 includes: first, middle, and last name; date of birth; gender; home address; mailing address; and the last four digits of the applicant's social security number. Requiring DOR customers to reenter this information on the voter registration form runs counter to Section 5's directive.

C. DOR Does Not Offer Voter Registration Services to All Individuals Renewing their License or ID Card or Conducting Duplicate Transactions.

In Missouri, it appears that during the driver's license application process, an individual's citizenship status is verified. *See, e.g.*, Missouri Uniform License Issuance Manual, Section 29, at 3-6. If an individual's citizenship cannot be verified,

³ Missouri Department of Revenue, Form 4318 (Military Application With Power of Attorney (For Persons Mobilized and Deployed with the U.S. Armed Forces)), *available at* <http://dor.mo.gov/forms/4318.pdf>. Form 4318 is to be used by "active-duty members of the armed forces [who are] temporarily mobilized and deployed outside the state of Missouri" and need "to obtain a new, renewal or duplicate permit, driver, or nondriver license." *Id.* Form 4317 may be used by both "active duty military personnel or [their] dependant[s who] are temporarily out-of-state or country" when they need to "renew [a] driver['s] license or obtain a duplicate driver['s] license." Missouri Department of Revenue, Form 4317 (Mail-in Driver License Application), *available at* <http://dor.mo.gov/forms/4317.pdf>.

the system instructing DMV workers to provide voter registration opportunities to clients is skipped, so no voter registration services are provided in this circumstance. *See id.* at 15. Moreover, it appears that certain individuals, such as individuals over the age of 65, do not have to provide information verifying their immigration status. *See id.* at 3-4. As a result, these individuals also may not be provided any voter registration services. The mere fact that an application has not provided documentation of his or her citizenship status does not mean the individual is not a citizen or is otherwise ineligible to vote. Section 5 requires that DOR provide *all* applicants with an opportunity to register to vote; thus DOR's failure to provide individuals the opportunity to register to vote if their citizenship status has not been verified by DOR or is not reflected in DOR's records violates the NVRA.

D. Section 5 of the NVRA Requires DOR to Provide Certain Disclosures When Individuals Apply For, Renew, or Change the Address on their License or ID Card.

In addition to the requirements outlined above, Section 5 of the NVRA also requires that the voter registration portion of DOR's forms include a statement that informs individuals of each voter eligibility requirement, an attestation that the applicant meets each such requirement, confidentiality of an individual's decision to decline voter registration, and if they decide to register to vote, the confidentiality of the office where voter registration was submitted. *See* 52 U.S.C. § 20504(c)(2)(C) & (D). It appears that several forms used by DOR do not include these required disclosures in violation of Section 5 of the NVRA. We ask that DOR conduct a thorough review of its forms and insert the required disclosures where they are missing.

III. Conclusion

The Missouri DOR is engaged in current and on-going violations of the NVRA. These violations deprive many state residents of their right to vote. As Missouri's chief election official, you are responsible for ensuring that DOR offices are complying with the NVRA. *See, e.g.,* MO. REV. STAT. ANN. § 115.136(1) ("The secretary of state shall be the chief state election official responsible for the coordination of state responsibilities under the National Voter Registration Act of 1993.").

This letter serves as notice pursuant to 52 U.S.C. § 20510(b) of violations by Missouri of Section 5 of the NVRA, 52 U.S.C. § 20504. We are prepared to meet with you and other state officials at your earliest convenience to discuss these violations and to assist in your development of a comprehensive plan that addresses the problems identified in this letter. In the absence of such a plan, we will have no alternative but to initiate litigation at the conclusion of the statutory 90-day waiting period.

Sincerely,

Naila S. Awan

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Denise D. Lieberman

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cc: Joel Walters (by email)
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October 25, 2017

Via first class mail and email

John R. Ashcroft
Missouri Secretary of State
600 West Main Street
Jefferson City, MO 65101
john.r.ashcroft@sos.mo.gov

RE: *Compliance with Section 5 of the National Voter Registration Act*

Dear Secretary Ashcroft:

On July 6, 2017, the undersigned counsel sent you a letter alleging that the State of Missouri is not fully complying with Section 5 of the National Voter Registration Act of 1993 (“NVRA”). See attachment. Specifically, the letter alleged that certain in-person, online, and mail transactions conducted through the Missouri Department of Revenue (“DOR”) fail to provide voter registration services required under the NVRA.

The letter provided written notice, as required under Section 11 of the NVRA, and initiated a 90-day waiting period before litigation can be commenced. 52 U.S.C. § 20510(b)(1)-(2). More than 90 days have elapsed since this letter was sent and, we have not received a response from your office to discuss the concerns outlined in our notice letter. Further, as far as we are aware, none of the violations identified in this letter have been corrected. While we are prepared to litigate, we hope to work cooperatively with your office to develop a comprehensive plan to address these problems. We write today to specifically address your responsibilities to work to address NVRA violations.

It is our understanding from a phone call we initiated with your counsel that your office has taken the position that it is the sole responsibility of the Missouri Department of Revenue (“DOR”) to remedy the compliance violations identified in the letter. That position is not consistent with your legal obligations under the NVRA. While DOR has responsibility for NVRA compliance and an official from DOR should be part of the process, as Missouri’s chief election official, you are ultimately responsible for any NVRA violations occurring during DOR’s processes.

Section 10 of the NVRA mandates that “[e]ach State shall designate a State officer or employee as the chief State election official to be responsible for the coordination of State responsibilities under” the NVRA. 52 U.S.C. § 20509. Under Missouri law, the Secretary of State is designated as “the chief state election official responsible for the coordination of state responsibilities of under the National Voter Registration Act of 1993.” MO. REV. STAT. ANN. § 115.136(1). Missouri law and the NVRA’s plain meaning establish that you, as the state’s chief election official, have an on-going duty to coordinate Missouri’s continuing responsibility to comply with the NVRA.

Courts that have considered Section 10’s mandate have consistently found that it holds a state’s chief election official responsible for the actions of the agencies within their state that conduct transactions covered under the NVRA, such as the driver’s license and identification card services provided by DOR. For example:

- In *Harkless v. Brunner*, 545 F.3d 445 (6th Cir. 2008), the Sixth Circuit held that “the Secretary, as [] chief election officer, is responsible for ‘harmonious combination’—or implementation and enforcement—of [NVRA responsibilities of a government agency].” *Id.* at 452 (quoting from the Oxford English Dictionary (2d ed.1989)).
- In *Valdez v. Herrera*, the court held that the chief election officer is “responsible for ensuring compliance [with the NVRA],” and “bears at least some responsibility for the state’s compliance with Section 7’s mandates.” 2010 U.S. Dist. LEXIS 142209 at *34-35.
- In *Scott v. Schedler*, 771 F.3d 831 (5th Cir. 2014), the 5th Circuit also held that the chief election official is responsible for the NVRA compliance within the state, noting that the “NVRA centralizes responsibility in the state and in the chief elections official, who is the state’s stand-in.” *Id.* at 839. Moreover, the court noted that the “NVRA’s notice provision [Section 11(b)], which requires potential plaintiffs to provide notice to the chief election official before filing suit, only makes sense if [chief election official] has authority to enforce the Act. Requiring would-be plaintiffs to send notice to their chief election official about ongoing NVRA violations would hardly make sense if that official did not have the authority to remedy NVRA violations.” *Scott*, 771 F.3d at 839 (quoting *Harkless*, 545 F.3d at 453); *see also* 52 U.S.C. § 20510(b)(1).

While these cases address the responsibility of the chief election officials specifically as to compliance with Section 7 of the NVRA, the reasoning applies equally to Section 5. Section 5 and Section 7 of the NVRA both require state government agencies to provide specific voter registration services to individuals during government interactions. The chief election official’s responsibility is the same in both circumstances—to take all possible steps to ensure that government agency is complying with the NVRA.

As the official designated by Missouri to be responsible for the coordination of the State’s NVRA responsibilities, and by the plain terms of the statute, you are required to ensure

that transactions covered under the NVRA are conducted in compliance with federal law. This duty cannot be delegated. We hope that you will reconsider your position and meet with us to discuss the issues raised in our July 6, 2017 notice letter.

We look forward to your future cooperation, and believe that both your engagement and DOR's is necessary in order to effectively address the issues outlined in the notice letter. In that spirit, Plaintiffs' counsel would like to propose setting a meeting for the week of November 20, 2017 to provide both you and DOR time consider ways to respond to the concerns raised in July. Please let us know your availability that week or if that week does not work, please let us know some additional dates in November when you will be available. We look forward to discussing this with you further in the hopes that the NVRA compliance issues raised in our notice letter can be resolved without litigation, but are prepared to assert all legal options available to ensure that the rights of voters in Missouri are protected.

Sincerely,



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Senior Staff Attorney for Motor-Voter Enforcement
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cc: Joel Walters (by email)
Director, Missouri Department of Revenue
Harry S Truman State Office Building
301 West High Street Jefferson City, MO 65101
joel.walters@dor.mo.gov

Attachment



July 6, 2017

Via certified mail and email

John R. Ashcroft
Missouri Secretary of State
600 West Main Street
Jefferson City, MO 65101
john.r.ashcroft@sos.mo.gov

RE: *Compliance with Section 5 of the National Voter Registration Act*

Dear Secretary Ashcroft:

We write on behalf of the League of Women Voters of Missouri, the St. Louis and Greater Kansas City Chapters of the A. Philip Randolph Institute, persons eligible to register to vote that these organizations represent, and others similarly situated to notify you that the state of Missouri is not in compliance with Section 5 of the National Voter Registration Act of 1993 ("NVRA"), 52 U.S.C. § 20504. As you know, Section 5 of the NVRA requires states, including Missouri, to provide individuals with an opportunity to register to vote when they conduct certain driver's license and nondriver identification card transactions with the Department of Revenue ("DOR").

Missouri is failing to fully comply with the requirements of Section 5 of the NVRA. We detail these failures below and urge you, as the State's chief election official, to take immediate steps, in conjunction with the DOR, to bring the State into compliance with federal law.

I. The Requirements of Section 5 of the NVRA

Section 5 of the NVRA requires the DOR to provide individuals with an opportunity to register to vote whenever they apply for, renew, or change their address on a driver's license or state-issued identification card ("ID card"). 52 U.S.C. § 20504(a)(1) & (d); *see also* 52 U.S.C. § 20502(3) (defining "motor vehicle driver's license" to "include[] any personal identification document issued by a State motor vehicle authority").

The NVRA mandates that when an individual applies for or renews a driver's license or ID card (known as a nondriver identification card in Missouri), that application also "serve as an application for voter registration ... unless the applicant fails to

sign the voter registration application.”¹ 52 U.S.C. § 20504(a)(1). A voter registration application “shall” be included as part of every application for state driver’s license or ID card. 52 U.S.C. § 20504(c)(1). As part of this application, the state may collect additional information necessary to register the individual to vote, but the voter registration portion of a driver’s license or ID card application “may not require any information that duplicates information” provided by the applicant in other portions of the form, “other than a second signature” and an attestation of eligibility. *Id.* § 20504(c)(2).

Further, Section 5(d) of the NVRA requires that any request DOR receives to change the address associated with a driver’s license or ID card must serve to automatically update the customer’s voter registration information unless the customer affirmatively opts out. *Id.* § 20504(d) (noting that such change-of-address forms “shall serve as a notification of change of address for voter registration . . . unless the registrant states on the form that the change of address is not for voter registration purposes” (emphasis added)).

These voter registration services must be provided by DOR, regardless of whether a covered transaction takes place in person at a DOR office or remotely via phone, mail, email, or internet. *See, e.g., Georgia Conf. of the NAACP v. Kemp*, 841 F. Supp. 2d 1320, 1331 (N.D. Ga. 2012) (voter registration must be provided during remote transactions); *Action NC et al. v. Strach et al.*, -- F. Supp. 3d--, 2016 WL 6304731, at *14 (M.D.N.C. Oct. 27, 2016) (“Sections 5 and 7 of the NVRA apply equally to in-person and remote covered transactions”); *see also* U.S. Department of Justice, The National Voter Registration Act of 1993 (NVRA): Questions and Answers, Q4. Moreover, NVRA requirements cannot be circumvented simply by contracting the underlying driver license or ID card transaction to a third party. U.S. Department of Justice, The National Voter Registration Act of 1993 (NVRA): Questions and Answers, Q5 (“When a state contracts with a private entity to administer services in an agency that is required to offer voter registration, the ultimate responsibility for ensuring provision of voter registration services remains with the state, and the voter registration requirements under the NVRA remain the same.”); *see also United States v. Louisiana*, ---F. Supp. 3d---, 2016 WL 4055648, at *45 (5th Cir. July 26, 2016) (“[T]he NVRA compel[s] this Court to hold [the Louisiana Department of Health] responsible for the violations of its chosen agents when the power to appoint, to monitor, and to maintain rests upon it alone and when each agent receives payment from LA by virtue of its contracts.”).

II. Missouri’s Violations of Section 5 of the NVRA

DOR’s current and on-going failure to comply with its voter registration obligations under Section 5 of the NVRA is established by several sources, including site visits and DOR’s responses to public records requests. We detail these violations below.

¹ If a voter is already registered, their driver’s license application or renewal “update[s] any previous voter registration[.]” 52 U.S.C. § 20504(a)(2).

A. Missouri DOR Does Not Offer Customers Who Engage in Change-of-Address Transactions Online, by Mail, or In-Person With the Voter Registration Services Required by the NVRA.

Missouri DOR change-of-address transactions may be conducted online, by mail, or in person at a DOR office. Currently, however, DOR customers who conduct a change-of-address transaction online or by mail are not provided with the voter registration services the State is required to offer under the NVRA. Further, for those customers who elect to change their address in the office, DOR appears to require—in violation of Section 5(d) of the NVRA—that they opt in to having their voter registration information updated by requiring that the applicant affirmatively ask to “apply for an address change on his or her voter registration.”

1. No Voter Registration Services are Offered When a DOR Customer Conducts a Change-of-Address Transaction Online or by Mail.

Missouri DOR fails to provide customers the opportunity to update their voter registration information when they submit a change of address online or by mail, in violation of Section 5 of the NVRA.

DOR allows individuals to update their driver’s license address online. *See* Missouri Department of Revenue, Request for Change of Address, <https://sa.dor.mo.gov/coa/default.aspx?check=true>. However, Missouri driver’s license holders are not provided the opportunity to update their voter registration address as part of this transaction, as Section 5 requires. Rather, individuals using DOR’s online change-of-address form are directed to visit the Secretary of State’s website, where they must complete a separate change-of-address transaction if they need to update their voter registration information. *See id.* (instructing voters “For Voter Registration address changes, visit the Elections & Voting – Frequently Asked Questions page” operated by the Secretary of State).

Further, DOR Form 4160, which Missouri residents can use to change their driver’s license address by mail, fails to provide DOR customers with the opportunity to update their voter registration information and does not even mention how customers completing the form can update their voter registration information.²

2. In-Office Change-of-Address Transactions Require DOR Customers to Opt-In to Changing their Voter Registration Information.

During change of address transactions conducted in DOR offices, rather than using the opt-out procedure required by Section 5, DOR requires voters to opt in in order

² In April 2016, DOR offices were using at least 2 versions of DOR Form 4160: those last designed in 2006 and 2015. In August 2016, DOR issued a new version of this form. *See* Missouri Department of Revenue, Form 4160 Address Change Request (Revised 08-2016), *available at* <http://dor.mo.gov/forms/4160.pdf>. None of these versions of Form 4160 mention voter registration.

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B. Mail-In License Applications Used by Service Members Require Duplicative Information in Violation of the NVRA.

Section 5 of the NVRA requires that any time a DOR customer applies for or renews a state driver's license or ID card, they be afforded the opportunity to register to vote. *See, e.g.*, 52 U.S.C. § 20504(a) & (c). Specifically, the NVRA requires that a voter registration application be included as part of the form used to apply for or renew a driver's license or state ID. *Id.* § 20504(c)(1). The NVRA prohibits the voter registration application portion of the form from "requir[ing] any information that duplicates information required in" other parts of the form other than a signature and an attestation of eligibility. *See id.* § 20504(c)(2)(A) & (C).

DOR forms 4317 and 4318, which may be used by active-duty military personnel "to obtain a new, renewal or duplicate permit, driver, or nondriver license,"³ each include a separate voter registration application at the end of the form. Both of these forms require that a large amount of information be duplicated in order for the applicant to register to vote. Information duplicative of that required in forms 4317 and 4318 includes: first, middle, and last name; date of birth; gender; home address; mailing address; and the last four digits of the applicant's social security number. Requiring DOR customers to reenter this information on the voter registration form runs counter to Section 5's directive.

C. DOR Does Not Offer Voter Registration Services to All Individuals Renewing their License or ID Card or Conducting Duplicate Transactions.

In Missouri, it appears that during the driver's license application process, an individual's citizenship status is verified. *See, e.g.*, Missouri Uniform License Issuance Manual, Section 29, at 3-6. If an individual's citizenship cannot be verified,

³ Missouri Department of Revenue, Form 4318 (Military Application With Power of Attorney (For Persons Mobilized and Deployed with the U.S. Armed Forces)), *available at* <http://dor.mo.gov/forms/4318.pdf>. Form 4318 is to be used by "active-duty members of the armed forces [who are] temporarily mobilized and deployed outside the state of Missouri" and need "to obtain a new, renewal or duplicate permit, driver, or nondriver license." *Id.* Form 4317 may be used by both "active duty military personnel or [their] dependant[s who] are temporarily out-of-state or country" when they need to "renew [a] driver['s] license or obtain a duplicate driver['s] license." Missouri Department of Revenue, Form 4317 (Mail-in Driver License Application), *available at* <http://dor.mo.gov/forms/4317.pdf>.

the system instructing DMV workers to provide voter registration opportunities to clients is skipped, so no voter registration services are provided in this circumstance. *See id.* at 15. Moreover, it appears that certain individuals, such as individuals over the age of 65, do not have to provide information verifying their immigration status. *See id.* at 3-4. As a result, these individuals also may not be provided any voter registration services. The mere fact that an application has not provided documentation of his or her citizenship status does not mean the individual is not a citizen or is otherwise ineligible to vote. Section 5 requires that DOR provide *all* applicants with an opportunity to register to vote; thus DOR's failure to provide individuals the opportunity to register to vote if their citizenship status has not been verified by DOR or is not reflected in DOR's records violates the NVRA.

D. Section 5 of the NVRA Requires DOR to Provide Certain Disclosures When Individuals Apply For, Renew, or Change the Address on their License or ID Card.

In addition to the requirements outlined above, Section 5 of the NVRA also requires that the voter registration portion of DOR's forms include a statement that informs individuals of each voter eligibility requirement, an attestation that the applicant meets each such requirement, confidentiality of an individual's decision to decline voter registration, and if they decide to register to vote, the confidentiality of the office where voter registration was submitted. *See* 52 U.S.C. § 20504(c)(2)(C) & (D). It appears that several forms used by DOR do not include these required disclosures in violation of Section 5 of the NVRA. We ask that DOR conduct a thorough review of its forms and insert the required disclosures where they are missing.

III. Conclusion

The Missouri DOR is engaged in current and on-going violations of the NVRA. These violations deprive many state residents of their right to vote. As Missouri's chief election official, you are responsible for ensuring that DOR offices are complying with the NVRA. *See, e.g.,* MO. REV. STAT. ANN. § 115.136(1) ("The secretary of state shall be the chief state election official responsible for the coordination of state responsibilities under the National Voter Registration Act of 1993.").

This letter serves as notice pursuant to 52 U.S.C. § 20510(b) of violations by Missouri of Section 5 of the NVRA, 52 U.S.C. § 20504. We are prepared to meet with you and other state officials at your earliest convenience to discuss these violations and to assist in your development of a comprehensive plan that addresses the problems identified in this letter. In the absence of such a plan, we will have no alternative but to initiate litigation at the conclusion of the statutory 90-day waiting period.

Sincerely,

Naila S. Awan

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cc: Joel Walters (by email)
Director, Missouri Department of Revenue
Harry S Truman State Office Building
301 West High Street Jefferson City, MO 65101
joel.walters@dor.mo.gov



October 27, 2017

Via first class mail and email

Joel Walters
Director, Missouri Department of Revenue
Harry S Truman State Office Building
301 West High Street Jefferson City, MO 65101
joel.walters@dor.mo.gov

RE: *Compliance with Section 5 of the National Voter Registration Act*

Dear Director Walters:

On July 6, 2017, the undersigned counsel copied you on a letter to Missouri Secretary of State Ashcroft alleging that the State of Missouri is not fully complying with Section 5 of the National Voter Registration Act of 1993 (“NVRA”). Specifically, the letter alleged that certain in-person, online, and mail transactions conducted through the Missouri Department of Revenue (“DOR”) fail to provide voter registration services required under the NVRA. *See* attachment 1.

The July 2017 letter provided written notice, as required under Section 11 of the NVRA, and initiated a 90-day waiting period before litigation can be commenced. 52 U.S.C. § 20510(b)(1)-(2). More than 90 days have elapsed since this letter was sent and neither Secretary Ashcroft’s office nor DOR have contacted us in order to discuss how to address the concerns outlined in the notice letter. Further, as far as we are aware, none of the violations identified in this letter have been corrected.

As noted in the letter we sent to Secretary Ashcroft on October 25, 2017, the Secretary’s office has taken the position that it is the sole responsibility of DOR to remedy the Section 5 compliance issues we identified in July. *See* attachment 2. We believe that both DOR and the Secretary’s office must be involved in efforts to respond to the concerns raised in July. We would welcome the opportunity to sit down with DOR to begin discussions.

In order to provide DOR with time to consider the concerns raised in the July notice letter and determine how it may respond to those concerns, the undersigned counsel would like to propose setting a meeting for the week of November 20, 2017. We request that your

availability that week and, if that week does not work, propose alternative dates in mid-November when you will be available. We look forward to your future cooperation.

Sincerely,



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cc: John R. Ashcroft (by email)
Missouri Secretary of State
john.r.ashcroft@sos.mo.gov

Frank Jung
General Counsel, Missouri Secretary of State
Frank.Jung@sos.mo.gov

Attachment 1



July 6, 2017

Via certified mail and email

John R. Ashcroft
Missouri Secretary of State
600 West Main Street
Jefferson City, MO 65101
john.r.ashcroft@sos.mo.gov

RE: *Compliance with Section 5 of the National Voter Registration Act*

Dear Secretary Ashcroft:

We write on behalf of the League of Women Voters of Missouri, the St. Louis and Greater Kansas City Chapters of the A. Philip Randolph Institute, persons eligible to register to vote that these organizations represent, and others similarly situated to notify you that the state of Missouri is not in compliance with Section 5 of the National Voter Registration Act of 1993 ("NVRA"), 52 U.S.C. § 20504. As you know, Section 5 of the NVRA requires states, including Missouri, to provide individuals with an opportunity to register to vote when they conduct certain driver's license and nondriver identification card transactions with the Department of Revenue ("DOR").

Missouri is failing to fully comply with the requirements of Section 5 of the NVRA. We detail these failures below and urge you, as the State's chief election official, to take immediate steps, in conjunction with the DOR, to bring the State into compliance with federal law.

I. The Requirements of Section 5 of the NVRA

Section 5 of the NVRA requires the DOR to provide individuals with an opportunity to register to vote whenever they apply for, renew, or change their address on a driver's license or state-issued identification card ("ID card"). 52 U.S.C. § 20504(a)(1) & (d); *see also* 52 U.S.C. § 20502(3) (defining "motor vehicle driver's license" to "include[] any personal identification document issued by a State motor vehicle authority").

The NVRA mandates that when an individual applies for or renews a driver's license or ID card (known as a nondriver identification card in Missouri), that application also "serve as an application for voter registration ... unless the applicant fails to

sign the voter registration application.”¹ 52 U.S.C. § 20504(a)(1). A voter registration application “shall” be included as part of every application for state driver’s license or ID card. 52 U.S.C. § 20504(c)(1). As part of this application, the state may collect additional information necessary to register the individual to vote, but the voter registration portion of a driver’s license or ID card application “may not require any information that duplicates information” provided by the applicant in other portions of the form, “other than a second signature” and an attestation of eligibility. *Id.* § 20504(c)(2).

Further, Section 5(d) of the NVRA requires that any request DOR receives to change the address associated with a driver’s license or ID card must serve to automatically update the customer’s voter registration information unless the customer affirmatively opts out. *Id.* § 20504(d) (noting that such change-of-address forms “shall serve as a notification of change of address for voter registration . . . unless the registrant states on the form that the change of address is not for voter registration purposes” (emphasis added)).

These voter registration services must be provided by DOR, regardless of whether a covered transaction takes place in person at a DOR office or remotely via phone, mail, email, or internet. *See, e.g., Georgia Conf. of the NAACP v. Kemp*, 841 F. Supp. 2d 1320, 1331 (N.D. Ga. 2012) (voter registration must be provided during remote transactions); *Action NC et al. v. Strach et al.*, -- F. Supp. 3d--, 2016 WL 6304731, at *14 (M.D.N.C. Oct. 27, 2016) (“Sections 5 and 7 of the NVRA apply equally to in-person and remote covered transactions”); *see also* U.S. Department of Justice, The National Voter Registration Act of 1993 (NVRA): Questions and Answers, Q4. Moreover, NVRA requirements cannot be circumvented simply by contracting the underlying driver license or ID card transaction to a third party. U.S. Department of Justice, The National Voter Registration Act of 1993 (NVRA): Questions and Answers, Q5 (“When a state contracts with a private entity to administer services in an agency that is required to offer voter registration, the ultimate responsibility for ensuring provision of voter registration services remains with the state, and the voter registration requirements under the NVRA remain the same.”); *see also United States v. Louisiana*, ---F. Supp. 3d---, 2016 WL 4055648, at *45 (5th Cir. July 26, 2016) (“[T]he NVRA compel[s] this Court to hold [the Louisiana Department of Health] responsible for the violations of its chosen agents when the power to appoint, to monitor, and to maintain rests upon it alone and when each agent receives payment from LA by virtue of its contracts.”).

II. Missouri’s Violations of Section 5 of the NVRA

DOR’s current and on-going failure to comply with its voter registration obligations under Section 5 of the NVRA is established by several sources, including site visits and DOR’s responses to public records requests. We detail these violations below.

¹ If a voter is already registered, their driver’s license application or renewal “update[s] any previous voter registration[.]” 52 U.S.C. § 20504(a)(2).

A. Missouri DOR Does Not Offer Customers Who Engage in Change-of-Address Transactions Online, by Mail, or In-Person With the Voter Registration Services Required by the NVRA.

Missouri DOR change-of-address transactions may be conducted online, by mail, or in person at a DOR office. Currently, however, DOR customers who conduct a change-of-address transaction online or by mail are not provided with the voter registration services the State is required to offer under the NVRA. Further, for those customers who elect to change their address in the office, DOR appears to require—in violation of Section 5(d) of the NVRA—that they opt in to having their voter registration information updated by requiring that the applicant affirmatively ask to “apply for an address change on his or her voter registration.”

1. No Voter Registration Services are Offered When a DOR Customer Conducts a Change-of-Address Transaction Online or by Mail.

Missouri DOR fails to provide customers the opportunity to update their voter registration information when they submit a change of address online or by mail, in violation of Section 5 of the NVRA.

DOR allows individuals to update their driver’s license address online. *See* Missouri Department of Revenue, Request for Change of Address, <https://sa.dor.mo.gov/coa/default.aspx?check=true>. However, Missouri driver’s license holders are not provided the opportunity to update their voter registration address as part of this transaction, as Section 5 requires. Rather, individuals using DOR’s online change-of-address form are directed to visit the Secretary of State’s website, where they must complete a separate change-of-address transaction if they need to update their voter registration information. *See id.* (instructing voters “For Voter Registration address changes, visit the Elections & Voting – Frequently Asked Questions page” operated by the Secretary of State).

Further, DOR Form 4160, which Missouri residents can use to change their driver’s license address by mail, fails to provide DOR customers with the opportunity to update their voter registration information and does not even mention how customers completing the form can update their voter registration information.²

2. In-Office Change-of-Address Transactions Require DOR Customers to Opt-In to Changing their Voter Registration Information.

During change of address transactions conducted in DOR offices, rather than using the opt-out procedure required by Section 5, DOR requires voters to opt in in order

² In April 2016, DOR offices were using at least 2 versions of DOR Form 4160: those last designed in 2006 and 2015. In August 2016, DOR issued a new version of this form. *See* Missouri Department of Revenue, Form 4160 Address Change Request (Revised 08-2016), *available at* <http://dor.mo.gov/forms/4160.pdf>. None of these versions of Form 4160 mention voter registration.

to have their voter registration address updated. That is, according to Section 11 of Missouri's Uniform License Issuance Manual ("ULIM"), when a DOR customer submits an in-person request that the address on that their license or state-ID be updated, the individual must affirmatively request that their voter registration information be updated rather than automatically updating the information unless the individual affirmatively declines that such a change be made in violation of Section 5 of the NVRA. *See* ULIM Section 11, at 2, Step 6 (Rev. 5/2015).

B. Mail-In License Applications Used by Service Members Require Duplicative Information in Violation of the NVRA.

Section 5 of the NVRA requires that any time a DOR customer applies for or renews a state driver's license or ID card, they be afforded the opportunity to register to vote. *See, e.g.*, 52 U.S.C. § 20504(a) & (c). Specifically, the NVRA requires that a voter registration application be included as part of the form used to apply for or renew a driver's license or state ID. *Id.* § 20504(c)(1). The NVRA prohibits the voter registration application portion of the form from "requir[ing] any information that duplicates information required in" other parts of the form other than a signature and an attestation of eligibility. *See id.* § 20504(c)(2)(A) & (C).

DOR forms 4317 and 4318, which may be used by active-duty military personnel "to obtain a new, renewal or duplicate permit, driver, or nondriver license,"³ each include a separate voter registration application at the end of the form. Both of these forms require that a large amount of information be duplicated in order for the applicant to register to vote. Information duplicative of that required in forms 4317 and 4318 includes: first, middle, and last name; date of birth; gender; home address; mailing address; and the last four digits of the applicant's social security number. Requiring DOR customers to reenter this information on the voter registration form runs counter to Section 5's directive.

C. DOR Does Not Offer Voter Registration Services to All Individuals Renewing their License or ID Card or Conducting Duplicate Transactions.

In Missouri, it appears that during the driver's license application process, an individual's citizenship status is verified. *See, e.g.*, Missouri Uniform License Issuance Manual, Section 29, at 3-6. If an individual's citizenship cannot be verified,

³ Missouri Department of Revenue, Form 4318 (Military Application With Power of Attorney (For Persons Mobilized and Deployed with the U.S. Armed Forces)), *available at* <http://dor.mo.gov/forms/4318.pdf>. Form 4318 is to be used by "active-duty members of the armed forces [who are] temporarily mobilized and deployed outside the state of Missouri" and need "to obtain a new, renewal or duplicate permit, driver, or nondriver license." *Id.* Form 4317 may be used by both "active duty military personnel or [their] dependant[s who] are temporarily out-of-state or country" when they need to "renew [a] driver['s] license or obtain a duplicate driver['s] license." Missouri Department of Revenue, Form 4317 (Mail-in Driver License Application), *available at* <http://dor.mo.gov/forms/4317.pdf>.

the system instructing DMV workers to provide voter registration opportunities to clients is skipped, so no voter registration services are provided in this circumstance. *See id.* at 15. Moreover, it appears that certain individuals, such as individuals over the age of 65, do not have to provide information verifying their immigration status. *See id.* at 3-4. As a result, these individuals also may not be provided any voter registration services. The mere fact that an application has not provided documentation of his or her citizenship status does not mean the individual is not a citizen or is otherwise ineligible to vote. Section 5 requires that DOR provide *all* applicants with an opportunity to register to vote; thus DOR's failure to provide individuals the opportunity to register to vote if their citizenship status has not been verified by DOR or is not reflected in DOR's records violates the NVRA.

D. Section 5 of the NVRA Requires DOR to Provide Certain Disclosures When Individuals Apply For, Renew, or Change the Address on their License or ID Card.

In addition to the requirements outlined above, Section 5 of the NVRA also requires that the voter registration portion of DOR's forms include a statement that informs individuals of each voter eligibility requirement, an attestation that the applicant meets each such requirement, confidentiality of an individual's decision to decline voter registration, and if they decide to register to vote, the confidentiality of the office where voter registration was submitted. *See* 52 U.S.C. § 20504(c)(2)(C) & (D). It appears that several forms used by DOR do not include these required disclosures in violation of Section 5 of the NVRA. We ask that DOR conduct a thorough review of its forms and insert the required disclosures where they are missing.

III. Conclusion

The Missouri DOR is engaged in current and on-going violations of the NVRA. These violations deprive many state residents of their right to vote. As Missouri's chief election official, you are responsible for ensuring that DOR offices are complying with the NVRA. *See, e.g.,* MO. REV. STAT. ANN. § 115.136(1) ("The secretary of state shall be the chief state election official responsible for the coordination of state responsibilities under the National Voter Registration Act of 1993.").

This letter serves as notice pursuant to 52 U.S.C. § 20510(b) of violations by Missouri of Section 5 of the NVRA, 52 U.S.C. § 20504. We are prepared to meet with you and other state officials at your earliest convenience to discuss these violations and to assist in your development of a comprehensive plan that addresses the problems identified in this letter. In the absence of such a plan, we will have no alternative but to initiate litigation at the conclusion of the statutory 90-day waiting period.

Sincerely,

Naila S. Awan

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cc: Joel Walters (by email)
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Harry S Truman State Office Building
301 West High Street Jefferson City, MO 65101
joel.walters@dor.mo.gov

Attachment 2



October 25, 2017

Via first class mail and email

John R. Ashcroft
Missouri Secretary of State
600 West Main Street
Jefferson City, MO 65101
john.r.ashcroft@sos.mo.gov

RE: *Compliance with Section 5 of the National Voter Registration Act*

Dear Secretary Ashcroft:

On July 6, 2017, the undersigned counsel sent you a letter alleging that the State of Missouri is not fully complying with Section 5 of the National Voter Registration Act of 1993 (“NVRA”). See attachment. Specifically, the letter alleged that certain in-person, online, and mail transactions conducted through the Missouri Department of Revenue (“DOR”) fail to provide voter registration services required under the NVRA.

The letter provided written notice, as required under Section 11 of the NVRA, and initiated a 90-day waiting period before litigation can be commenced. 52 U.S.C. § 20510(b)(1)-(2). More than 90 days have elapsed since this letter was sent and, we have not received a response from your office to discuss the concerns outlined in our notice letter. Further, as far as we are aware, none of the violations identified in this letter have been corrected. While we are prepared to litigate, we hope to work cooperatively with your office to develop a comprehensive plan to address these problems. We write today to specifically address your responsibilities to work to address NVRA violations.

It is our understanding from a phone call we initiated with your counsel that your office has taken the position that it is the sole responsibility of the Missouri Department of Revenue (“DOR”) to remedy the compliance violations identified in the letter. That position is not consistent with your legal obligations under the NVRA. While DOR has responsibility for NVRA compliance and an official from DOR should be part of the process, as Missouri’s chief election official, you are ultimately responsible for any NVRA violations occurring during DOR’s processes.

Section 10 of the NVRA mandates that “[e]ach State shall designate a State officer or employee as the chief State election official to be responsible for the coordination of State responsibilities under” the NVRA. 52 U.S.C. § 20509. Under Missouri law, the Secretary of State is designated as “the chief state election official responsible for the coordination of state responsibilities of under the National Voter Registration Act of 1993.” MO. REV. STAT. ANN. § 115.136(1). Missouri law and the NVRA’s plain meaning establish that you, as the state’s chief election official, have an on-going duty to coordinate Missouri’s continuing responsibility to comply with the NVRA.

Courts that have considered Section 10’s mandate have consistently found that it holds a state’s chief election official responsible for the actions of the agencies within their state that conduct transactions covered under the NVRA, such as the driver’s license and identification card services provided by DOR. For example:

- In *Harkless v. Brunner*, 545 F.3d 445 (6th Cir. 2008), the Sixth Circuit held that “the Secretary, as [] chief election officer, is responsible for ‘harmonious combination’—or implementation and enforcement—of [NVRA responsibilities of a government agency].” *Id.* at 452 (quoting from the Oxford English Dictionary (2d ed.1989)).
- In *Valdez v. Herrera*, the court held that the chief election officer is “responsible for ensuring compliance [with the NVRA],” and “bears at least some responsibility for the state’s compliance with Section 7’s mandates.” 2010 U.S. Dist. LEXIS 142209 at *34-35.
- In *Scott v. Schedler*, 771 F.3d 831 (5th Cir. 2014), the 5th Circuit also held that the chief election official is responsible for the NVRA compliance within the state, noting that the “NVRA centralizes responsibility in the state and in the chief elections official, who is the state’s stand-in.” *Id.* at 839. Moreover, the court noted that the “NVRA’s notice provision [Section 11(b)], which requires potential plaintiffs to provide notice to the chief election official before filing suit, only makes sense if [chief election official] has authority to enforce the Act. Requiring would-be plaintiffs to send notice to their chief election official about ongoing NVRA violations would hardly make sense if that official did not have the authority to remedy NVRA violations.” *Scott*, 771 F.3d at 839 (quoting *Harkless*, 545 F.3d at 453); *see also* 52 U.S.C. § 20510(b)(1).

While these cases address the responsibility of the chief election officials specifically as to compliance with Section 7 of the NVRA, the reasoning applies equally to Section 5. Section 5 and Section 7 of the NVRA both require state government agencies to provide specific voter registration services to individuals during government interactions. The chief election official’s responsibility is the same in both circumstances—to take all possible steps to ensure that government agency is complying with the NVRA.

As the official designated by Missouri to be responsible for the coordination of the State’s NVRA responsibilities, and by the plain terms of the statute, you are required to ensure

that transactions covered under the NVRA are conducted in compliance with federal law. This duty cannot be delegated. We hope that you will reconsider your position and meet with us to discuss the issues raised in our July 6, 2017 notice letter.

We look forward to your future cooperation, and believe that both your engagement and DOR's is necessary in order to effectively address the issues outlined in the notice letter. In that spirit, Plaintiffs' counsel would like to propose setting a meeting for the week of November 20, 2017 to provide both you and DOR time consider ways to respond to the concerns raised in July. Please let us know your availability that week or if that week does not work, please let us know some additional dates in November when you will be available. We look forward to discussing this with you further in the hopes that the NVRA compliance issues raised in our notice letter can be resolved without litigation, but are prepared to assert all legal options available to ensure that the rights of voters in Missouri are protected.

Sincerely,



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cc: Joel Walters (by email)
Director, Missouri Department of Revenue
Harry S Truman State Office Building
301 West High Street Jefferson City, MO 65101
joel.walters@dor.mo.gov

Request for Change of Mail-To Address

Thank you for using the online mail-to address change request service!

This online service may be used to update your mail-to address for Driver License, Motor Vehicle, or Individual Income Tax records.

Note: For Business Tax Records - At this time you **cannot** submit an address change for business tax records. If you need to add or change a location you can:

- Download **Form 126** (<http://dor.mo.gov/forms/index.php?category=&formName=126>) Change Request, and mail it in.
- For corporation registration changes, **visit the SOS website** (<http://www.sos.mo.gov/business/corporations/>).
- Call (573) 751-5860 for business tax address change questions.

An asterisk (*) indicates a required field.

Personal Information

***First Name:**

***Last Name:**

Middle Name:

***Last four digits of SSN:**

example: NNNN

***Daytime Phone Number:**

example: (NNN) NNN-NNNN

E-mail Address:

(Recommended)

Exhibit D

Confirm E-mail Address:

Old Mail-To Address

***Street Address:**

***City:**

***State:**

***Zip:**

***County:**

New Mail-To Address

*** Street Address:**

***City:**

***State:**

***Zip:**

***County:**

Records To Be Updated

Driver License Records

This will only update the mailing address on your Missouri driver record. If you want to update the residential address recorded and printed on an instruction permit, driver license, or nondriver license that you carry in your wallet, you must apply and pay for an updated document at a Missouri license office.

***Driver License Number:**

***Date of Birth:**

Individual Income Tax Records

Motor Vehicle Records

List all Motor Vehicle Records below:

Type:

Number:

Expiration Year:

Add to list

* **By submitting this request, I affirm that I am the applicant listed on the above referenced record(s).**

Submit Address Change Form



Missouri Department of Revenue
Mail-To Address Change Request

Last Name First Name Middle Name

Date of Birth (MM/DD/YYYY) Last Four Digits of SSN Daytime Telephone Number

Old Address (Optional)	Mailing Address	<input type="text"/>	New Address	Mailing Address	<input type="text"/>		
	City	<input type="text"/>		City	<input type="text"/>		
	County	State		ZIP Code	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Driver License Records - This will only update the mailing address on your Missouri driver record. If you want to update the residential address recorded and printed on an instruction permit, driver license, or nondriver license, you must apply and pay for an updated document at a Missouri license office.

Driver License Number

Individual Income Tax Records

Motor Vehicle Records - List all passenger car, truck, recreational vehicle, motorcycle, trailer license plates, disabled placards, and boat or outboard motor title numbers below.

License Plate Number	Expiration Year	Disabled Placard Number	Expiration Year
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

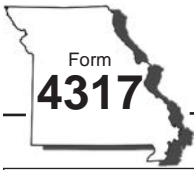
Boat or Outboard Motor Title Number

Under penalties of perjury, I declare that the above information and any attached supplement is true, complete, and correct.

Signature Printed Name

Date (MM/DD/YYYY) E-mail Address

Business Tax Records - To request a change of address for a business, complete a Registration Change Request ([Form 126](#)).



Missouri Department of Revenue
Mail-in Driver License Application

Office Use Only
Renewal Duplicate

You may qualify to renew your driver license or obtain a duplicate driver license if you are active duty military personnel or dependent and are temporarily out-of-state or country. Please complete this application and submit the required documents in order to receive a Missouri driver license through the mail.

Complete both sides of this application and answer all questions that apply to you.

Form fields for personal information: Last Name, First Name, Middle Name, Suffix, Sex, Missouri Driver License Number, Missouri Street Address, City, State, ZIP Code, County, Out-of-State or Country Mailing Address, Mail-to Address, E-mail Address, Last 4 Digits of Social Security Number, Date of Birth, Height, Weight, Eye Color, Telephone Number, Select One (Military, Military Dependent), Select the type of license you currently hold, Do you understand that any other driver license in your name is invalid with this application?

Commercial Driver License Only

Any person applying for a commercial driver license (CDL) must certify to one of the four categories shown below in the Self-Certification Information block indicating the type of commercial vehicle operation they drive in or expect to drive in with their CDL. Drivers who select "non-excepted interstate" or non-excepted intrastate" below must also submit a current medical examiner's certificate, and any applicable waivers, with this form. I certify my commercial operating status is-check only one box below: (Selecting more than one box will delay processing of this form.)
Non-excepted Interstate - (NI) Operates or expects to operate in interstate commerce and is subject to and meets the qualification requirements under 49 CFR part 391, and is required to obtain a medical examiner's certificate by 49 CFR 391.45. (Current medical examiner's certificate, and any applicable waiver, must be submitted with this form.)
Non-excepted Intrastate - (NA) Operates only in intrastate commerce and is required to meet Missouri's current medical requirements. (Current medical examiner's certificate, and any applicable waiver, must be submitted with this form.)
Excepted Interstate - (EI) Operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 CFR 390.3(f), 391.2, 391.68, or 398.3 from all or parts of the qualification requirements certificate by 49 CFR 391.45. These exceptions are listed in detail on the Department of Revenue's website at dor.mo.gov/faq/drivers/medcert.php.
Excepted Intrastate - (EA) Operates or expects to operate in intrastate commerce, but engages exclusively in transportation or operations that are excepted from all parts of Missouri's medical requirements. (This is Missouri's grandfather exemption where the driver operates solely in intrastate commerce and had a valid chauffeur's license on or before May 13, 1988.)
Have you been licensed in any other state within the past 10 years?
Yes No
If yes, please submit a list of those states, your license number, if known, and any alias names that you may have used while licensed in that state.

Motor Voter Information Organ Donor

Are you registered to vote at your current address? Yes No
Do you wish to register to vote? Yes No
(If "Yes", complete the Motor Voter Registration Application, attached to this form, (Form 4386) and mail it to the county clerk where you reside or you may return it with Form 4317.)
Please refer to www.MissouriOrganDonor.com regarding the First Person Consent Organ, Eye, and Tissue donor registry prior to answering the following questions.
Do you want to donate \$1.00 to the organ donor fund? Yes No
Do you consent to be listed in the Donor Registry System as an organ, eye and tissue donor? Yes No
Do you authorize an Organ Donor symbol to be placed on your license or permit? Yes No

Boater Identification Indicator

Do you wish to add or retain a boater identification indicator to your driver license? Yes No
If "Yes", enter your Boating Safety Education Card control number here and add an additional \$1.00 to your transaction.

Permanent Disability Indicator

Do you wish to add or retain a permanent disability indicator to your driver license? Yes No
If "Yes", submit a completed Form 5294 Physician's Statement - Permanent Disability Indicator (available at dor.mo.gov) with this application.

Selective Service Information

Do you wish to register with the Selective Service? Yes No

Medical (to be completed by applicant)

In the past 6 months have you had:
Convulsions, Epilepsy or Blackouts Yes No
Paralysis Yes No
Heart Attack, Stroke, Heart Disease Yes No
Other (If yes, please explain) Yes No

J88 Notation

Are you deaf or hard of hearing, and wish to add the "J88" notation to your driver license? Yes No
(If so, provide a doctor's statement with this application.)

Blindness Awareness Fund

Do you want to donate \$1.00 to the Blindness Awareness Fund? Yes No

Appropriate License Fee: Check, Money Order, Credit Card. If you are paying by credit card you must include the following: Card type: Discover, Mastercard, American Express, Visa. Card Number: Name on Card: Expiration Date: (MM/YY) / / . A convenience fee will be charged for credit or debit card transactions.
Applicant's Signature (Physical Signature Only) *Required
I hereby certify under penalty of perjury, that all information regarding this transaction, including my residential address furnished pursuant to Sections 302.171 and 302.181 RSMo is true and accurate. (Signature must be centered in the box and not extend outside the box.) Sign in the box below. Black ink only.
Signature Box

Mail-in Driver License Application and Instructions (Active Duty Military Personnel and Military Dependents Only)

You may qualify to renew or replace your Missouri driver license if you are temporarily out-of-state or country. Please read all instructions before completing the form. Your mail-in license application will be processed within 7-10 days from the date it is received in our office.

This form is not for use by Missouri drivers who are currently in the State of Missouri.

This form is also not valid to renew or replace a "valid without photo" (VWP) driver license, except for active duty U.S. military personnel. All other VWP applicants must return to Missouri to apply for a new license.

Incomplete applications will not be accepted. You must submit the following:

- Proof of Military Active Duty or Dependent Status (such as photocopy of military photo ID)** — Required for ALL applicants.
Note: The vision examination and highway sign recognition test are waived upon proof of status.

- Name, Date of Birth, and Place of Birth** — (Submit legible photocopies - not original documents):
U.S. Citizen: U.S. Birth Certificate, U.S. Passport, Certificate of Citizenship, Certificate of Naturalization or Certificate of Birth Abroad. U.S. Military Identification Card or Discharge Papers accompanied by a copy of U.S. Birth Certificate issued by a state or local Government. Non-U.S. Citizen: Document(s) indicating current immigration status such as permanent resident alien card, I-94, etc. Expiration date of document will be determined by expiration date of status per verification through the Department of Homeland Security. Age 65 and Older Exemption — If you are renewing a non-commercial driver license and are age 65 or older, you are exempt from presenting documents for place of birth.

- Social Security Number**
Provide the last 4 digits of your social security number in the appropriate box on this form if a number has been assigned to you; or if a number has not been assigned, you must present a letter from the Social Security Administration (SSA) regarding the status of your Social Security Number.

- Name Change (if applicable)** — Due to marriage, divorce, adoption, etc.
If your current name is different from the name on your name verification document presented above or your previous name on your Missouri record, you must submit a copy of one of the following documents reflecting the correct and current name:
Certified Marriage Certificate Certified Divorce Decree Certified Adoption Papers or Amended Birth Certificate
U.S. Passport (valid or expired) Certified Court Order Social Security Card or Medicare Card

- Missouri Residential Address**
Provide proof of your Missouri residential address and mailing address. Acceptable documents include; voter registration card, utility bill, bank statement, government check stub, pay check stub, property tax receipt, etc. (A Post Office Box will not be allowed as a residential address.)

- Signed Application Form**
Complete all parts of this application and review prior to signing. Your physical signature (or your signature, signed by your POA, and the signature of your POA, accompanied by a copy of the POA document) must appear within the signature box on the opposite page. Digital signatures are not accepted.

- Boater Identification Indicator**
If you have been issued a boating safety education card by the Missouri State Water Patrol under [Section 306.127, RSMo](#), you may elect to have a boater identification indicator placed on the back of your driver license. To have the indicator added to your document, you must submit the control number from your Boating Safety Education Card and add an additional \$1.00 to your transaction.
If your current license has a boater identification indicator, you may elect to retain the indicator on your new or renewal document. There is no additional cost to retain a previously issued indicator.

- Permanent Disability Indicator**
If you are permanently disabled, you may apply for a permanent disability indicator indicating such status to be placed on the back of your driver or nondriver license. To have the indicator added to your document, you must submit [Form 5294](#) Physician's Statement - Permanent Disability Indicator.
If your current license has a permanent disability indicator, you may elect to retain the indicator on your new or renewal document. A new physician's statement is not required.

- Appropriate License Fee** — Required for all applicants. Payment may be made by a U.S. cashier's check, money order, traveler's check, personal check or credit card. Make check or money order payable to Missouri Department of Revenue. If payment is to be made by credit card complete the credit card information section within the application form. NOTE: If your driver license is within six months of expiring when the mail-in application is received in our office, the transaction is processed as a renewal.

• Renewal driver license (Age 21-69)	Class F or M = \$20.00	Class E = \$35.00	Class A, B, or C = \$45.00
• Renewal driver license (All other ages)	Class F or M = \$10.00	Class E = \$17.50	Class A, B, or C = \$22.50
• Duplicate of a 6-year driver license	Class F or M = \$12.50	Class E = \$20.00	Class A, B, or C = \$25.00
• Duplicate of a 3-year driver license (Under 21 or 70 and older)	Class F or M = \$10.00	Class E = \$17.50	Class A, B, or C = \$22.50

Please be sure to write your driver license number on your check or money order. If you have marked on the application that you would like to donate to either or both of the funds, you must add that donation to your fee.

A convenience fee will be charged for credit or debit card transactions.

The completed and signed application form, along with all required supporting documents required may be submitted by mail, fax or may be scanned and sent via email. Applications submitted without the required supporting documents will not be processed.

Mail to: Driver License Bureau
Attention MIL
P.O. Box 200
Jefferson City, MO 64501-0200

Phone: (573) 526-2407
Fax: (573) 751-0466
E-mail: dlbmail@dor.mo.gov

Visit <http://www.dor.mo.gov/drivers/>
for additional information.

Form 4317 (Revised 11-2017)



MOTOR VOTER REGISTRATION APPLICATION

Use this application to:

1. Register to vote in federal, state, county, and municipal elections in Missouri.
2. Change the name on a current voter registration.
3. Change the address on a current voter registration.

To be eligible to register to vote you must:

1. Be a U.S. Citizen.
2. Be a Missouri resident.
3. Be at least 17 1/2 years of age (must be 18 to vote).
4. Not be adjudged incapacitated by a court of law.
5. Not be confined under a sentence of imprisonment.
6. Not be on probation or parole after conviction of a felony, until finally discharged.
7. Not have been convicted of a felony or misdemeanor connected with the right to suffrage.

Other information:

1. You must be 18 years of age by the day of the particular election to be eligible to vote in that election.
2. IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE REGISTERING FOR THE FIRST TIME, PLEASE SUBMIT A COPY OF A CURRENT, VALID PHOTO IDENTIFICATION. IF YOU DO NOT SUBMIT SUCH INFORMATION, YOU WILL BE REQUIRED TO PRESENT ADDITIONAL IDENTIFICATION UPON VOTING FOR THE FIRST TIME SUCH AS A BIRTH CERTIFICATE,

A NATIVE AMERICAN TRIBAL DOCUMENT, OTHER PROOF OF UNITED STATES CITIZENSHIP, A VALID MISSOURI DRIVERS LICENSE OR OTHER FORM OF PERSONAL IDENTIFICATION.

3. Submitting this application to an individual other than the election authority does not insure timely voter registration.
4. After the election authority receives your voter registration application, you will be sent confirmation within seven business days. If you do not receive confirmation contact the election authority.
5. If you wish to serve as an election judge on election day please contact your local election authority.

Absentee Voting

Registered voters who are unable to go to the polls on election day may vote via absentee ballot. This process begins six weeks before the election. Individuals wishing to vote by absentee ballot must make their application in writing, stating the reason they will be prevented from going to the polls on election day. Voters wishing to have their absentee ballot mailed to them must have their request in the office of election authority no later than 5:00 p.m. on the Wednesday before the election. The voter may however continue to vote via absentee in person, in the office of the election authority until 5:00 p.m. the day before the election. For information about requesting an absentee ballot contact your local election authority or visit the Missouri Secretary of State website at ww.sos.mo.gov/.

YOUR APPLICATION WILL BE CONFIRMED BY MAIL WITHIN SEVEN (7) BUSINESS DAYS OF RECEIPT BY THE ELECTION AUTHORITY. PLEASE CONTACT THE ELECTION AUTHORITY IF YOU DO NOT RECEIVE NOTIFICATION.

(DETACH HERE - KEEP TOP PORTION FOR YOUR RECORDS) This card is not proof of registration.



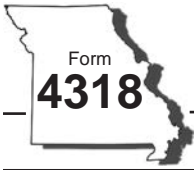
MISSOURI DEPARTMENT OF REVENUE MOTOR VOTER REGISTRATION APPLICATION

Driver License Bureau

If not completing electronically, please use a pen and print clearly.

1 ARE YOU A CITIZEN OF THE UNITED STATES OF AMERICA? <input type="checkbox"/> Yes <input type="checkbox"/> No	2 WILL YOU BE 18 YEARS OLD ON OR BEFORE ELECTION DAY? <input type="checkbox"/> Yes <input type="checkbox"/> No
<b style="color: red;">If you checked no in response to either of the above questions, do not complete this form.	
3 <input type="checkbox"/> NEW REGISTRATION <input type="checkbox"/> ADDRESS CHANGE <input type="checkbox"/> NAME CHANGE	
FOR OFFICE USE ONLY REGISTRATION NO	
4 LAST NAME _____ FIRST NAME _____	MIDDLE NAME _____ SUFFIX _____ SEX <input type="checkbox"/> Male <input type="checkbox"/> Female
5 ADDRESS WHERE YOU LIVE (HOUSE NO., STREET, APT. NO. OR RURAL ROUTE AND BOX - NO PO BOXES) _____	CITY _____ COUNTY _____ ZIP CODE _____
6 ADDRESS WHERE YOU GET YOUR MAIL (REQUIRED IF DIFFERENT FROM #5 ABOVE) _____	CITY _____ STATE _____ ZIP CODE _____
7 DRIVER LICENSE NUMBER _____	8 LAST 4 DIGITS OF SOCIAL SECURITY NUMBER* _____ <small>IF YOU DO NOT HAVE A SOCIAL SECURITY NUMBER, PLEASE LEAVE BLANK</small>
9 DATE OF BIRTH (MM/DD/YY) _____	10 PLACE OF BIRTH (OPTIONAL) _____
11 DAYTIME PHONE NO. (OPTIONAL) _____	
12 NAME AND ADDRESS ON LAST VOTER REGISTRATION ** NAME _____ ADDRESS _____ CITY _____ STATE _____ COUNTY _____ <small>** If currently registered in another state or county please complete this box</small>	13 I hereby certify that I am a citizen of the United States and a resident of the state of Missouri. I am at least seventeen and one half years of age. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I swear under penalty of perjury that all statements made on this card are true to the best of my knowledge and belief. I understand that if I register to vote knowing that I am not legally entitled to register, I am committing a class one election offense and may be punished by imprisonment of not more than five years or by a fine between two thousand five hundred dollars and ten thousand dollars or by both such imprisonment and fine. Date _____ Signature _____
14 RURAL VOTERS: COMPLETE THIS SECTION IF YOU LIVE OUTSIDE THE CITY LIMITS OF ANY CITY I live _____ miles N S E W (circle one) of _____ landmark or junction (circle one) of _____ Section, Township, and range _____ My neighbors are _____	
<input type="checkbox"/> Check here if you are interested in working as an Election Judge Warning: Conviction for making a false statement may result in imprisonment for up to five years and/or a fine up to \$10,000.	

* Required for registration pursuant to Section 115.155, RSMo and Section 115.158, RSMo and will be used only by authorized officials to combat voter fraud and facilitate orderly elections.



Missouri Department of Revenue
Military Application With Power of Attorney (For Persons Mobilized and Deployed with the U.S. Armed Forces)

Office Use Only		
<input type="checkbox"/> New	<input type="checkbox"/> Renewal	<input type="checkbox"/> Duplicate

You may qualify to obtain a new, renewal or duplicate permit, driver, or nondriver license if you are an active-duty member of the armed forces temporarily mobilized and deployed outside the state of Missouri. Please complete this application and submit the required documents in order to receive a Missouri permit, driver, or nondriver license through the mail. This application shall be considered satisfactory if it is signed by a person who holds general power of attorney executed by the person deployed, provided the applicant meets all other requirements.

Complete both sides of this application and answer all questions that apply to you.

Last Name		First Name		Middle Name	Suffix	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Missouri Driver License Number	
Missouri Street Address (No PO Boxes)			City		State	ZIP Code		County
Mailing Address (If different than street address)			City		State	ZIP Code		
Out-of-State or Country Mailing Address			City		State or Country	ZIP Code		When will you return to Missouri?
Last 4 Digits of Social Security Number		Date of Birth	Height	Weight	Eye Color	Telephone Number		
E-mail Address					Select the type of license you currently hold. (Select only one) <input type="checkbox"/> Class A <input type="checkbox"/> Class B <input type="checkbox"/> Class C <input type="checkbox"/> Class E <input type="checkbox"/> Class F <input type="checkbox"/> Class M			

Commercial Driver License Only

Any person applying for a commercial driver license (CDL) must certify to one of the four categories shown below in the Self-Certification Information block indicating the type of commercial vehicle operation they drive in or expect to drive in with their CDL. Drivers who select "non-excepted interstate" or non-excepted intrastate" below must also submit a current medical examiner's certificate, and any applicable waivers, with this form.

I certify my commercial operating status is-check only one box below:
 (Selecting more than one box will delay processing of this form.)

- Non-excepted Interstate** - (NI) Operates or expects to operate in interstate commerce and is subject to and meets the qualification requirements under 49 CFR part 391, and is required to obtain a medical examiner's certificate by 49 CFR 391.45. (Current medical examiner's certificate, and any applicable waiver, must be submitted with this form.)
 - Non-excepted Intrastate** - (NA) Operates only in intrastate commerce and is required to meet Missouri's current medical requirements. (Current medical examiner's certificate, and any applicable waiver, must be submitted with this form.)
 - Excepted Interstate** - (EI) Operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 CFR 390.3(f), 391.2, 391.68, or 398.3 from all or parts of the qualification requirements certificate by 49 CFR 391.45. These exceptions are listed in detail on the Department of Revenue's website at dor.mo.gov/faq/drivers/medcert.php.
 - Excepted Intrastate** - (EA) Operates or expects to operate in intrastate commerce, but engages exclusively in transportation or operations that are excepted from all parts of Missouri's medical requirements. (This is Missouri's grandfather exemption where the driver operates solely in intrastate commerce and had a valid chauffeur's license on or before May 13, 1988.)
- Have you been licensed in any other state within the past 10 years?
 Yes No
- If yes, please submit a list of those states, your license number, if known, and any alias names that you may have used while licensed in that state.

Motor Voter Information

Are you registered to vote at your current address? Yes No
 Do you wish to register to vote? Yes No
 (If "Yes", complete the Motor Voter Registration Application, attached to this form, (Form 4386) and mail it to the county clerk where you reside or you may return it with Form 4318.)

Boater Identification Indicator

Do you wish to add or retain a boater identification indicator to your driver license? Yes No
 If "Yes", enter your Boating Safety Education Card control number here _____ and add an additional \$1.00 to your transaction.

Permanent Disability Indicator

Do you wish to add or retain a permanent disability indicator to your driver license? Yes No
 If "Yes", submit a completed Form 5294 Physician's Statement - Permanent Disability Indicator (available at dor.mo.gov) with this application.

Selective Service Information

Do you wish to register with the Selective Service? Yes No

Medical (to be completed by applicant)

In the past 6 months have you had:

Convulsions, Epilepsy or Blackouts	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Paralysis	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Heart Attack, Stroke, Heart Disease	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Other (If yes, please explain)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

J88 Notation

Are you deaf or hard of hearing, and wish to add the "J88" notation to you driver license? (If so, provide a doctor's statement with this application.) Yes No

For the purpose of signing this form, a "POA" designation is equivalent to a designation of "attorney in fact".

Organ Donor

Please refer to www.MissouriOrganDonor.com regarding the First Person Consent Organ, Eye, and Tissue donor registry prior to answering the following questions.

Do you want to donate \$1.00 to the organ donor fund? Yes No
 Do you consent to be listed in the Donor Registry System as an organ, eye and tissue donor? Yes No
 Do you authorize an Organ Donor symbol to be placed on your license or permit? Yes No

Blindness Awareness Fund

Do you want to donate \$1.00 to the Blindness Awareness Fund? Yes No

Appropriate License Fee

Check Money Order Credit Card
 If you are paying by credit card you must include the following:
 Card type: Discover Mastercard American Express Visa
 Card Number: _____
 Name on Card: _____ Expiration Date: (MM/YY) ___ / ___

Applicant's Signature (See Instructions Below)

I hereby certify under penalty of perjury, that all information regarding this transaction, including my residential address furnished pursuant to Sections [302.171](#) and [302.181](#) RSMo is true and accurate. (Signature must be centered in the box and not extend outside the box.) Sign in the box below. ▼ Black ink only.

Signature Box

Signature Box

New Applicants Only

Vision Examination Record (to be completed by eye doctor, physician, or vision examiner)

Both acuity and field vision readings are required.

Acuity — Your vision acuity reading must be recorded for each eye and then a combined acuity for both eyes, i.e., 20/20. The minimum standard for a Missouri driver license is 20/40 in either or both eyes.

Field — The complete peripheral reading for each eye and a combined reading must be shown in degrees (numerics) i.e., 55°.

Do not record reading as "Full" or "Normal." The minimum standard for a Missouri driver license is 55° in each eye or 85° in one eye.

Distant Vision Only	Right	Left	Both	Remarks	
Correction	20/	20/	20/	Eye Doctor, Physician, or Vision Examiner Signature	
Without Correction	20/	20/	20/	Registration Number (if applicable)	
Horizontal Field in Degrees	°	°	°	Address	
Note: Special restrictions can be added to license if required due to visual condition. Specify in remarks area.				City, State, Zip Code, Country	
				Phone ()	Date of Exam

HIGHWAY SIGN RECOGNITION TEST

Please print the correct name of each of the following signs on the line below it:



Military Application with Power of Attorney (For Persons Mobilized and Deployed with the United States Armed Forces)

You may qualify to obtain a new, renewal, or duplicate permit, driver, or nondriver license if you are an active-duty member of the armed forces temporarily mobilized and deployed outside the state of Missouri. Please complete this application and submit the required documents in order to receive a Missouri permit, driver, or nondriver license through the mail. This application shall be considered satisfactory if it is signed by a person who holds general power of attorney executed by the person deployed, provided the applicant meets all other requirements.

This form is not for use by Missouri drivers who are currently in the State of Missouri.

Incomplete applications will not be accepted. You must submit the following:

- Proof of Military Active Duty or Dependent Status** — Required for ALL applicants. Note: The vision examination and highway sign recognition test are waived upon proof of status. "New" applicants must submit vision reading from physician or on Missouri State Highway Patrol Exam Form.
- Name, Date of Birth, and Place of Birth** — (Submit legible photocopies - not original documents):
U.S. Citizen: U.S. Birth Certificate, U.S. Passport, Certificate of Citizenship, Certificate of Naturalization or Certificate of Birth Abroad. U.S. Military Identification Card or Discharge Papers accompanied by a copy of U.S. Birth Certificate issued by a state or local Government. Non-U.S. Citizen: Document(s) indicating current immigration status such as permanent resident alien card, I-94, etc. Expiration date of document will be determined by expiration date of status per verification through the Department of Homeland Security. Age 65 and Older Exemption — If you are renewing a non-commercial driver license and are age 65 or older, you are exempt from presenting documents for place of birth.
- Social Security Number**
Provide the last 4 digits of your social security number in the appropriate box on this form if a number has been assigned to you; or if a number has not been assigned, you must present a letter from the Social Security Administration (SSA) regarding the status of your Social Security Number.
- Name Change (if applicable)** — Due to marriage, divorce, adoption, etc.
If your current name is different from the name on your name verification document presented above or your previous name on your Missouri record, you must submit a copy of one of the following documents reflecting the correct and current name:
Certified Marriage Certificate Certified Divorce Decree Certified Adoption Papers or Amended Birth Certificate
U.S. Passport (valid or expired) Certified Court Order Social Security Card or Medicare Card
- Missouri Residential Address**
Provide proof of your Missouri residential address and mailing address. Acceptable documents include; voter registration card, utility bill, bank statement, government check stub, pay check stub, property tax receipt, etc. (A Post Office Box will not be allowed as a residential address.)
- Signed Application Form**
Complete all parts of this application and review prior to signing. Your signature (or your signature, signed by your POA, and the signature of your POA, accompanied by a copy of the POA document) must appear within the signature box on the opposite page.
- Boater Identification Indicator**
If you have been issued a boating safety education card by the Missouri State Water Patrol under [Section 306.127, RSMo](#), you may elect to have a boater identification indicator placed on the back of your driver license. To have the indicator added to your document, you must submit the control number from your Boating Safety Education Card and add an additional \$1.00 to your transaction.
If your current license has a boater identification indicator, you may elect to retain the indicator on your new or renewal document. There is no additional cost to retain a previously issued indicator.
- Disability Indicator**
If you are permanently disabled, you may apply for a permanent disability indicator indicating such status to be placed on the back of your driver or nondriver license. To have the indicator added to your document, you must submit [Form 5294](#) Physician's Statement - Permanent Disability Indicator.
If your current license has a permanent disability indicator, you may elect to retain the indicator on your new or renewal document. A new physician's statement is not required.
- Proof of Power of Attorney - (Submit copy)**
The POA must sign the applicant's name and include the name of the POA ("Attorney in Fact"), as in the following examples:
John Doe, by Jane Doe, Attorney in Fact
John Doe, by Jane Doe, POA
- Appropriate License Fee** — Required for all applicants. Payment may be made by a U.S. cashier's check, money order, traveler's check, personal check or credit card. Make check or money order payable to Missouri Department of Revenue. If payment is to be made by credit card complete the credit card information section within the application form. NOTE: If your driver license is within six months of expiring when the mail-in application is received in our office, the transaction is processed as a renewal.
- | | | | |
|--|---------------------------|----------------------------|----------------------------|
| • Instruction Permit | Class E, F, or M = \$3.50 | Class A, B, or C = \$ 7.50 | |
| • Duplicate of an Instruction Permit | Class E, F, or M = \$3.50 | Class A, B, or C = \$ 7.50 | |
| • New Driver License (Age 21-69) | Class F or M = \$20.00 | Class E = \$35.00 | Class A, B, or C = \$45.00 |
| • New Driver License (Age 18-21) | Class F or M = \$10.00 | Class E = \$17.50 | Class A, B, or C = \$45.00 |
| • Nondriver License (All ages) = \$11.00 | | | |
| • Duplicate of Nondriver License (All) = \$11.00 | | | |
| • Renewal Driver License (Age 21-69) | Class F or M = \$20.00 | Class E = \$35.00 | Class A, B, or C = \$45.00 |
| • Renewal Driver License (Age 18-21) | Class F or M = \$10.00 | Class E = \$17.50 | Class A, B, or C = \$22.50 |
| • Duplicate of a 6-Year Driver License | Class F or M = \$12.50 | Class E = \$20.00 | Class A, B, or C = \$25.00 |
| • Duplicate of a 3-Year Driver License | Class F or M = \$10.00 | Class E = \$17.50 | Class A, B, or C = \$22.50 |
- NOTE: Add \$25.00 to the above fees for each CDL written and skills test submitted.
See www.dor.mo.gov/mvdl/drivers/commercial/ to determine if you qualify for a CDL skills test waiver. Please be sure to write your driver license number on your check or money order. If you have marked on the application that you would like to donate to either or both of the funds, you must add that donation to your fee.

The completed and signed application form, along with all required supporting documents required may be submitted by mail, fax or may be scanned and sent via email. Applications submitted without the required supporting documents will not be processed.

Mail to: Driver License Bureau
Attention MIL
P.O. Box 200
Jefferson City, MO 65105-0200

Phone: (573) 526-2407
Fax: (573) 751-0466
E-mail: dlbmail@dor.mo.gov

Visit <http://www.dor.mo.gov/drivers/>
for additional information.

Form 4318 (Revised 01-2016)



MOTOR VOTER REGISTRATION APPLICATION

Use this application to:

1. Register to vote in federal, state, county, and municipal elections in Missouri.
2. Change the name on a current voter registration.
3. Change the address on a current voter registration.

To be eligible to register to vote you must:

1. Be a U.S. Citizen.
2. Be a Missouri resident.
3. Be at least 17 1/2 years of age (must be 18 to vote).
4. Not be adjudged incapacitated by a court of law.
5. Not be confined under a sentence of imprisonment.
6. Not be on probation or parole after conviction of a felony, until finally discharged.
7. Not have been convicted of a felony or misdemeanor connected with the right to suffrage.

Other information:

1. You must be 18 years of age by the day of the particular election to be eligible to vote in that election.
2. IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE REGISTERING FOR THE FIRST TIME, PLEASE SUBMIT A COPY OF A CURRENT, VALID PHOTO IDENTIFICATION. IF YOU DO NOT SUBMIT SUCH INFORMATION, YOU WILL BE REQUIRED TO PRESENT ADDITIONAL IDENTIFICATION UPON VOTING FOR THE FIRST TIME SUCH AS A BIRTH CERTIFICATE,

A NATIVE AMERICAN TRIBAL DOCUMENT, OTHER PROOF OF UNITED STATES CITIZENSHIP, A VALID MISSOURI DRIVERS LICENSE OR OTHER FORM OF PERSONAL IDENTIFICATION.

3. Submitting this application to an individual other than the election authority does not insure timely voter registration.
4. After the election authority receives your voter registration application, you will be sent confirmation within seven business days. If you do not receive confirmation contact the election authority.
5. If you wish to serve as an election judge on election day please contact your local election authority.

Absentee Voting

Registered voters who are unable to go to the polls on election day may vote via absentee ballot. This process begins six weeks before the election. Individuals wishing to vote by absentee ballot must make their application in writing, stating the reason they will be prevented from going to the polls on election day. Voters wishing to have their absentee ballot mailed to them must have their request in the office of election authority no later than 5:00 p.m. on the Wednesday before the election. The voter may however continue to vote via absentee in person, in the office of the election authority until 5:00 p.m. the day before the election. For information about requesting an absentee ballot contact your local election authority or visit the Missouri Secretary of State website at ww.sos.mo.gov/.

YOUR APPLICATION WILL BE CONFIRMED BY MAIL WITHIN SEVEN (7) BUSINESS DAYS OF RECEIPT BY THE ELECTION AUTHORITY. PLEASE CONTACT THE ELECTION AUTHORITY IF YOU DO NOT RECEIVE NOTIFICATION.

(DETACH HERE - KEEP TOP PORTION FOR YOUR RECORDS) This card is not proof of registration.



MISSOURI DEPARTMENT OF REVENUE MOTOR VOTER REGISTRATION APPLICATION

Driver License Bureau

If not completing electronically, please use a pen and print clearly.

1 ARE YOU A CITIZEN OF THE UNITED STATES OF AMERICA? <input type="checkbox"/> Yes <input type="checkbox"/> No		2 WILL YOU BE 18 YEARS OLD ON OR BEFORE ELECTION DAY? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If you checked no in response to either of the above questions, do not complete this form.			
3 <input type="checkbox"/> NEW REGISTRATION <input type="checkbox"/> ADDRESS CHANGE <input type="checkbox"/> NAME CHANGE		FOR OFFICE USE ONLY REGISTRATION NO	
4 LAST NAME _____ FIRST NAME _____		MIDDLE NAME _____	SUFFIX _____ SEX <input type="checkbox"/> Male <input type="checkbox"/> Female
5 ADDRESS WHERE YOU LIVE (HOUSE NO., STREET, APT. NO. OR RURAL ROUTE AND BOX - NO PO BOXES)		CITY _____	COUNTY _____ ZIP CODE _____
6 ADDRESS WHERE YOU GET YOUR MAIL (REQUIRED IF DIFFERENT FROM #5 ABOVE)		CITY _____	STATE _____ ZIP CODE _____
7 DRIVER LICENSE NUMBER _____		8 LAST 4 DIGITS OF SOCIAL SECURITY NUMBER* _____ IF YOU DO NOT HAVE A SOCIAL SECURITY NUMBER, PLEASE LEAVE BLANK	
9 DATE OF BIRTH (MM/DD/YY) _____		10 PLACE OF BIRTH (OPTIONAL) _____	11 DAYTIME PHONE NO. (OPTIONAL) _____
12 NAME AND ADDRESS ON LAST VOTER REGISTRATION ** NAME _____ ADDRESS _____ CITY _____ STATE _____ COUNTY _____ ** If currently registered in another state or county please complete this box		13 I hereby certify that I am a citizen of the United States and a resident of the state of Missouri. I am at least seventeen and one half years of age. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I swear under penalty of perjury that all statements made on this card are true to the best of my knowledge and belief. I understand that if I register to vote knowing that I am not legally entitled to register, I am committing a class one election offense and may be punished by imprisonment of not more than five years or by a fine between two thousand five hundred dollars and ten thousand dollars or by both such imprisonment and fine. Date _____ Signature _____	
14 RURAL VOTERS: COMPLETE THIS SECTION IF YOU LIVE OUTSIDE THE CITY LIMITS OF ANY CITY I live _____ miles N S E W (circle one) of _____ landmark or junction (circle one) of _____ Section, Township, and range _____ My neighbors are _____			
<input type="checkbox"/> Check here if you are interested in working as an Election Judge Warning: Conviction for making a false statement may result in imprisonment for up to five years and/or a fine up to \$10,000.			

* Required for registration pursuant to Section 115.155, RSMo and Section 115.158, RSMo and will be used only by authorized officials to combat voter fraud and facilitate orderly elections.

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

CIVIL COVER SHEET

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Western District of Missouri.

The completed cover sheet must be saved as a pdf document and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s):

First Listed Plaintiff:

League of Women Voters of Missouri ;

County of Residence: Cole County

Additional Plaintiff(s):

ST. LOUIS A. PHILIP RANDOLPH INSTITUTE ;

GREATER KANSAS CITY A. PHILIP RANDOLPH INSTITUTE ;

Defendant(s):

First Listed Defendant:

John J. Ashcroft ;

County of Residence: Outside This District

Additional Defendants(s):

Joel W. Walters ;

County Where Claim For Relief Arose: Cole County

Plaintiff's Attorney(s):

anthony rothert (League of Women Voters of Missouri)

906 OLIVE, SUITE 1130

ST. LOUIS, Missouri 63101

Phone: 3146693420

Fax: 3146523112

Email: arothert@aclu-mo.org

Defendant's Attorney(s):

Basis of Jurisdiction: 3. Federal Question (U.S. not a party)

Citizenship of Principal Parties (Diversity Cases Only)

Plaintiff: N/A

Defendant: N/A

Origin: 1. Original Proceeding

Nature of Suit: 441 Voting Rights

Cause of Action: 52 U.S.C. § 20501 - ongoing failure of Defendant officials of the State of Missouri to comply with portions of the "Motor Voter" provisions of the National Voter Registration Act of 1993

Requested in Complaint

Class Action: Not filed as a Class Action

Monetary Demand (in Thousands):

Jury Demand: No

Related Cases: Is NOT a refiling of a previously dismissed action

Signature: /s/ Anthony E. Rothert

Date: 4/17/2018

If any of this information is incorrect, please close this window and go back to the Civil Cover Sheet Input form to make the correction and generate the updated JS44. Once corrected, print this form, sign and date it, and submit it with your new civil action.