

## **The Hartford Courant**

### **Officials Tense, Tight-Lipped On Feds' Probe Of State 'Motor Voter' Program**

Jon Lender

Mum's The Word On Feds' Probe Into 'Motor Voter' Program Failures

The U.S. Department of Justice's April 15 threat to sue Connecticut over failures in its "motor voter" program — which is supposed to promote voter registration at Department of Motor Vehicles offices — resulted in a closed-door meeting this past Tuesday aimed at resolving the problem out of court.

Under "motor voter" programs that federal law requires states to operate, when someone applies to the DMV for a driver's license (or a license renewal), that application must also include an opportunity to register to vote. Also, requests to the DMV for a change of address must also be forwarded to voting officials in applicants' hometowns for updating of voter-registration information.

No resolution was reached at Tuesday's meeting in Hartford by the state and federal officials who attended. Further discussions are planned as to how the state can satisfy the justice department that it's doing enough in its "motor voter" program to comply with federal requirements in Section 5 of the 1993 National Voter Registration Act.

But, for the moment, perhaps the most interesting thing about the meeting was the unusual level of secrecy with which it was treated, as well as the high level of officials' discomfort under the shadow of potential litigation by the feds.

Officials for the main parties involved — the office of Secretary of the State Denise Merrill, the DMV, state Attorney General George Jepsen's office and the U.S. Department of Justice — were as tight-lipped as if this were a matter of grave security, instead of an effort to resolve differences over how to fulfill legal requirements for serving citizens who are eligible to vote.

But interested parties outside the secret circle had no hesitation about talking on Friday.

"It shouldn't take the threat of a federal lawsuit to get the DMV to do its job," said Cheri Quickmire, executive director of the good-government advocacy group, Common Cause in Connecticut. "I am really disappointed that there's even cause [to consider] this kind of action. The reality is that DMV has been supposed to do this ... for a very long time."

Sen. Michael McLachlan, R-Danbury, the top-ranked Republican on the General Assembly committee that oversees voter registration, said Friday that the "motor voter" program falls under DMV and Merrill's office, and "I would say that both them are really responsible." Complying with federal law should have been "really simple," he said, if the DMV had paid more attention and Merrill's office had "nudged" more. Here's What CT Legislature Got Right And Wrong This Year

Outside of their remarks, only guarded comments could be elicited from taxpayer-funded communications aides who continually seek to put their bosses in the best light.

No public announcement was made about the Tuesday meeting — which turned out to have been held at Merrill's office in Hartford.

The secretary of the state's communications director, Patrick Gallahue, was asked a couple days later what had transpired at the meeting his agency hosted. He did not confirm that the meeting had happened or that the site was Merrill's office. He responded with an email Friday saying that "I'd just refer to our statement from April 20th."

Then he re-sent the contents of a press release he had issued April 20 on Merrill's behalf about the feds' April 15 litigation threat over the motor-voter program's failures. The release said Merrill has "been striving for more than five years to make voting more convenient for the people of Connecticut," and went on to say the feds' threat "reminds us of the urgency" of improving the program. The release cited a bill she had proposed (but which didn't win passage).

Gallahue added Friday that "productive discussions are continuing," but made no specific reference to Tuesday's meeting.

Responding to a Thursday request for any emails referring to the meeting, Gallahue produced a single exchange April 28 between him and another office staff member about the potential scheduling of Tuesday's meeting that still was unconfirmed at that point. He said he had asked others in the office for any relevant emails but "it may take a bit before I am able to collect" them.

DMV released more documents than Merrill's office Friday in response to a similar request, including 13 strings that included confirmation of the May 3 meeting date at Merrill's office, as well as four emails about the meeting that were sent by the top deputy in Merrill's office, James Spallone.

Beyond that, however, DMV's chief of staff and spokesman, William Seymour, said: "We refer you to the Attorney General's Office for any further comment."

The attorney general's spokeswoman, Jaclyn Falkowski, said Friday, "I will confirm that our office participated in a meeting this week with the Department of Justice and our client agencies. We're engaged in ongoing discussions and have no further comment."

Federal officials had the least to say. "The department declines to comment," a Department of Justice spokeswoman said in a Thursday email in response to a request for an update and questions including who represented the agency at Tuesday's meeting.

The situation surfaced April 20 with the disclosure that Vanita Gupta, principal deputy assistant U.S. attorney general, had written April 15 to Jepsen saying, "I have authorized a lawsuit against the state of Connecticut and appropriate state officials to enforce compliance" with federal legal requirements for local "motor voter" programs in the states.

She said Connecticut was in "widespread noncompliance" as follows: "[I]t appears that applications for a Connecticut driver's license or a non-driver identification card generally do not serve as applications for voter registration with respect to elections for Federal office, and that change of address forms do not serve as notification of a change of address for voter registration purposes if the applicant is moving between two towns."

"And while it appears that motor vehicle offices may provide voter registration forms to some applicants who know to request them, that practice is no substitute for Section 5 compliance," she wrote, adding: "Some motor vehicle offices, moreover, will not accept and transmit completed forms to the appropriate election authorities, or do not consistently do so within the required timeframe."

Gupta said that she would delay filing a lawsuit to try "to resolve this matter amicably and avoid protracted litigation," and that Tuesday's meeting was the first effort in that direction.

Earlier this year, Merrill had been pushing for the DMV to expand the motor-voter program beyond its current voluntary procedure. She proposed legislation to automatically register people to vote when they conducted business with the DMV, unless they specifically declined by "opting out."

The DMV didn't support the bill, saying that its recent, nightmarish computer problems made this a bad time to make the improvements the bill would have required. The measure didn't pass during the recently concluded regular legislative session.

Jon Lender is a reporter on The Courant's investigative desk, with a focus on government and politics. Contact him at [jlender@courant.com](mailto:jlender@courant.com), 860-241-6524, or c/o The Hartford Courant, 285 Broad St., Hartford, CT 06115 and find him on Twitter@[jonlender](https://twitter.com/jonlender).