


Ten Years Later

A Promise Unfulfilled

(Please see state-specific instructions for rules regarding eligibility to register prior to age 18.)

1	(Circle one) Mr. Mrs. Miss Ms.	Last Name	First Name	Middle Name(s)	(Circle one) Jr Sr II III IV
2	Home Address				Zip Code
3	Address Where You Get Your Mail If Different From Above				Zip Code
4	Date of Birth	5	Telephone Number (optional)	6	ID Number - (See Item 6 in the instructions for your state)
7	Choice of Party (see item 7 in the instructions for your state)				
9	<p>I have reviewed my state's instructions and I swear/affirm that:</p> <ul style="list-style-type: none"> <input type="checkbox"/> I am a United States citizen <input type="checkbox"/> I meet the eligibility requirements of my state and subscribe to any oath required. <input type="checkbox"/> The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be fined, imprisoned, or (if not a U.S. citizen) deported from or refused entry to the United States. 				

Please sign full name (or put mark) 

Date: / /
Month Day Year

The National Voter Registration Act in Public Assistance Agencies, 1995-2005

If you are registering to vote for the first time: please refer to the application instructions for information on submitting copies of valid identification documents with this form.

Please fill out the sections below if they apply to you.

If this application is for a change of name, what was your name before you changed it?

A	Mr. Mrs. Miss Ms.	Last Name	First Name	Middle Name(s)	(Circle one) Jr Sr II III IV
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If you were registered before but this is the first time you are registering from the address in Box 2, what was your address where you were registered before?

B	Street (or route and box number)	Apt. or Lot #	City/Town/County	State	Zip Code
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If you live in a rural area but do not have a street number, or if you have no address, please show on the map where you live.

Write in the names of the crossroads (or streets) nearest to where you live.
 Draw an X to show where you live.
 Use a dot to show any schools, churches, stores, or other landmarks near where you live, and write the name of the landmark.

C	Example	Route #2		  
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If the applicant is unable to sign, who helped the applicant fill out this application? Give name, address and phone number (phone number optional).

D	
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July 2005



ACORN

ACORN, the Association of Community Organizations for Reform Now, is

a multi-ethnic, multi-lingual, multi-issue organization dedicated to organizing the unorganized into democratic community groups fighting for social and economic justice. ACORN is also the country's oldest and largest individual-membership based organization of low- and moderate-income people in the country. Founded in 1970, ACORN has grown to 150,000 families in 51 cities.

ACORN

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Project Vote is the leader in nonpartisan

voter registration and mobilization work with minority and low-income Americans. Founded in 1982, Project Vote's work in the 2003-04 election cycle set new records: 1,131,768 voters registered in 26 states and 2,313,579 voters mobilized in 15 states. Project Vote is the largest non-partisan voter registration and mobilization organization in the country, having registered over four million low- and moderate-income and minority voters in the past 23 years.

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**The National Voter
Registration Act in
Public Assistance Agencies,
1995-2005**

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Introduction

Throughout our country, state and municipal government offices offer public assistance to tens of millions of citizens, funded largely by the nation's taxpayers through the Federal government. These offices offer a range of essential services and opportunities for many of our most vulnerable citizens: Temporary Assistance for Needy Families (TANF) provides subsidies for families' basic living expenses, Food Stamps allow families to purchase needed nutrition, Medicaid offers health care ranging from primary and preventive care to long-term care for the seriously ill or injured, and numerous other programs enhance or supplement these.

While our nation's safety net is by no means complete, it does represent a substantial effort to offer our neediest citizens some of the resources necessary to participate in American society. Indeed, the role of public assistance offices in encouraging clients to strive toward self-sufficiency and full participation in the country's social and economic life has been given increased emphasis in recent years. However, these offices have neglected one significant aspect of our national life in which the participation of the poor lags behind that of other citizens. Citizens in low-income households are less likely to participate in our nation's democracy by registering to vote and casting ballots than middle class or wealthy Americans.

As it happens, public assistance agencies are required by federal law to take steps that would remedy this disparity by increasing voter registration among public assistance recipients. In an attempt to broadly reform the voter registration process, Congress passed the National Voter Registration Act of 1993 (NVRA), which went into effect in January 1995. Among other things, the NVRA mandated that state public assistance offices actively facilitate voter registration for all clients and applicants for services. If states had successfully complied with the law over the last decade, it is all but certain that poor citizens would be much more likely to register and vote than they are today.

During 2004 and 2005, Dēmos, Project Vote and ACORN reviewed states' efforts to comply with the NVRA's public assistance requirements and initiated an effort to improve implementation of that provision of the law. Our review included an examination of data compiled by the Federal Election Commission (FEC) and Elections Assistance Commission (EAC) as well as discussions with state officials, site visits to welfare offices, conversations with caseworkers and office managers, and analyses of voter registration procedures. Our fieldwork and the nationwide data suggest that *in nearly every state* there has been a serious failure to incorporate voter registration into the services offered by public assistance agencies.

Grave though this failure to implement the public assistance provisions of the NVRA may be, our work suggests two reasons for optimism. First, the few states that have been most successful in following the NVRA's public assistance agency mandates have demonstrated the efficacy of the NVRA's approach – by successfully registering public assistance recipients at higher rates than other states. Second, several states with historically poor records of implementing the NVRA in their public assistance agencies were willing to engage in major efforts to improve their performance and the results were dramatic. These cases demonstrate that rapid improvements are possible when leaders take the NVRA's requirements seriously and commit themselves to making voter registration part of public assistance agencies' core mission.

This report offers both a review of the as yet unfulfilled promise of the NVRA in public assistance agencies in the statute's first decade and a plan of action for recommitting ourselves to fulfilling the promise in the months and years ahead.

Overview

In researching state compliance with the NVRA and doing work in the field, Dēmos, Project Vote and ACORN found that states are disregarding their obligations under the law to a disturbing degree. This report describes these findings and offers potential policy remedies available to the states themselves, to federal agencies, and to advocates who wish to play a role in promoting voter registration at public assistance offices. Specifically, this report:

- Provides a brief history of the NVRA, focusing on the Act's public assistance requirements;
- Offers an analysis of FEC and EAC data showing the decline in voter registration at public assistance agencies in nearly all states;
- Summarizes field observations of defects in state implementation responsible for this dramatic drop in registrations;
- Describes systems in place in states that have been more successful than others in implementing the NVRA requirements for voter registration at public assistance agencies; and
- Offers policy recommendations on steps states, federal agencies and advocates can take to improve compliance with Section 7 of the NVRA.

Poor state implementation of the public assistance provisions of the NVRA is neither inevitable nor irreversible. In working with states earlier this year, Dēmos, Project Vote and ACORN found important exceptions to the negative trends – a handful of states that have been able implement key provisions of Section 7 with ease. These states demonstrate that, with good faith efforts, states can improve and enhance their compliance with the public assistance requirements of the NVRA.

The Mandate for Voter Registration at Public Assistance Agencies: NVRA Section 7

In 1993, Congress passed the National Voter Registration Act (NVRA, P.L. 103-31) to “increase the number of eligible citizens who register to vote in elections for Federal office” and “protect the integrity of the electoral process.”¹

The NVRA created a variety of mechanisms to make it easier for American citizens to obtain and complete voter registration applications. The emphasis on increasing voter registration was well placed. While commentators on American democracy have often sounded alarms about declining levels of participation, voting rates *among registered voters* tend to be higher than is often assumed. For example in recent presidential elections, more than 80 percent of those who registered went to the polls.² To the extent that states require citizens to register

1 42 U.S.C. Sec. 1973gg (b)(1)(3).

2 According to the Elections Assistance Commission, 105,586,274 ballots were counted for president in the 2000 general election. See U.S. Election Assistance Commission; “National and State Voter Registration and Turnout in the Presidential Election – 2000,” http://www.eac.gov/election_resources.00to.htm

According to the U.S. Census Bureau, 129,549,000 said they were registered to vote in the 2000 census. See U.S. Census Bureau; “Current Population Survey: Voting and Registration in the Election of November 2000, Table 1,” <http://www.census.gov/population/socdemo/voting/p20-542/tab01.xls>

I have said many times in many places that in this country we don't have a person to waste. Surely the beginning of honoring that pledge is making sure the franchise is extended to and used by every eligible American.

– President Bill Clinton

Signing of the National Voter Registration Act of 1993

May 20, 1993

in advance if they wish to vote, nonpartisan registration efforts such as those mandated by the NVRA serve our national interest in promoting greater democratic participation among all citizens.

The NVRA includes three provisions relating to voter registration. Under the NVRA states are required to establish and disseminate mail-in voter registration forms, offer voter registration services at motor vehicle departments, and offer voter registration services at public assistance offices. Citizens and public officials tend to be most familiar with the mail-in registration forms and the “motor voter” section of the law.

Section 7 of the Act, which is less widely known, requires states to designate all offices that provide public assistance – such as Food Stamps, Medicaid, Temporary Assistance for Needy Families (TANF), and Women Infants and Children (WIC) benefits – as voter registration agencies. With each application for assistance, application for recertification, or change of address notification, states must provide a form that includes the question, “If you are not registered to vote where you live now, would you like to apply to register to vote here today?” States are required to provide each applicant who decides to register “the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to completion of its own forms.”³

Public assistance offices appear to be well suited to the goal of expanding voter registration, in terms of both their overall mission and their day-to-day function. Voter registration seems compatible with these agencies’ core mission of ensuring that economically disadvantaged citizens have an opportunity to participate fully in society. Public assistance agencies have long sought ways to decrease marginalization among public assistance recipients; exercising the right to vote is often considered one of the most essential aspects of participation in American society.

Functionally, these agencies are in regular contact with millions of low-income citizens, often helping such citizens to fill out forms. Clients routinely contact these agencies when they move to a new address –one of the most common circumstances in which citizens are required to complete a voter registration form.

In addition to recognizing the inherent suitability of public assistance agencies for large-scale voter registration, Congress included the public assistance requirements because of a basic concern for equity in the voter registration system. Citizens with low incomes, along with women, people of color and urban dwellers, are among those least likely to own cars and most likely to change addresses frequently. These citizens are therefore least likely to have driver’s licenses and to have registered at motor vehicle departments.⁴

Congress included the public assistance requirements because of a concern for equity in the voter registration system. Currently, only 59 percent of citizens in households earning \$15,000 or less per year are registered – versus 85 percent in households earning over \$75,000.

Lawmakers believed that establishing voter registration at public assistance agencies would rectify this kind of imbalance.

³ 42 U.S.C. Sec. 1973gg-5 (6)(C)

⁴ U.S. Census Bureau; “Voting and Registration in the Election of November 2004, Table 14,” <http://www.census.gov/population/www/socdemo/voting/cps2004.html>

Implementation of NVRA Section 7

A number of states initially resisted implementing some of the NVRA's mandates after they went into effect on January 1, 1995, challenging the federal government's authority to impose such registration requirements. The courts struck down these state challenges, citing the constitutional authority of Congress to regulate elections and voter registration.⁵

I am here today as a Republican Secretary of State to tell you that Motor Voter [NVRA] works. It is bringing citizens back to the voting booth in dramatic numbers.

– *Ralph Munro*

Secretary of State of Washington, speaking for National Voter Registration Act, January 1993, 103rd Congress.

With the courts rejecting state challenges, many states appear to have made some initial, good faith efforts to implement the agency registration provisions in 1995 and 1996. But such efforts soon dropped off. The FEC, required by law to report biennially to Congress on the impact of the Act, demonstrates a striking trend.⁶ As the next section of this report documents, registrations at public assistance agencies dropped 59% between 1995-1996 and 2003-2004.⁷

Given the limited effort of states in this area, it is perhaps not surprising that voter registration rates among low-income Americans have not improved since the NVRA became effective. Currently, only 59 percent of citizens in households earning \$15,000 or less per year are registered – versus 85 percent in households earning over \$75,000.⁸

Data Analysis

First the FEC, and now the Election Assistance Commission, are required to report biennially to Congress on the impact of the NVRA. The first such report, issued in 1997, presented results of the states' initial efforts to implement the NVRA from 1995-1996. Given that some states experienced difficulties implementing the new requirements and others did so only after unsuccessful court challenges, there is no reason to believe that states' results for 1995-1996 reflect the NVRA's full potential to facilitate voter registration. Nevertheless, data from 1995-1996 offer a baseline against which states' results in subsequent years can be measured. The data show that 1995-1996 represents a high-water mark for voter registration at public assistance offices, even with state missteps in the initial implementation of NVRA Section 7.

While the state-reported data presented by the FEC and EAC is flawed in some significant respects,⁹ they

5 In *Acorn v. Miller*, 129 F.3d 833 (6th Cir. 1997) (Michigan), *Voting Rights Coalition v. Wilson*, 60 F.3d 1411 (9th Cir. 1995) (California), and *Acorn v. Edgar*, 56 F.3d 791 (7th Cir. 1995) (Illinois), appellate courts interpreted congressional authority over voter registration as paramount, citing the U.S. Constitution's Elections Clause – Article I, Section 4, Clause 1 – as the source of such authority. For a clear, concise explication of these and related decisions, see "Elections: The Scope of Congressional Authority in Election Administration," GAO Report to the Congress (March 2001).

6 Under the Help America Vote Act (HAVA), this reporting responsibility shifted to the Election Assistance Commission.

7 Federal Election Commission, "The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office", 1995-1996, 1997-1998, 1999-2000, 2001-2002, 2003-2004.

8 U.S. Census Bureau; "Voting and Registration in the Election of November 2004, Table 8," <http://www.census.gov/population/www/socdemo/voting/cps2004.html>

9 The flaws in state-reported data presented by the FEC are noted in the Appendix and also detailed in appendices to the FEC reports themselves. Our review of the data presented in the FEC reports reveals several arithmetic errors, which seem to have caused the FEC to report substantially inaccurate national totals of voter registration applications from public assistance offices in some years. The numbers in this report have been corrected. For additional details, see the notes to the Appendix.

are sufficiently complete to demonstrate serious problems with state implementation of the NVRA at public assistance offices over the past decade.

Overall compliance with the NVRA has been far more successful than adherence to the public assistance provisions in Section 7. As the table on the following page indicates, total applications reported by the states from all sources were up 17.27% in 2003-2004, as compared with 1995-1996. Figures from public assistance offices, however, offer a sharp contrast.

Changes in the number of applications from each source are best understood by comparison between the presidential election years (2003-2004, 1999-2000 and 1995-1996) on the one hand, and the non-presidential election years (2001-2002 and 1997-1998) on the other. Applications from public assistance offices fell 56.8% in 1999-2000, as compared with 1995-1996, 23.1% in 2001-2002, as compared with 1997-1998, and 6.58% in 2003-2004, as compared to 1999-2000.¹⁰ In the 1999-2000 presidential election period, applications from public assistance offices were down even compared to the preceding non-presidential election year. Such applications fell 13.4% in 1999-2000, as compared with 1997-1998, while applications from all other sources rose 30.8% during the same period of time. In the 2003-2004 presidential election period, applications from public assistance offices were up compared to the preceding non-presidential election year. Such applications were up 5.15% in 2003-2004, as compared with 2001-2003, while applications from all other sources rose 30.4%.

Voter registration applications from public assistance agencies had fallen 59.64% by 2003-2004 as compared with 1995-1996 while applications from all other sources increased by 22.43%.

The net result of this steady decline is that applications from public assistance offices had fallen 59.64% by 2003-2004 as compared with 1995-1996 while applications from all other sources increased by 22.43%. In short, states' poor results at public assistance offices do not reflect a broader decline.¹¹

This analysis reflects aggregate national data. The results of individual states vary significantly, with many showing declines considerably worse than the national average. The chart in the Appendix presents state data for voter registration applications from public assistance offices as well as state totals from all sources. *Close to half the states posted declines steeper than the national figure; 18 of 40 states reported decreases exceeding 59.64%.* Eleven states, including Arkansas, Connecticut, Indiana, Louisiana, Missouri, Texas, Utah and Virginia, reported declines of over 80%. States as diverse as Delaware, North Carolina and Oklahoma have seen declines of more than 70% percent in voter registrations at public assistance offices. In contrast, only 5 states reported increases in applications from public assistance offices, while 27 reported increases in total applications from all sources in the same period.

Notwithstanding the problems with the state-reported data, there are several reasons to believe that the national trends discussed in this section are valid. First, our analysis indicates that aggregate trends in states that indicated that their data were complete are not substantially different from trends in states that indicated problems with their data. Second, in some cases, the problems with data reported by a given state are the same from one report to the next. For example, some states report perennial problems obtaining data from certain jurisdictions; in these instances, statewide totals should be comparable from one reporting period to the next. Finally, information obtained by Dēmos and Project Vote in our conversations with state staff around the country bear out the trends discussed in this section.

10 Though our focus is on applications at public assistance offices, it's worth noting that drops in applications from disability services were only slightly less severe: down 34.9% in 1999-2000 as compared with 1995-1996 (presidential years) and 59.0% in 2001-2002 compared with 1997-1998 (non-presidential years).

11 While caseloads in some public assistance programs have declined overall since the NVRA went into effect, these declines are not sufficient to explain the declines in voter registration applications through public assistance agencies. For example, in the Food Stamp Program, one of the largest and most inclusive public assistance programs, average monthly participation was about 7.8 million households in 2001-2002 compared with 10.7 million in 1995-1996, a 27% decline. (Source: USDA-National Agricultural Statistics Service, Agricultural Statistics 2004, Table 13.7.) As we have seen, the decline in voter registration applications from public assistance offices during the same period was 59%. [Moreover, there is evidence that declines in public assistance caseloads do not mean that fewer people are applying for benefits. While some might expect that declines in public assistance caseloads mirror a decline in benefit qualifications, some evidence suggests otherwise. See, for example, FIP Caseload Trends Overstate Good News for Michigan's Poor Families, Michigan League of Human Services, Sept. 2001, available at www.milhs.org/Media/EDocs/FipTrends.pdf (application levels of Michigan's main public assistance program continued at the levels recorded in the early and mid-1990s, even though caseloads were down); Memorandum Regarding Public Assistance Caseloads vs. Applications, Center for Public Policy Priorities, Mar. 29, 1999, available at www.cppp.org/products/policyanalysis/memcaseloads.html]

Voter Registration Applications by Source 1995-2004¹²

Source	VR Apps 1995-1996	Change 1995-96 to 1997-98	VR Apps 1997-1998	Change 1997-98 to 1999-00	VR Apps 1999-2000	Change 1999-00 to 2001-02	VR Apps 2001-02	Change 2001-02 to 2003-04	VR Apps 2003-04	Four-Year Changes			Eight-Year Change
										1995-96 to 1999-00	1997-98 to 2001-02	1999-00 to 2003-04	1995-96 to 2003-04
Motor Vehicle Offices	13,722,233	10.6%	15,175,653	14.6%	17,393,814	-7.9%	16,026,407	0.58%	16,120,091	26.8%	5.6%	-7.32%	17.47%
By Mail	12,330,015	-28.7%	8,792,200	61.0%	14,150,732	-26.8%	10,357,284	55.41%	16,095,770	14.8%	17.8%	13.75%	30.54%
Public Assistance Offices	2,602,748	-50.1%	1,298,907	-13.4%	1,124,491	-11.2%	999,042	5.15%	1,050,479	-56.8%	-23.1%	-6.58%	-59.64%
Disability Services	178,015	26.5%	225,156	-48.5%	115,971	-20.4%	92,317	15.49%	106,615	-34.9%	-59.0%	-8.07%	-40.11%
Armed Forces Offices	76,008	-70.3%	22,608	227.5%	74,038	-27.0%	54,024	74.00%	94,007	-2.6%	139.0%	26.97%	23.68%
State Designated Sites	1,732,475	-36.9%	1,092,526	72.3%	1,881,984	-44.8%	1,038,269	263.26%	3,771,620	8.6%	-5.0%	100.41%	117.70%
Other Sources	10,810,934	-18.9%	8,765,163	24.9%	10,943,962	-18.6%	8,906,351	27.70%	11,373,749	1.2%	1.6%	3.93%	5.21%
TOTAL	41,452,428	-14.7%	35,372,213	29.3%	45,684,992	-17.9%	37,473,694	29.72%	48,612,331	10.1%	5.9%	6.41%	17.27%
Total Less Public Assistance Offices	38,849,680	-12.3%	34,073,306	30.8%	44,560,501	-18.1%	36,474,652	30.40%	47,561,852	14.6%	7.1%	6.74%	22.43%

The NVRA Implementation Project

The disturbing drop in registration applications from public assistance offices reflects specific defects in state implementation of the NVRA. Observations from the field show that there are a number of causes for declining registrations at public assistance agencies.

During 2004 and 2005, Dēmos, Project Vote and ACORN conducted meetings in a number of states regarding implementation of the NVRA in their public assistance offices. These meetings often included discussions with top officials, site visits to welfare offices, conversations with caseworkers and office managers, and analyses of voter registration procedures.

In many states, Dēmos, Project Vote and ACORN witnessed widespread violations of the NVRA in public assistance offices. Violations ranged from certain offices effectively offering no voter registration services whatsoever to voter registration not being offered to clients contacting agencies by phone or mail.¹³

It has also come to our attention that many voters were disfranchised in the recent presidential election by apparently widespread violations of the NVRA. A hotline established in 2004 by the Election Protection Coalition, a national, nonpartisan collaborative of over one hundred organizations, received numerous calls from would-be voters who claimed to have completed timely voter registration applications at public assistance offices, only to find themselves omitted from the voter rolls on Election Day. These reports are recorded in the web-based Election Incidence Reporting System (EIRS), available for viewing at www.verifiedvoting.com. Due to a phenomenal call volume experienced on the hotline (tens of thousands of calls were made on November 2, 2004), many callers were not able to get through to an Election Protection volunteer. Thus, the public assistance office registration problems recorded in the EIRS almost certainly under-report the actual number of citizens who were unable to vote on November 2, 2004 because of poor NVRA implementation.

¹² Federal Election Commission, "The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office," 1995-1996, 1997-1998, 1999-2000, 2001-2002.

¹³ It should be noted that, in cases where states worked with Dēmos, Project Vote and ACORN, most problems were remedied fairly quickly and easily.

States' Failure to Comply with NVRA Section 7

The purpose of this report is not to point fingers at particular states or to dwell upon past instances of non-compliance. Rather, our aim is to assess the extent to which recipients of public benefits across the nation are not being registered to vote and to offer recommendations that will enable, and where necessary prompt, states to meet their obligations to public assistance recipients under the NVRA. In working with the NVRA Implementation Project in 2004 and 2005, many state officials were quite frank about their difficulties in complying with Section 7 in recent years; some worked with the NVRA Implementation Project to make immediate improvements.¹⁴ Our overall experience follows.

Worst Cases

Dēmos, Project Vote and Acorn have encountered public assistance offices that fail to offer any voter registration services at all. In some instances the failure is limited to specific offices or programs within an agency. In other instances, entire agencies have been ignoring the NVRA's mandates.

Partial Failures

Some offices seem to offer voter registration – and do so year round – but fail to offer mandated voter registration services to particular segments of the population they serve. For example, it seems common for offices to overlook offering registration to clients who change their address, even though the NVRA specifically requires that voter registration be offered in this instance. Similarly, the availability of voter registration may depend on the way in which clients interact with public assistance agencies. Some agencies do not offer voter registration to those who receive services via phone or mail. Others do not offer such services when clients apply for services online. As public assistance agencies increasingly rely on means other than face-to-face contact to interact with clients, such omissions will take on greater significance – and lead to more frequent noncompliance – unless states ensure that new procedures comply with the NVRA's mandates.

Improper Documents

Although Congress took pains to specify the registration language that must appear on forms distributed at public assistance agencies, many jurisdictions have ignored the mandate. Some agencies are using forms that do not provide complete and accurate information about voter registration. For example, incorrect wording may fail to inform clients that they must re-register to be eligible to vote if they have changed their address since last registering.

In some states, public assistance agencies do not offer voter registration services to those who receive services via phone or mail. As public assistance agencies increasingly rely on means other than face-to-face contact to interact with clients, such omissions will take on greater significance.

In the wake of the Help America Vote Act of 2002 (HAVA), some public assistance agencies failed to obtain new versions of voter registration forms required by new state statutes; such agencies may have jeopardized the registration status of clients by using outdated forms. Finally, some offices with non-English-speaking clients fail

¹⁴ Section 7 violations were witnessed by Project staff through public assistance office site visits, meetings with state officials, phone conversations with state officials and reviews of agency procedures and documents. Unannounced site visit were also conducted as well as field surveys outside of public assistance offices.

to provide bilingual voter registration applications and some agencies have not been using NVRA mandated declination forms.

Lapses in Training and NVRA Awareness

Staff often receive little or no training about voter registration or the requirements of the NVRA. In some cases, even senior staff – such as regional directors and site supervisors – are unaware of their duties under the NVRA.

Failure to Track NVRA Compliance

While state public assistance agencies generally have sophisticated systems in place to track the activities that are required under various statutes and regulations, few track compliance with the NVRA's mandates on an ongoing basis. The data, cited above and included in the FEC's and EAC's biennial reports, are generally collected at the end of each two-year cycle – in most instances by county and state election officials rather than by the public assistance agencies themselves. Without systems for tracking the performance of individual offices and programs in registering voters as required by the NVRA, public assistance officials cannot assess their agencies' overall level of compliance or identify portions of their agencies that are failing to meet their obligations.

Successful States – Best Practices

Though many states have clearly failed to properly implement the NVRA in public assistance agencies, a few stand out for diligently following the law. In fact, the experience of the states that have paid most attention to the NVRA's federal mandates indicates that, by making a few straightforward changes, every state could easily comply with the voter registration requirements for public assistance agencies.

Nevada illustrates this point well. Discussions with officials responsible for NVRA compliance in Nevada's public assistance agencies indicate that the state has pursued strategies designed to ensure success.

Nevada's Successful Strategies

- NVRA voter registration requirements are part of the core mission of welfare offices. As the Field Operations Manager of the Nevada Welfare Division puts it, compliance is an “automatic – part of what we do every day” – like all other federal requirements.¹⁵
- There are strong training systems for supervisors and for caseworkers. Instruction in NVRA voter registration is an integral part of the four-month training curriculum that Nevada State Welfare staff undergoes at the state's two training academies.
- Nevada utilizes integrated forms – which fold the NVRA declination question and voter registration applications into standard state forms – making it easier to comply with the law. Applications for public assistance include the exact language prescribed by the NVRA in the sections posing the declination question and offering applicants

¹⁵ While fulfilling the requirements of the law would seem necessary, it appears not to be the norm in state welfare offices. Caseworkers burdened with large caseloads often assume that voter registration is not included in their core responsibilities, which helps explain why the NVRA requirements have not fared well in so many states.

an opportunity to register to vote.¹⁶

- Nevada ensures that all public assistance offices post a sign in the reception area that reads, “Voter Registration is Available Here.” This posting is visible to everyone passing through the offices.
- The state ensures timely transmission of registration forms to elections officials. Designated personnel in each office are responsible for ensuring transmittal of registration forms within five days of their submission – with an even shorter timeframe as Election Day approaches.

Having previously allowed voter registration results at public assistance agencies to drop off, a number of other states have shown that it is possible to improve results quickly and significantly. Several states chose to work with Dēmos, Project Vote and ACORN to improve their systems for implementing the NVRA at public assistance agencies. Arizona, Connecticut, Iowa, Oregon, Pennsylvania and Washington, six of the states that worked with us, illustrate that rapid improvements are possible. Iowa is the only state that was able to provide relevant data to evaluate the impact of improved registration services. The results from Iowa are described below.

After working with the NVRA Implementation Project, the Commissioner of Social Services in Connecticut issued a memo to all staff underscoring that voter registration is a “core feature in our notion of self-sufficiency for the people we serve.”

Arizona’s Improvements

The Arizona Department of Economic Security (DES) implemented new voter registration procedures in the summer of 2004. The new procedures included:

- Reminding staff to offer voter registration to clients during application, recertification and change of address procedures;
- Ensuring that caseworkers encourage clients to complete voter registration applications while in the office;
- Providing a declination form at the front desk in waiting rooms to all clients submitting an application or change of address report;
- Designating a voter registration coordinator for each office;
- Sending voter registration applications to elections officials every day;
- Tracking voter registration data more frequently, and reporting it to a single responsible person in DES (for a limited time period);
- Starting registration processes in the Employment and Rehabilitation Services Program and the Child Support Enforcement program;
- Posting signs to promote voter registration in every DES waiting room.

¹⁶ In this regard, too, the surprise is how many states have failed to use the language specifically required under federal law. In many instances, the wording used by states is not only different from the required text, but fails to ascertain whether the individual may have changed addresses since last registering.

Connecticut's Improvements

The Commissioner of Social Services issued a memo in September 2004 to every Department of Social Services (DSS) employee underscoring that voter registration is a “core feature in our notion of self-sufficiency for the people we serve.” To improve agency voter registration, the Connecticut DSS implemented the following policies:

- Assigning waiting-room voter registration responsibilities to a caseworker or receptionist in every DSS office;
- Including enhanced voter registration training in the curriculum for every agency training program for new and current employees;
- Distributing posters, videos and buttons encouraging voter registration to every agency office;
- Ensuring that voter registration materials are included with all mailings DSS sends to those who reapply for benefits or change their addresses.

Iowa's Improvements

In the summer of 2004, an NVRA Improvement Team was convened in Iowa with representatives from the governor's office, the Secretary of State's office and various public assistance agencies. This team created an implementation plan and as a result, the Department of Human Services (DHS), the Women, Infants and Children (WIC) program and the Division of Vocational Rehabilitation Services (DVRS) initiated NVRA improvement efforts with an action memo to office managers underscoring the priority of improving voter registration processes and implementing new procedures. After receiving this memo, offices:

- Designated a voter registration supervisor in every local office;
- Established voter registration in waiting rooms and office reception areas;
- Included registration forms in materials sent to every client changing his or her address;
- Reported on voter registration activity weekly – more frequently than previously;
- Used an automated reporting system to improve tracking of all agency voter registration activities;
- Placed posters, videos and buttons in offices to promote voter registration services.

Results: As a result of these above steps, DHS and WIC increased voter registrations by 3,000% over registrations for the same period in the previous year and 700% over the same period for the 2000 General Election.¹⁷

17 To evaluate impact we must compare the number of registrations resulting from the new procedures to the number of registrations generated prior to this renewed effort. To do this, we must rely on data from the Secretary of State's Office as the departments only began tracking registrations as part of their recent reforms. The Secretary of State records voter registration generated by the state's social service agencies. Forms are coded for various agencies. DHS and WIC fall under the Code 3 while DVRS falls under Code 4. It is important to note that other agencies fall within these codes and that the Secretary's office does not disaggregate the data by agency. Code 3 agencies cover DHS, WIC and community colleges. Code 4 agencies cover DVRS, Department for the Blind, Deaf Services Division (under Department of Human Rights) and the Division of Persons with Disabilities (under Department of Human Rights). DVRS did not track completed registrations, therefore the impact analysis only pertains to DHS and WIC.

From August 2003 to June 2004, Iowa's Code 3 agencies, which include DHS, WIC and community colleges, registered 382 individuals to vote. From August 2004 to June 2005, the same ten month period a year later, after Iowa started working with Dēmos, Project Vote and ACORN to make improvements, DHS and WIC registered 12,142 individuals to vote. In comparing to the previous presidential election year, from August 2000 to June 2001, Code 3 agencies registered 1,519 individuals to vote.

Pennsylvania's Improvements

Allegheny, Delaware, and Philadelphia Counties all undertook efforts to improve voter registration efforts in public assistance offices. Steps taken by these three counties include:

- Designating voter registration coordinators for each office – a supervisor or manager who oversees all voter registration efforts;
- Providing all clients with declination and voter registration forms in office waiting rooms in Philadelphia and Delaware Counties;
- Providing a voter-registration script to staff in Allegheny County to make voter registration easier and more standardized;
- Ensuring that staff encourage clients to complete registration forms before they leave the office;
- Requiring that caseworkers ask clients about voter registration at the very outset of client interviews; previously, the question was buried in the middle of the interview;
- Offering voter registration opportunities to those who change addresses;
- Mandating that offices in Philadelphia and Delaware Counties report on registration results every two weeks;
- Displaying promotional posters and videos in office waiting rooms; encouraging staff to wear buttons encouraging voter registration.

Oregon's Improvements

Oregon improved NVRA implementation in their Department of Human Services (DHS) by initiating an NVRA training program and actively promoting voter registration services. The following steps were taken in Oregon:

- The Elections Division of the Oregon Secretary of State's office developed an NVRA training program and conducted the training in six different cities to 190 site coordinators in September 2004;
- After an ongoing recruitment effort, DHS identified 689 NVRA site coordinators statewide;
- The Elections Division will be conducting the NVRA training program around the state annually;
- An agency-wide message regarding voter registration was sent to all agency staff;
- Table/displays were set up in lobby of agency offices to encourage employees to register to vote;
- Signage promoting voter registration services was placed in all office waiting rooms.

Washington's Improvements

The following steps were taken in Washington to improve implementation of the NVRA in their social service agencies:

- A refresher memo was sent to all Assistant Secretaries in the Department of Social and Health Services (DSHS) regarding voter registration in welfare offices;
- Voter registration procedural manuals were sent to all field offices;
- Voter registration applications were distributed to all offices in English and Spanish;
- The frequency of reporting on voter registrations was increased to bi-weekly for a two month period (for a limited time period);
- A Voter registration web site was set up on DSHS's Intranet;
- Governor Locke issued a proclamation and press release on the issue of voter registration in public assistance offices;
- All DSHS staff received an email from Governor Locke on increasing voter registration activities;
- NVRA training was extended to management staff.

Policy Recommendations

We offer the following policy recommendations for states, federal agencies, and advocacy organizations wishing to ensure that the promise of the NVRA is realized for those receiving services from public assistance agencies.

Recommendations for States

The recommendations for states flow naturally from the requirements of the NVRA itself and from the observations in the previous section.

Improved Voter Registration Procedures at Public Assistance Agencies: While there may be local variations, it is clear that the strategies pursued in successful states share key elements that make them effective. States should take immediate steps to require that public assistance offices institute best practices. These include:

- Strong leadership on NVRA implementation by top agency officials;
- Including voter registration services in the core mission of the public assistance agency;
- Designating clear responsibilities;
- Training all relevant personnel, including caseworkers, office managers and agency leadership;

- Including voter registration questions and materials – using federally mandated language – in *integrated* forms;
- Making a commitment to ensure that every client receives voter registration services during all points of contact, including initial application, recertification and change of address procedures;
- Offering voter registration services when a client communicates with the agency by telephone, mail or the internet;
- Ensuring that voter registration materials are current;
- Providing frequent and detailed tracking and reporting;
- Undertaking energetic outreach to applicants, starting in agency waiting rooms, and including clearly displayed promotional materials;
- Ensuring the timely transmission of completed voter registration applications to appropriate elections agencies.

As noted previously, a few states embraced these practices when the NVRA was first enacted, while others have come to emphasize them more recently. In both instances, these priorities have produced clear results. States like Arizona, Connecticut, Iowa, Pennsylvania and Nevada provide examples of greater compliance that other states can and should follow.

Implement Electronic, Simultaneous Voter Registration and Transmission: Another important step states can take to greatly improve voter registrations services in their public assistance offices is to implement electronic, simultaneous registration, similar to the process utilized by many motor vehicle departments.

Currently, most public assistance agencies rely on paper to conduct voter registration services, requiring clients to complete paper voter registration applications and relying on agency staff to submit registration forms to elections officials via mail or hand delivery. This process is error laden and time consuming for both caseworkers and clients. It has resulted in registrations being delayed, lost or transmitted incorrectly, leaving eligible voters off the rolls and unable to vote on Election Day.

The only way to ensure compliance with the NVRA is for public assistance agencies to track the number of registrations being generated by each office. Such tracking must be frequent and comprehensive and include client responses to the offer of voter registration as well as the number of clients served during the same period.

In many motor vehicle departments across the country, information from the driver's license application is transferred electronically onto the voter registration application for those clients choosing to register. The voter registration application is then printed out and the client simply has to sign it. This process saves time for the client and caseworker and decreases the incidence of ineligible or incomplete voter registration applications.

A few states also allow their motor vehicle departments to transmit voter registration information to elections officials electronically. Such a system further streamlines the voter registration process and ensures that voter registration applications are transmitted in a timely and effective manner. Under the Help America Vote Act of 2002 (HAVA), states are required to create statewide voter registration databases by January 1, 2006 that, among other things, link to motor vehicle departments in order to verify voter information. This coordination between the voter list and one state agency should be expanded to allow all designated voter registration agencies, including public assistance agencies, to complete voter registration applications simultaneously with agency forms and transmit voter registration applications electronically to elections officials.

Recommendations for Federal Agencies

Two federal agencies can play a central role in improving compliance with NVRA Section 7: the Election Assistance Commission (EAC) and the Department of Justice (DOJ). The following recommendations apply to both of these agencies.

Investigate: To date, no federal agency has investigated the degree to which each state is, in fact, complying with NVRA Section 7. Given widespread evidence of noncompliance, Dēmos, Project Vote and ACORN recommend that the EAC and DOJ conduct a nationwide investigation, perhaps using randomized surveys and site visits to public assistance offices to ascertain whether state offices comply with the law.

Remind States of NVRA Requirements: The FEC's and EAC's biennial reports show that states' efforts to comply with the NVRA's public assistance requirements have been declining. Dēmos, Project Vote and ACORN therefore recommend that the EAC and DOJ send written reminders to the chief election officer of each state and to those responsible for administering public assistance offices. These letters should emphasize the important, mandated aspects of Section 7.

Disseminate Best Practices: As indicated earlier, a series of best practices can make compliance with NVRA both automatic and effective. Given the demonstrated efficacy of this approach, Dēmos, Project Vote and ACORN advocate that the EAC and DOJ disseminate information on best practices to all states. We also recommend providing states with comparative data showing recipients how their results compare to those of states that follow such best practices.

Improve Compliance with Existing Reporting Requirements: The NVRA requires biennial EAC reports to Congress.¹⁸ Congress intended these reports to assess the impact of the NVRA on administration of elections for the preceding two years, and to include "recommendations for improvements in federal and state procedures, forms or other matters affected by this subchapter."¹⁹

The DOJ and EAC should conduct a nationwide investigation of compliance with Section 7 of the NVRA and take action when states fail to meet their obligations.

To date, these reports to Congress have lacked the data necessary for a full assessment of the impact of the various sections of the NVRA. Previous reports presented by the FEC to Congress have noted major defects in state data. The lack of accurate and complete information reflects shortcomings on the part of the state governments providing the data as well as the federal agency responsible for reporting to Congress. While the EAC is specifically mandated to produce this report – and should work to improve the quality and

accuracy of reporting – the DOJ has the requisite authority and the resources to audit data provided by states, investigate states that appear to be failing to comply with federal law, and compel changes necessary to achieve full compliance. We recommend that the DOJ collaborate with the EAC in pressing states to provide complete data for the upcoming 2005 report to Congress and conduct audits as appropriate.

Develop Additional State Reporting Requirements: The current reporting requirements, presently included in the Code of Federal Regulations, are too limited to permit full analysis of states' performance – even if states submitted all the data currently called for by the regulations. The EAC and DOJ should require states to report such items as how many voting-eligible citizens receive public assistance, how many people had contact with public assistance offices, how many declined to register, etc. It would also be worthwhile to ask states to provide subtotals for periods shorter than the current two-year reporting period and to explain how the data are gathered.

¹⁸ The law originally required reports to be made by the Federal Election Commission; the Help America Vote Act transferred responsibility to the EAC.
¹⁹ 42 U.S.C. Sec. 1973gg-7 (a) (3).

Take Action When States Fail to Meet their Obligations: Finally, the DOJ and EAC could greatly improve compliance with the NVRA by informing low-performing states how they can improve their procedures and their results – and by pressing for necessary changes. The NVRA specifies that the biennial reports should include “recommendations for improvements in Federal and State procedures, forms, and other matters affected by” the NVRA. However, the recommendations presented in the most recent reports have been overly broad and unrelated to states’ poor implementation of Section 7.²⁰ Given the widespread failure of states to implement portions of the NVRA – as reflected in the FEC and EAC data and confirmed in our work – the DOJ and EAC should make more comprehensive recommendations for improvements. Tailoring such recommendations to the needs of specific states is both feasible and necessary for the intent of Congress to be realized. Absent action by the DOJ, states will almost certainly continue to fall short of fulfilling the public assistance requirements of the NVRA.

Given the importance of the goals that underlie the NVRA – to “increase the number of eligible citizens who register to vote in elections for Federal office” and “protect the integrity of the electoral process” – Dêmos, Project Vote and ACORN strongly urge the EAC and the DOJ to undertake an aggressive and proactive role.

Recommendations for Advocacy Organizations

The failure to date of many states to comply with the NVRA also presents a challenge – and an opportunity – for voter advocacy groups. Congress initially enacted the NVRA, particularly the provisions for voter registration via public assistance offices, in response to calls from a broad range of organizations and individuals who sought to make the electoral system more accessible to all citizens. Properly implemented, the NVRA would do just that, with Section 7 potentially ensuring that tens of millions of low-income citizens have a convenient way to register and to keep their registrations up to date.

Unfortunately, states’ failure to comply with these mandates has occurred against a backdrop of inattention not only from the federal government, but also from the advocacy community. Those of us who include among our missions the maintenance and expansion of democracy must recommit ourselves to making full NVRA implementation and compliance part of the reform agenda.

In addition to national and state level advocacy to promote measures like those advocated in this report, advocates working at the local level can help foster NVRA compliance by checking whether nearby public assistance offices are offering the required voter registration services and by advocating with the agencies and with local officials for improvements as appropriate. The NVRA Implementation Project is available to assist these local efforts and helpful resources can be found at www.demos.org/nvra.

²⁰ The recommendations in the 2001-2001 report were for the U.S. Postal Service to provide cheaper rates for official election materials and for the states to provide better training for personnel at motor vehicle offices and other voter registration agencies. The recommendations in the 2003-2004 report were for the states to provide for electronic transmission of voter registration information, perform list maintenance through electronic coordination with state and federal databases and develop statewide voter registration databases.



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