

## **SCHUMER URGES DOJ: SUE STATES THAT FLOUT VOTER REGISTRATION LAW**

**Sixteen Years After Federal ‘Motor-Voter’ Law Required Public Assistance Agencies To Provide Registration Materials To Eligible Voters, At Least 18 States Were Not Complying Last Year**

**Law Accounted For 2.6 Million New Registrants In First Two Years After Taking Effect, But Registrations Processed At These Locations Have Decreased 79 Percent Since 1996**

**Clinton Administration Made Practice of Suing States To Force Compliance During 1990s, But DOJ Turned A Blind Eye To Problem Under Bush**

WASHINGTON, DC—U.S. Senator Charles Schumer (D-NY) urged Attorney General Eric Holder on Tuesday to sue states that fail to comply with a federal law requiring public assistance agencies that administer food stamps and unemployment benefits to also distribute voter registration materials.

The 1993 law, called the National Voter Registration Act (NVRA), was designed to increase registration opportunities for eligible voters, and accounted for more than 2.6 million new registrations in its first two years after taking effect. But lax enforcement of the law has led to a 79 percent reduction in the number of registrations at public assistance agencies since 1996, and last year, the Justice Department revealed that as many as 18 states were under investigation for skirting the law.

“This law is supposed to simplify the voter registration process, but it has been complicated by the rogue behavior of a large batch of states,” said Schumer, the Chairman of the Senate Rules Committee. “The Bush administration essentially condoned this flouting of the law, but with new leadership at the Justice Department, we hope states will be made to meet their obligations. Attorney General Holder should pull out all the stops to ensure the law is followed. If that means taking certain states to court, so be it.”

Under President Clinton in the 1990s, the Justice Department routinely filed lawsuits against states in order to ensure compliance with the law. Under President Bush, however, enforcement of NVRA—also known as the “Motor Voter” law since it also requires that eligible citizens be provided the chance to register to vote when applying for a driver’s license—was spotty, if not non-existent. Last year, Schumer joined a number of fellow senators in a letter to then-Attorney General Michael B. Mukasey to request information about what steps were being taken to enforce NVRA. In a written reply dated July 16, 2008, the Bush administration revealed that 18 states were under investigation for failing to implement parts of the law. The administration refused, however, to name the states or the nature of the infraction under review. No public action has been undertaken by the Justice Department since.

In his letter today, Schumer urged Holder to improve on the Bush administration’s strategy of making idle threats by bringing a court action against any states that have failed to show improvement in their compliance with NVRA. Independent voting rights organization joined Schumer’s call and praised the senator’s scrutiny of this issue.

“Enforcing existing laws to protect voter registration opportunities for all citizens is one of the key issues in election reform. We join with Senator Schumer in calling for vigorous enforcement by the Department of Justice, and commend Senator Schumer for calling attention once again to this critical issue,” said Mary G. Wilson, national President of the League of Women Voters.

“We applaud Senator Schumer and the Senate Rules Committee for its letter regarding the need to prioritize enforcement of Section 7 of the National Voter Registration Act, an action that would bring hundreds of thousands of eligible citizens into the political process,” said Miles Rapoport, president of Demos, a national policy and advocacy center. “For a long period of time, DOJ largely ignored evidence of state non-compliance with Section 7’s requirements for registering low-income voters, while focusing selectively instead on urging states to purge more voters from their rolls. We look forward to a renewed commitment to full enforcement of this important civil rights law.” A copy of Schumer’s letter to Holder appears below.

## **A Copy of Sen. Schumer's Letter to Attorney General Holder:**

April 7, 2008  
The Honorable Eric Holder  
Attorney General

United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Attorney General Holder:

I write to request that the U.S. Department of Justice fully enforce the voter registration provisions established in Section 7 of the National Voter Registration Act of 1993 (NVRA). For too long, the NVRA has not been adequately enforced, and too many American citizens have been denied the chance to participate in our democracy as voters.

The NVRA contains provisions intended to increase the number of eligible people who are registered to vote, and also provisions that provide mechanisms to remove individuals who are no longer eligible from the voter registration rolls. During the last Administration, your predecessors appear to have enforced only the provisions that would remove names from the rolls. It is clear that states need to do more to comply with the NVRA, and I respectfully request that the Civil Rights Division move to determine whether state agencies are complying with these requirements of the Act.

In a letter dated July 16, 2008, the Department of Justice said it was "actively investigating a number of jurisdictions which have admitted to low voter registration rates at state public assistance agencies." The letter further claimed that because the investigations are "ongoing," your "ability to investigate, as well as [your] ability to resolve any lawsuit" would be jeopardized by providing information to Congress. I do not wish to disrupt any ongoing investigation. However, since that letter - almost a year ago - no legal action appears to have been taken to enforce Section 7 requirements to strengthen the voter registration efforts of state social service agencies. That is simply unacceptable. Where it is warranted, I urge the Department of Justice to sue the states who are not complying with this provision.

Without action or leadership from the Department of Justice, private groups have taken on the responsibility to work with states to improve NVRA compliance. Between the mid-1990's and 2004, North Carolina social service agencies experienced an almost 75% decline in the number of voter registration submissions. Nonprofit voter groups worked with North Carolina to develop a plan to improve registration rates at state social service agencies to comply with Section 7. After the state had implemented its improved registration plan, North Carolina experienced an unprecedented increase in the number of voter registration at state agencies.

Better compliance does not mean increased costs for state agencies. The Executive Director of the North Carolina State Board of Elections provided written testimony to a Rules Committee hearing last year that "there have not been extensive additional expenditures of funds and manpower created by the NVRA mandates." It is clear that working with other states to ensure the law is being followed will yield similar results: increased registration rates without higher costs.

At a hearing on March 11, 2009 of the Senate Rules Committee, "Voter Registration: Assessing Current Problems," a groundbreaking new study was presented, which revealed that millions of eligible voters were disenfranchised in the 2008 election because of problems with the voter registration system. One of the key concerns is that eligible individuals are not offered the option to register and vote at state motor vehicle agencies, public assistance agencies, and agencies that provide services to people with disabilities. These organizations are not usually under the control of a chief state election official. Therefore, the social service agency heads need to be aware of their responsibilities under the Act. I believe it is high time that the Department of Justice work with those state agencies to ensure full compliance.

I am requesting an update on specific steps taken by the Department of Justice to ensure compliance with this very important civil rights law. While details concerning ongoing investigations may not be released, as Chairman of the Rules Committee, I would like to know what efforts the Department of Justice plans to take to remedy the apparent lack of NVRA Section 7 enforcement over the last eight years.

I know you share my commitment to full enforcement of this law by the Department of Justice so that all eligible voters, including the most vulnerable, can have their voices heard in our elections.