

Scott Novakowski

FULFILLING THE PROMISE:

Expanding Voter
Registration of
Low-Income
Citizens Under
the National Voter
Registration Act

About Dēmos

Dēmos is a non-partisan public policy research and advocacy organization. Headquartered in New York City, Dēmos works with advocates and policymakers around the country in pursuit of four overarching goals: a more equitable economy; a vibrant and inclusive democracy; an empowered public sector that works for the common good; and responsible U.S. engagement in an interdependent world.

Dēmos was founded in 2000.

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About the Democracy Program

The Democracy Program works to strengthen democracy in the United States by reducing barriers to voter participation and encouraging civic engagement, focusing on barriers to participation by traditionally disfranchised communities. Dēmos supports expanded democratic participation by conducting research; engaging in pro-voter litigation; providing information, resources and technical assistance to advocates and policymakers; and advancing a broad agenda for election reform.

Brenda Wright, Director of the Democracy Program

About the Author

Scott Novakowski joined Dēmos in September 2005. His work focuses on research and advocacy on voting rights issues including compliance with the National Voter Registration Act, provisional balloting, and low-income voter participation.

Prior to coming to Dēmos, Scott was an intern with DemocracyWorks in Connecticut where he worked on issues of open government and immigrants' rights, and coordinated an initiative to increase civic engagement among 16–24 year-olds. He holds a Master of Social Work degree with a concentration in Policy Practice from the University of Connecticut School of Social Work and a B.A. in Sociology, also from the University of Connecticut.

Scott has spoken at various conferences and testified before the U.S. Election Assistance Commission and has authored or co-authored articles appearing in *Professional Development: The International Journal of Continuing Social Work Education*, *Tompaine.com*, *National Civic Review*, *Huffington Post*, and the *Women's International Perspective*.

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Voting is often celebrated as the most fundamental form of civic participation in a democracy, a means by which all voices are counted on an equal basis. Democracy works best when people across the social and economic spectrum are able to participate and make their voices heard.

Despite the successes of our democracy in broadening access to the franchise over the past 200 years, troubling disparities in participation remain. In the historic presidential election of 2008, voter turnout among citizens in households making less than \$25,000 a year was only 54 percent, as compared to 79 percent of those in households making \$100,000 or more.¹ Disparities in voter turnout can, at least in part, be traced to gaps in voter registration rates. In all states but one, voters must register before being allowed to cast a ballot. In the vast majority of these states, voters must register weeks, often up to a month, prior to Election Day.² Unsurprisingly then, there is an income-based disparity in rates of voter registration: only 65.3 percent of low-income citizens were registered to vote in 2008, as compared to 84.6 percent of their more affluent peers.³

Work by Dēmos and its partners suggests that millions of low-income Americans can be brought into the political process through proper implementation of an often-neglected provision of the National Voter Registration Act of 1993 (NVRA) that requires states to provide voter registration services to applicants and recipients of public assistance benefits. And the time is ripe to ensure that voter registration is provided at public assistance offices: Many public assistance programs are experiencing significant growth, with participation in the Supplemental Nutrition Assistance Program (“SNAP”, formerly Food Stamps), one of the largest programs, now at an all-time high, having increased dramatically over the past year.⁴

As the full effect of the economic downturn is felt throughout the country and increasing numbers of individuals turn to public assistance, the NVRA has never been more important for ensuring that low-income citizens have a voice in the democratic process.

Successes Under the National Voter Registration Act

Recognizing that “discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office,” Congress passed the National Voter Registration Act (NVRA) in 1993 to increase the number of eligible citizens who register to vote.⁵

While the NVRA is best known for its “motor voter” provision requiring state departments of motor vehicles to provide voter registration services to their customers, Section 7 of the Act requires state public assistance agencies—those offices administering benefits such as SNAP, Temporary Assistance for Needy Families (TANF), Medicaid, State Children’s Health Insurance Program (SCHIP) and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)—to provide voter registration services to applicants and clients.

Specifically, the NVRA requires that voter registration services, including the distribution of a voter registration application, be provided with each application, recertification or renewal, or change of address related to benefits.

Section 7 of the NVRA designates as voter registration agencies all offices in a state that provide public assistance. Such offices include, at a minimum, all offices in the state that provide SNAP, TANF, Medicaid, SCHIP, WIC, and state public assistance.⁶

Under the NVRA, with each application, recertification or renewal, and change of address relating to benefits, a public assistance agency must:⁷

- » Provide the individual with a voter registration application;
- » Provide the individual with a form, commonly called a “Declination Form,” that contains the question, “If you are not registered to vote where you live now, would you like to apply to register to vote here today?” along with several other statutorily-required statements;
- » Provide each client choosing to register with the same degree of assistance in completing the voter registration application as would be provided in completing the agency’s own forms; and
- » Transmit all completed voter registration applications to the appropriate election official within a prescribed amount of time.

Work by Dēmos and others has demonstrated that, when implemented as intended, public agency voter registration can bring significant numbers of low-income citizens into the democratic process.

- » Ohio’s Department of Job and Family Services reported over 84,000 voter registration applications completed at its offices in just the first five months of data reporting following a settlement agreement with Dēmos and its partners, an average of almost 17,000 registrations per month. Ohio’s public assistance agencies reported an average of only 1,775 registrations per month in the two years prior to the filing of the lawsuit.⁸
- » In Missouri, 235,774 low-income citizens applied for voter registration at the state’s Department of Social Services in the twenty-one months following a successful court action to improve compliance, an increase of almost 1,600 percent over the number of clients the state was previously registering.⁹
- » In North Carolina, well over 100,000 low-income citizens have applied to register to vote through the state’s public assistance agencies since the State Board of Elections worked cooperatively with Dēmos and others to improve NVRA compliance, a six-fold increase over the state’s previous performance.¹⁰
- » Similarly, the number of voter registration applications from Virginia’s public assistance agencies increased five-fold after Dēmos worked cooperatively with state officials to improve their procedures.¹¹
- » Voter registrations from Illinois’ Department of Human Services increased to an average of 5,266 per month under a settlement agreement with the Department of Justice, compared to an average of only 446 in the preceding two years, an increase of over 1,000 percent.¹²
- » After being placed under a court order in 2002, Tennessee has been a national leader in public assistance registration. Indeed, in the 2007–2008 reporting period, over one in six public assistance registrations in the nation came from Tennessee.¹³

Noncompliance with the NVRA

Notwithstanding the dramatic numbers of voter registrations that result from effective implementation of Section 7 of the NVRA, the huge potential of public agency voter registration remains unrealized because of poor implementation and enforcement. Through field investigation and evidence produced during litigation, Dēmos and others have documented widespread noncompliance with the law in states around the country. And federal data on voter registration in public assistance agencies reflect this fact: Between initial implementation of the NVRA in 1995–1996 to the latest reporting period of 2007–2008, the number of voter registration applications from public assistance agencies dropped by 62 percent, from over 2.6 million to only 978,000.¹⁴ See Table 1 for a state-by-state comparison of performance for the 2007–2008 reporting period.

Dēmos, through its work to improve NVRA implementation, has identified several major patterns of non-compliance with the law. A major cause of non-compliance is the failure of state-level officials to take responsibility for ensuring the law is followed. For example, a lawsuit in Ohio revealed that neither the Secretary of State nor the Director of the Department of Job and Family Services viewed their offices as having either the responsibility or the authority to ensure compliance by local agencies with the law, despite the Secretary’s designation as the state’s chief election official and the Director’s statewide responsibility to oversee the distribution of public assistance benefits. Ultimately, the Sixth Circuit Court of Appeals ruled against this position, stating, “[t]o determine whether the Secretary may be held responsible for Ohio’s NVRA violations, we need not look further than the text of the statute,”¹⁵ and “the Director, as the head of the ‘single state agency’ in Ohio responsible for administering public assistance programs, has the responsibility to provide statewide voter registration services.”¹⁶

A related common problem is a lack of effective oversight or monitoring, an important component of any effective policy to ensure that processes are taking place as required. Prior to being sued, for example, Missouri’s Department of Social Services had no procedures in place to evaluate whether caseworkers were in compliance with the law.¹⁷ Similarly, the relevant policy manual consulted by front-line employees contained no mention of voter registration whatsoever until 2004.¹⁸ In Ohio, even though data on voter registration at agency offices were collected by the Secretary for the federal Election Assistance Commission’s biennial report to Congress, no state-level official actually reviewed the data. Thus, no one noticed the red flags when offices consistently provided the Secretary with unbelievably low numbers.¹⁹

The failure of state-level officials to adequately monitor compliance with the NVRA has allowed numerous types of Section 7 violations to occur (and recur) over the years. One of the most common, and egregious, is that agency offices simply do not have voter registration applications on site.²⁰ Another type is the failure to distribute a voter registration application with each application, recertification, and change of address as the law requires; it is not sufficient simply to put a stack of voter registration applications

on a desk somewhere or provide a voter registration application only to an individual who specifically requests one.²¹ In some offices, employees fail or forget to transmit completed voter registration applications and so the applicants are not entered onto the voter rolls or may be entered after the voter registration deadline has passed. A particularly egregious example occurred in Missouri, where a Department of Social Services employee accumulated an entire year's worth of completed voter registration applications without transmitting any to election officials.²²

A look at county-level data further illustrates the extreme impact of compliance failures. In the 2007–2008 two-year period, Indiana's most populous county, Marion County, reported only 149 registration applications from all of its public assistance offices,²³ an average of less than seven per month in a county of over 890,000 people and a poverty rate of 16.5 percent.²⁴ Indeed, in this swing state during a period that included a historic election, forty-one of Indiana's 91 counties failed to register over ten voters at public assistance offices and only five counties reported registering over 100 voters.²⁵ Similarly, in Ohio in 2003–2004, Department of Job and Family Services offices in ten counties did not register a single voter,²⁶ DJFS offices in another 17 counties collected fewer than ten voter registration applications,²⁷ and DJFS offices in 32 additional counties submitted fewer than 100 registrations.²⁸

The dismal numbers of public assistance voter registrations in many states, along with the direct evidence of non-compliance obtained through field investigations and lawsuits, indicate a serious gap in compliance with Section 7's requirements.²⁹ Holding states accountable for these compliance failures is thus an important part of ensuring ongoing effective implementation of Section 7 of the NVRA. For the past decade, the burden of combating poor implementation of and non-compliance with Section 7 of the NVRA has been carried largely by voting rights groups such as Dēmos, Project Vote, Lawyers' Committee for Civil Rights Under Law, and others. These groups have filed four lawsuits against non-complying states since 2006.³⁰ During this time, the U.S. Department of Justice, the federal body with authority to enforce the law, has been largely absent. The Justice Department did enter into a settlement agreement with the state of Tennessee in 2002 but did not pursue any other cases involving registration at public assistance offices for many years. After congressional inquiries in 2007 and early 2008, the Justice Department also entered into pre-litigation settlements with Arizona and Illinois in 2008.³¹ More recently, the Justice Department has issued guidance for states on NVRA implementation—the first ever provided by DOJ on the topic.³² As of this writing, however, the Justice Department's 2002 lawsuit against Tennessee remains the sole action it has filed in more than eight years to enforce the NVRA's requirements for voter registration at public assistance agencies. Resuming such enforcement, and aggressively disseminating the new NVRA guidance to states, would be an important signal to states of the Department's commitment to enforcement of the law.

The Impact of Full Implementation

Based on experience with states that have resumed implementation of public agency voter registration as a result of litigation, it is possible to make rough projections of the numbers of voter registration applications by low-income persons that could result from improved implementation in other states.³³ Comparing the number of initial applications for Supplemental Nutritional Assistance Program (SNAP) benefits for 2007–2008, with the number of voter registration applications submitted from public assistance offices following litigation or settlements in Tennessee, Missouri and Ohio, reveals ratios of 27, 31, and 26, respectively, in those states.³⁴ Table 2 calculates the number of voter registration applications that could be submitted in public assistance agencies in each state covered by the NVRA, using conservative ratios of 15 and 20, well below those achieved by Tennessee, Missouri and Ohio. Table 2 shows that between 3.8 and 5.0 million voter registration applications from public assistance agencies could be expected nationwide over a two-year period—millions more than the 978,000 reported to the EAC for the most recent two-year reporting period.³⁵

States that have been able to achieve success in collecting substantial numbers of voter registration applications at public agencies have taken simple steps in line with general principles of effective program management. While specific procedures for NVRA implementation will undoubtedly vary to fit the structure of individual states' agencies, the following are broad elements essential to a compliant NVRA plan:

Ensure that each office has an adequate supply of voter registration applications and declination/preference forms.

The NVRA requires that both a voter registration application and a declination/preference form be provided to each and every client engaging in an application, recertification, and change of address. Each office should ensure that it has at least a two-month supply of each form on hand. Some states have found it helpful to combine the voter registration application and declination form into one document. Other states have had success in attaching the voter registration application to the application/recertification for benefits form used by the agency. States must ensure that the language used on the declination form mirrors that required by the NVRA.³⁶

Ensure that voter registration policies and procedures are in compliance with the requirements of the NVRA.

The NVRA requires that both a voter registration application and a declination/preference form be distributed with each application, recertification, and change of address—including those conducted via telephone, mail, or Internet. It is especially important that applicants phoning in an address change be provided with a voter registration application since, in most instances, even a previously registered voter must re-register after moving. Agency employees must provide the same degree of assistance in completing the voter registration application as they would in completing the agency's own paperwork. In other words, if caseworkers would review an application for benefits to ensure it is fully completed and signed by the client, they must also ensure that a voter registration application is complete and signed, if the client does not decline to register. The agency also must transmit completed voter registration applications to the appropriate election official within the prescribed amount of time.³⁷

Ensure that voter registration policies and procedures are in a format that can be quickly referenced by front line agency employees.

In addition to ensuring that voter registration practices fulfill all requirements of the NVRA, it is also important to include these policies and procedures in a policy document easily accessible for reference by front line agency employees. For example, the North Carolina State Board of Elections maintains its manual for public assistance registration on its website. Concise desk reference guides are also effective.

Appoint a state-level NVRA Coordinator for each agency and Local Coordinators for each local office.

State-level NVRA Coordinators should be appointed for each of the public assistance agencies. The duties of the state NVRA Coordinator should include: serving as a liaison with the chief election official's office; coordinating training of Local Coordinators; overseeing monitoring, including reviewing the data on a monthly basis and designing and overseeing corrective action plans, as applicable; and ensuring the agency has an adequate supply of voter registration applications and declination forms.

A Local NVRA Coordinator should be appointed in each local agency office. Duties of the Local Coordinator should include: overseeing the general administration of the NVRA in the office; serving as a liaison to the chief election official and the State Coordinator; being responsible for record keeping and data collection; ensuring that newly hired staff are trained on voter registration procedures and providing regular refresher training to current employees; ensuring an adequate supply of voter registration applications and declination/preference forms; providing for timely transmission of completed voter registration applications to election officials; and providing for the proper retention of completed declination forms for the required 22 months after a federal election.³⁸

Ensure that all newly hired employees are trained on voter registration procedures and current employees receive refresher training at least annually.

An agency's training materials should be reviewed on a regular basis to ensure they are accurate and up-to-date. Records should be kept of the dates of trainings and who is in attendance. Refresher training should be provided at least annually, although some states' implementing legislation requires training to be conducted more frequently.³⁹ Some states have been able to use technological capabilities such as video conferencing to make regular training more efficient and effective.

Implement a comprehensive monitoring program including regular data collection and employee evaluation.

A strong system of data collection is essential to an effective NVRA program. Indeed, there is no way an agency can ensure compliance with the law without it. Each office should, at a minimum, collect and report to the state agency data on: the number of completed voter registration applications submitted to election officials; the number of declination/preference forms collected, broken down by the client's response on the form; and the number of applications, recertifications, and changes of address received by the agency.⁴⁰ The State NVRA Coordinator and the chief election official should review this data on at least a monthly basis and implement corrective action plans for those offices found to be neglecting their NVRA responsibilities.

Additionally, voter registration responsibilities should be incorporated into employee performance evaluations like any other federally-mandated aspect of job performance. Finally, random unannounced spot checks by state agency or election officials can be an effective way to ensure procedures are being properly implemented at the local offices.

Full implementation of the NVRA is a proven and effective way to ensure low-income citizens have an opportunity to register to vote, but effective implementation does not happen in a vacuum. States that institute simple procedures in line with general principles of effective program management will minimize the likelihood of compliance failures (and potentially costly litigation to correct them) and can achieve dramatic success. If public assistance agencies in every state were performing their NVRA duties at the same level as Ohio or Missouri currently are, millions of low-income citizens could be added to the voter rolls. Seventeen years after the passage of the NVRA, it is time to make its promise of expanded access to the political system a reality.

Appendix

TABLE 1 – Projected Public Assistance Voter Registrations at 15% and 20% of Initial SNAP Applications

State	Total Initial SNAP Applications, FY 2009*	Projected Registrations Over Two Years	
		15%	20%
Alabama	224,043	67,213	89,617
Alaska	30,314	9,094	12,126
Arizona	276,316	82,895	110,526
Arkansas	48,582	14,575	19,433
California	1,185,501	355,650	474,200
Colorado	118,721	35,616	47,488
Connecticut	123,515	37,055	49,406
Delaware	14,043	4,213	5,617
District of Columbia	41,875	12,563	16,750
Florida	1,386,764	416,029	554,706
Georgia	675,411	202,623	270,164
Hawaii	30,334	9,100	12,134
Illinois	409,481	122,844	163,792
Indiana	183,974	55,192	73,590
Iowa	124,822	37,447	49,929
Kansas	71,526	21,458	28,610
Kentucky	209,379	62,814	83,752
Louisiana	281,160	84,348	112,464
Maine	28,476	8,543	11,390
Maryland	244,311	73,293	97,724
Massachusetts	190,998	57,299	76,399
Michigan	323,470	97,041	129,388
Mississippi	166,548	49,964	66,619
Missouri	364,881	109,464	145,952
Montana	25,348	7,604	10,139
Nebraska	33,685	10,106	13,474
Nevada	66,105	19,832	26,442
New Jersey	303,742	91,123	121,497
New Mexico	151,746	45,524	60,698
New York	827,805	248,342	331,122
North Carolina	313,060	93,918	125,224
Ohio	682,044	204,613	272,818
Oklahoma	99,728	29,918	39,891
Oregon	102,867	30,860	41,147

Pennsylvania	735,936	220,781	294,374
Rhode Island	28,662	8,599	11,465
South Carolina	188,882	56,665	75,553
South Dakota	26,755	8,027	10,702
Tennessee	300,369	90,111	120,148
Texas	1,142,727	342,818	457,091
Utah	110,926	33,278	44,370
Vermont	30,819	9,246	12,328
Virginia	150,321	45,096	60,128
Washington	340,228	102,068	136,091
West Virginia	148,308	44,492	59,323
TOTAL	12,564,508	3,769,352	5,025,803

* Source: United States Department of Agriculture

Idaho, Minnesota, New Hampshire, Wisconsin, and Wyoming are exempt from the NVRA because they offered Election Day Registration at the polling place at the time the Act was passed. North Dakota is exempt from the NVRA because it does not require voter registration. These six states are not included in the tables.

TABLE 2 – Initial Applications for SNAP Program Benefits (FY2007 and FY2008) and Voter Registration Applications from Public Aid Agencies (2007 to 2008 Election Cycle)

State	Initial SNAP Applications (FY2007 & 2008) [†]	2007-2008 Public Aid Voter Reg. Apps. ^{††}	Ratio of Public Aid Registrations to Initial SNAP Applications
Alabama	424,599	22,912	5.4%
Alaska	58,567	702	1.2%
Arizona	558,640	11,528	2.1%
Arkansas	242,186	0*	0.0%
California	2,192,038	16,622*	0.8%
Colorado	237,230	12,930	5.5%
Connecticut	235,693	11,287	4.8%
Delaware	28,086	3,469	12.4%
District of Columbia	79,823	405	0.5%
Florida	2,557,399	35,444	1.4%
Georgia	1,280,927	21,762	1.7%
Hawaii	59,096	1,231	2.1%
Illinois	783,132	10,708*	1.4%
Indiana	346,347	2,519	0.7%
Iowa	242,841	10,512	4.3%

Kansas	141,203	10,816	7.7%
Kentucky	407,275	16,673	4.1%
Louisiana	573,025	8,688	1.5%
Maine	56,765	0*	0.0%
Maryland	460,032	30,701	6.7%
Massachusetts	359,525	0*	0.0%
Michigan	624,006**	10,542	1.7%
Mississippi	333,799	4,521	1.4%
Missouri	706,784	45,402	6.4%
Montana	48,983	4,507	9.2%
Nebraska	81,372	1,027	1.3%
Nevada	130,152	4,301*	3.3%
New Jersey	582,186	0*	0.0%
New Mexico	258,758	1,428*	0.6%
New York	1,581,463	220,397	13.9%
North Carolina	591,252	78,509	13.3%
Ohio	1,305,209	116,844	9.0%
Oklahoma	196,689	12,485	6.3%
Oregon	199,491	18,954	9.5%
Pennsylvania	1,411,392	6,390	0.5%
Rhode Island	53,294**	676	1.3%
South Carolina	365,550	15,320	4.2%
South Dakota	51,380	2,827*	5.5%
Tennessee	585,276	158,935	27.2%
Texas	1,924,998	6,338	0.3%
Utah	209,744	9,812*	4.7%
Vermont	58,786	21,205	36.1%
Virginia	283,664	9,008	3.2%
Washington	947,662	0*	0.0%
West Virginia	285,597	0*	0.0%
TOTAL U.S.	24,141,916	978,337	4.1%

† Source: United States Department of Agriculture

†† Source: U.S. Election Assistance Commission

* Either no data or incomplete data provided (less than 90 percent of local jurisdictions reported).

** State was missing FY2008 SNAP application data, so FY2007 data was used for both fiscal years to approximate the value.

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1. U.S. Census Bureau, Current Population Survey, Voting and Registration in the Election of November 2008. Analysis by Dēmos.
2. Same Day or Election Day registration is available in the following states: Idaho, Maine, Minnesota, New Hampshire, Wisconsin, Wyoming, Montana, Iowa, and North Carolina.
3. U.S. Census Bureau, Current Population Survey, Voting and Registration in the Election of November 2008. Analysis by Dēmos.
4. Food Research and Action Center, *SNAP/ Food Stamps Participation in December 2009 New Record Nearly 39 Million Persons*, available at http://www.frac.org/html/news/fsp/2009.12_FSP.htm.
5. 42 U.S.C. § 1973gg (b)(1).
6. See United States Dept. of Justice, Civil Rights Division, “The Voter Registration Requirements of Sections 5, 6, 7 and 8 of the National Voter Registration Act (NVRA): Questions and Answers” (Section 7–Voter Registration Agencies), available at http://www.justice.gov/crt/voting/nvra/nvra_faq.php (last viewed July 8, 2010); NVRA Conf. Report (H.Rept. 103-66).
7. See generally 42 U.S.C. § 1973gg-5.
8. See generally Lisa J. Danetz, “Expanding Voter Registration for Low-Income Ohioans: The Impact of the NVRA,” (June 2010). 2010 data provided by Ohio Department of Jobs and Family Services pursuant to settlement agreement in *Harkless v. Brunner*, No. 06-cv-02284 (N.D. Ohio). Earlier data from U.S. Election Assistance Commission, *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2005–2006*, June 30, 2007, available at <http://www.eac.gov/assets/1/Page/NVRA%20Reports%20and%20Data%20Sets%202006–2005.pdf>.
9. 2008–2010 data provided by Missouri Department of Social Services pursuant to compliance plan in *ACORN v. Levy*, No. 2:08-cv-04084 (W.D. Mo.). Earlier data from U.S. Election Assistance Commission, *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2005–2006*, available at <http://www.eac.gov/assets/1/Page/NVRA%20Reports%20and%20Data%20Sets%202006–2005.pdf>.
10. Data provided by North Carolina State Board of Elections. See also Lisa J. Danetz and Scott Novakowski, *Expanding Voter Registration for Low-Income Citizens: How North Carolina is Realizing the Promise of the National Voter Registration Act*. Dēmos. Updated April 2008, available at <http://www.demos.org/pubs/NVRAupdated.pdf>.
11. Data provided by the Virginia State Board of Elections, available at http://www.sbe.virginia.gov/cms/Statistics_Polling_Places/Index.html. Earlier data from U.S. Election Assistance Commission, *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2005–2006*, available at <http://www.eac.gov/assets/1/Page/NVRA%20Reports%20and%20Data%20Sets%202006–2005.pdf>.
12. Data provided by the Illinois Department of Human Services. Earlier data from U.S. Election Assistance Commission, *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2007–2008*, June 30, 2009, available at <http://www.eac.gov/assets/1/AssetManager/The%20Impact%20of%20the%20National%20Voter%20Registration%20Act%20on%20Federal%20Elections%202007–2008.pdf>.
13. U.S. Election Assistance Commission, *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2007–2008*, June 30, 2009, available at <http://www.eac.gov/assets/1/AssetManager/The%20Impact%20of%20the%20National%20Voter%20Registration%20Act%20on%20Federal%20Elections%202007–2008.pdf>.
14. *Id.*; Scott Novakowski and Brenda Wright, *Dēmos Fact Sheet: National Voter Registration Act*. Dēmos, February 17, 2010, available at http://www.Demos.org/pubs/nvra_factsheet_edit%20-%20FINAL%203.10.pdf
15. *Harkless v. Brunner*, 545 F.3d 445, 451 (6th Cir. 2008).
16. *Id.* at 455.
17. *ACORN v. Levy*, 2008 WL 2787931, at *5–6 (W.D. Mo. 2008).
18. *Id.*

19. For example, no one noticed or followed up when Lorain County—part of Greater Cleveland and including the 10th largest city in Ohio—reported a total of 9 voter registration applications submitted at all its public assistance offices in the 2005–2006 reporting period. See U.S. Election Assistance Commission, 2006 Election Administration and Voting Survey Data Files (Excel Spreadsheet, page juri_02_34, column AD), available at <http://www.eac.gov/assets/1/AssetManager/2006%20UOCAVA%20Survey%20All%20Data.zip> (last viewed May 26, 2010).
20. For example, a 2005 investigation of public assistance offices in six Ohio counties found that only one office had voter registration forms on site, and the forms in that office were buried in an out-of-the-way corner. See Complaint Against State of Ohio for NVRA Noncompliance, *Harkless v. Brunner*, No. 1:06-cv-02284-PAG (N.D. Ohio), filed Sept. 20, 2006. Field investigations in Virginia found that seven of nine Department of Social Services offices visited did not have any voter registration applications on site. See Allegra Chapman and Scott Novakowski, *Expanding Voter Registration For Low-Income Virginians: The Impact of the National Voter Registration Act*, Dēmos, October 2008, available at http://www.demos.org/pubs/NVRA_VA.pdf. In Missouri, over a five-year period from 2003–2008, the Department of Social Services was close to one million voter registration forms short of the number that it would have needed to be in compliance with the law. See *ACORN v. Levy*, 2008 WL 2787931, at *4 (W.D. Mo. 2008). In other words, some one million clients were denied voter registration services in Missouri.
21. For example, of 103 clients interviewed in Ohio, only three reported being provided with a form that asked whether they wanted to register to vote. With respect to specific counties, the DJFS of Cuyahoga County, Ohio, a county that includes Cleveland, simply kept a stack of voter registration applications on a table in the waiting room rather than provide a voter registration application with each application, recertification, and change of address as required. The Hamilton County DJFS, also in Ohio, did not provide voter registration services with changes of address, one of the most important points of contact since even a previously registered voter needs to re-register at that point. The story is similar in other states. In Missouri, only four clients of 56 reported being provided with a form asking about voter registration and in two major cities in North Carolina (Raleigh and Greensboro) not a single person reported being offered the required voter registration services. Lisa J. Danetz and Scott Novakowski, *Expanding Voter Registration for Low-Income Citizens: How North Carolina is Realizing the Promise of the National Voter Registration Act*, Dēmos, updated April 2008. <http://www.demos.org/pubs/NVRAUpdated.pdf>. See also, Jody Herman, *Research Memo: NVRA Public Agency Registration (Section 7) Field Research Results*, Project Vote, May 1, 2008, available at http://projectvote.org/images/publications/NVRA/NVRA_Field_Research_Results_Memo_5-1-08.pdf.
22. *ACORN v. Levy*, 2008 WL 2787931, at *5 (W.D. Mo. 2008).
23. U.S. Election Assistance Commission, *The Impact of the National Voter Registration Act on the Administration of Elections for Federal Office, 2007–2008*, June 30, 2009. Full data set available at http://www.eac.gov/research/national_voter_registration_act_studies.aspx.
24. U.S. Census Bureau, State and County Quick Facts, Marion County, available at <http://quickfacts.census.gov/qfd/states/18/18097.html>, (last viewed May 17, 2010).
25. U.S. Election Assistance Commission, *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2007–2008*, June 30, 2009, available at <http://www.eac.gov/assets/1/AssetManager/The%20Impact%20of%20the%20National%20Voter%20Registration%20Act%20on%20Federal%20Elections%202007-2008.pdf>.
26. Data provided by the State of Ohio in *League of Women Voters v. Ohio*, No. 05-cv-7309 (N.D. Ohio). DJFS offices in Erie, Guernsey, Jefferson, Medina, Morgan, Morrow, Muskingum, Ross, Washington and Wyandot counties failed to register a single voter during the 2003–2004 reporting period.
27. *Id.* DJFS offices in Ashland, Clermont, Coshocton, Hancock, Hardin, Hocking, Jackson, Licking, Logan, Lorain, Mercer, Monroe, Perry, Pickaway, Richland, Seneca, and Union counties each collected fewer than ten voter registration applications during the 2003–2004 reporting period.
28. *Id.* DJFS offices in Adams, Auglaize, Brown, Butler, Champaign, Crawford, Fayette, Fulton, Geauga, Harrison, Henry, Holmes, Huron, Lake, Madison, Meigs, Montgomery, Noble, Ottawa, Paulding, Pike, Putnam, Sandusky, Scioto, Shelby, Summit, Vinton, Warren, Wayne, Williams and Wood counties each submitted fewer than 100 voter registration applications during the 2003–2004 reporting period.
29. An argument sometimes made to justify the declining number of public assistance registrations is that the decline was a result of shrinking

TANF caseloads following the 1996 welfare reform legislation, rather than widespread non-compliance with the law. A 2008 report by the Heritage Foundation makes this claim based solely on statistical analysis. David Muhlhausen and Patrick Tyrrell, "Welfare Reform a Factor in Lower Voter Registration at Public Assistance Offices," The Heritage Foundation, June 11, 2008, available at <http://www.heritage.org/Research/Reports/2008/06/Welfare-Reform-a-Factor-in-Lower-Voter-Registration-at-Public-Assistance-Offices>. However, a subsequent report by two prominent political scientists concludes that the Muhlhausen and Tyrrell study suffers from several significant methodological flaws that undermine the validity of their claims. R. Michael Alvarez and Jonathan Nagler, *Declining Public Assistance Voter Registration and Welfare Reform: A Response*, Demos, October 2009, available at http://www.demos.org/pubs/declining_public.pdf. It should further be noted that Muhlhausen and Tyrrell's conclusions were based solely on statistical analysis and did not include any on-the-ground investigation of public assistance office practices.

30. *ACORN v. Levy*, No. 2:08-cv-04084 (W.D. Mo.); *Harkless v. Brunner*, No. 1:06-cv-02284-PAG (N.D. Ohio); *NAACP v. Murphy*, No. 1:09-cv-0849-WTL-DM (S.D. In.); *Valdez v. Herrera*, No. 1:09-cv-00668-JCH-DJS (D.N.M.).
31. Oversight hearings on the priorities of the Justice Department's Civil Rights Division were held by the House Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Civil Liberties on February 26, 2008. A hearing on voter registration in which the NVRA was discussed was held by the House Administration Committee's Subcommittee on Elections on November 16, 2007. On April 1, 2008, the House Administration Committee's Subcommittee on Elections held a hearing specifically on implementation of the NVRA in public assistance agencies. See Lisa J. Danetz, "Testimony before the Committee on House Administration, Subcommittee on Elections, United States House of Representatives," April 1, 2008, available at <http://www.demos.org/pubs/Danetz%20Testimony%204-1.pdf>.
32. See United States Dept. of Justice, Civil Rights Division, *The Voter Registration Requirements of Sections 5, 6, 7 and 8 of the National Voter Registration Act (NVRA): Questions and Answers*, available at http://www.justice.gov/crt/voting/nvra/nvra_faq.php (last viewed July 8, 2010);
33. A similar analysis using earlier data can be found in Douglas R. Hess, Joanne B. Wright, and Lance T. Uradomo, *Cheating Democracy: Discrimination in the Implementation of Motor Voter Laws*, Project Vote, December 4, 1995, report on file with the author.
34. SNAP data provided by the United States Department of Agriculture. Tennessee voter registration data from U.S. Election Assistance Commission, *The Impact of the National Voter Registration Act on the Administration of Elections for Federal Office, 2007–2008*, June 30, 2009, available at <http://www.eac.gov/assets/1/AssetManager/The%20Impact%20of%20the%20National%20Voter%20Registration%20Act%20on%20Federal%20Elections%202007–2008.pdf>. Missouri voter registration data provided by Missouri Department of Social Services pursuant to compliance plan in *ACORN v. Levy*, No. 2:08-cv-04084 (W.D. Mo.). Ohio voter registration data provided by Ohio Department of Jobs and Family Services pursuant to settlement agreement in *Harkless v. Brunner*, No. 06-cv-02284 (N.D. Ohio).
35. See Table 1 for analysis of public assistance agency registration applications as reported to the EAC for 2007–2008.
36. See 42 U.S.C. § 1973gg-5 (a)(6)(B).
37. Not later than 10 days after the date of acceptance or five days if close to an election. See 42 U.S.C. § 1973gg-5 (d).
38. For a good description of NVRA Coordinator requirements see Settlement Agreement, *Harkless v. Brunner*, 1:06-cv-2284 (N.D. Ohio, 2009), available at <http://www.demos.org/pubs/Signed%20Final%20Settlement%20Agreement.pdf>.
39. Pennsylvania and West Virginia require training every 6 months. 4 Pa. Stat. § 183.15(b)(9) and W.Va. Code § 3–2-13(f).
40. The Ohio and Missouri settlement agreements reflect various ways of collecting this data. See Settlement Agreement, *Harkless v. Brunner*, No. 1:06-cv-2285 (N.D. Ohio 2009), available at <http://www.demos.org/pubs/Signed%20Final%20Settlement%20Agreement.pdf>; and Settlement Agreement, *ACORN v. Levy*, No. 2:08-cv-04084 (W.D. Mo. 2009), available at http://www.demos.org/pubs/Settlement_MONVRA.pdf. Virginia and North Carolina have voluntarily adopted data collection systems. See Allegra Chapman and Scott Novakowski, *Expanding Voter Registration For Low-Income Virginians: The Impact of the National Voter Registration Act*, Demos, October 2008, available at http://www.demos.org/pubs/NVRA_VA.pdf; and Lisa J. Danetz and Scott Novakowski, *Expanding Voter Registration for Low-Income Citizens: How North Carolina is Realizing the Promise of the National Voter Registration Act*, Demos, updated April 2008, available at <http://www.demos.org/pubs/NVRAupdated.pdf>.

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