



Millions to the Polls

PRACTICAL POLICIES
TO FULFILL THE FREEDOM TO VOTE
FOR ALL AMERICANS

**NATIONAL VOTER
REGISTRATION ACT
ENFORCEMENT
& EXPANSION**

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NATIONAL VOTER REGISTRATION ACT ENFORCEMENT AND EXPANSION

- The NVRA was intended to make voter registration widely available at agencies serving the public, and is an important tool for modernizing voter registration.
- Ensuring compliance with NVRA requirements increases voter registration rates, particularly among low-income populations.
- Expanding the number of designated NVRA agencies can further expand the reach of voter registration opportunities.

Congress enacted the National Voter Registration Act (NVRA) in 1993 with the goal of making voter registration more convenient and accessible. Before the NVRA, registering to vote often meant a trip to the election registrar's office, often open only during business hours.¹ As late as the mid-1980s, eligible voters in many states had to report in person to a central election office in order to register, regardless of how far it might be or how restrictive the office hours were.²

The impact of these restrictions, not surprisingly, was to dampen voter registration rates.³ Overall voter registration rates were lower in 1992 than in 1972.⁴ Recognizing this problem, Congress passed the National Voter Registration Act in 1993 to encourage more eligible people to register by making voter registration more accessible and convenient.⁵

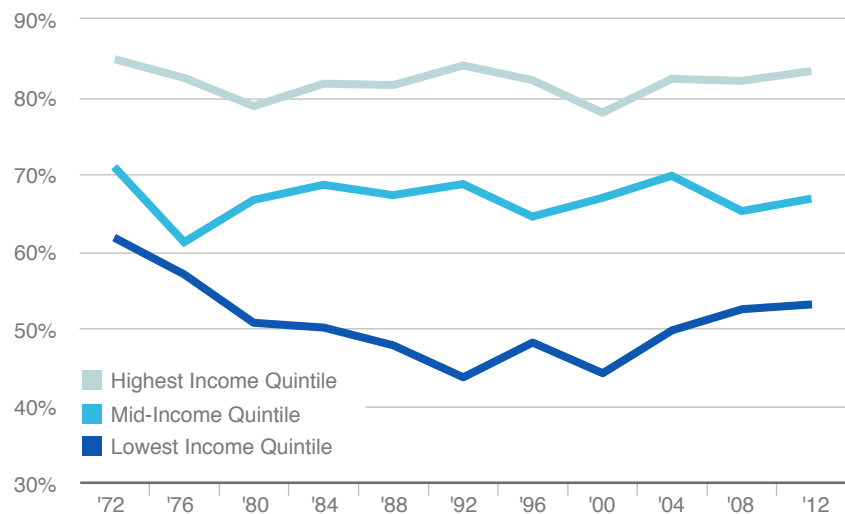
In particular, the NVRA:

- Set the first ever national requirements for accepting mail-in voter registrations,
- Required states to provide registration at numerous public agencies,
- Established the nation's first federal standards for voter list maintenance,
- Outlawed the purging of voters from voter rolls solely for non-voting, and
- Established the first national voter registration application.⁶

When properly implemented, the NVRA can help millions of eligible voters register and engage in the political process. It can be of particular importance for encouraging registration among

low-income voters. In 1996, the first presidential election after the implementation of NVRA, voter registration among the lowest income quintile increased significantly, as the graph below shows. Moreover, after Dēmos and other groups instituted renewed enforcement efforts over the last several years (see sidebar), voter registration among the lowest income quintile of Americans had risen to 52.7 in 2012, compared to only 43.5 percent in 1992.

Voter Registration Rates and Income Levels, 1972-2012



Source: U.S. Census Bureau, Current Population Survey

Different sections of the NVRA target different populations to increase voter registration. The most well known provision, which gave the law the nickname Motor Voter, requires state motor vehicle offices to offer voter registration opportunities. Eligible citizens can register to vote when they apply for a driver's license. Under Section 5 of the NVRA, every driver's license application is simultaneously a voter registration application, unless the applicant does not sign the voter registration application.⁷ In addition, all changes of address submitted to state motor vehicle agencies must be forwarded to election authorities, unless the registrant chooses to opt out, automatically updating the eligible voter's registration.⁸

Section 7 of the NVRA expands voter registration access by requiring any office that provides public assistance,⁹ as well as state-funded programs primarily engaged in providing services to persons with disabilities,¹⁰ to also provide voter registration services.¹¹ Section 7 also requires Armed Forces recruitment

Enforcing the NVRA

The Presidential Commission on Election Administration (PCEA) recognized that the National Voter Registration Act is “the election statute most often ignored.”¹⁵ When the NVRA is properly implemented by state agencies, it can lead to a marked increase in voter registrations. States must be diligent in meeting their responsibilities. Unfortunately, a decade after the NVRA’s enactment, many states had fallen out of compliance with the law, and the need to ensure full compliance continues. Dēmos and our partners work to ensure that states meet their legal responsibilities to offer voter registration services to their citizens. An increased effort to bring states into compliance with their legal duties under the law has led to more than 2.5 million additional voter registration applications from public service agencies. More work is necessary to ensure that the full potential of the NVRA is realized.

offices to provide voter registration services.¹² Beyond just providing registration forms, however, Section 7 requires that applicants receive the same level of assistance when completing voter registration forms as is provided with completing the agencies’ own forms, and requires agencies to transmit completed registration applications to the appropriate election official.¹³ States are also required to designate “other offices” as voter registration agencies, which may include state higher education facilities, public libraries, city and county clerk offices, and unemployment compensation offices.¹⁴

To ensure compliance with Section 7’s public agency requirements, states have adopted a set of policies that all include the designation of someone responsible for voter registration, training, clear procedures, as well as monitoring and oversight provisions. Among other things, Ohio automatically distributes a voter registration application with each benefits application, renewal, and change of address, conducts regular ongoing training programs for relevant staff members, and performs monthly data tracking and follow-up.¹⁶ Missouri collects and reports detailed data monthly and designates an NVRA coordinator at each local Department of Social Services Office, as well as a state-wide coordinator.¹⁷ Alabama sends a voter registration application by U.S. mail to each benefits recipient interacting with the public assistance agency from outside the office (by mail, Internet or telephone), has adopted a detailed coding system to allow accurate tracking of all voter registration applications obtained from public assistance agencies, and has instituted at least four parallel systems of oversight.¹⁸ Colorado’s implementation program includes a web-based data reporting system.¹⁹

POLICY

RECOMMENDATIONS

To maximize the potential of Section 7's requirement to provide voter registration at public assistance agencies, states should:

- Appoint a State-Level NVRA coordinator for each agency and local coordinators for each local office.
- Review procedures to ensure voter registration policies and procedures are in compliance with the NVRA.
- Provide regular training to front line agency employees and ensure easy availability of voter registration policies and procedures.
- Ensure an adequate supply of voter registration applications and voter preference forms for each office.
- Use technology to integrate voter registration services into covered transactions and to integrate voter data acquired through covered transactions with statewide voter registration lists.
- Implement a comprehensive oversight program including monthly data collection and monitoring to check on each office's performance. ■

Designate additional NVRA agencies

In addition to continuing outreach to lower-income eligible voters, specific communities with low voter registration rates could be reached through expanding NVRA implementation in several key ways.

For example, nearly two out of five American Indians and Alaska Natives who are eligible to voter are not registered.²⁰ Designating Indian Health Service (IHS) facilities as voter registration agencies would help ease barriers to registrations and could reach more than 1.9 million American Indians and Alaska Natives.

Similarly, naturalized Americans vote at rates significantly below native-born Americans. The voter participation gap between the two communities is parallel to the voter registration gap. For naturalized citizens who are registered to vote, turnout rates are comparable, or even higher, than registered native-born citizens. Therefore, making voter registration more accessible is the key to increasing participation of naturalized citizens. Designating the **United States Citizenship and Immigrant Services** as a full voter registration agency would ensure new Americans the opportunity to register to vote at all administrative naturalization ceremonies. USCIS has taken initial steps to encourage voter registration at naturalization ceremonies, but needs a more comprehensive approach to maximize the potential of this change.

The new health care law, the Patient Protection and Affordable Care Act (ACA),²¹ provides an additional opportunity to register millions of new voters. Subsidized health insurance under the ACA—"Insurance Affordability Programs"—constitutes public assistance, so the NVRA's requirement for providing voter registration services applies. Successfully integrating the NVRA voter registration requirements into the **ACA Health Benefit Exchanges** could provide up to 68 million additional eligible voters the opportunity to register to vote and thus to participate in our political process.²²

ENDNOTES

1. J. Mijin Cha, *Registering Millions: The Success and Potential of the National Voter Registration Act at 20* 3 (Mar. 2013), available at <http://www.demos.org/sites/default/files/publications/RegisteringMillions-NVRA-Demos.pdf>.
2. *Ibid.*
3. *Ibid.*
4. *Ibid.*
5. National Voter Registration Act of 1993, 42 U.S.C. §§ 1973gg, *et seq.*
6. Cha, *Registering Millions*.
7. 42 U.S.C. § 1973gg-3(a)(1).
8. 42 U.S.C. § 1973gg-3(d).
9. 42 U.S.C. § 1973gg-5(a)(2)(A).
10. 42 U.S.C. § 1973gg-5(a)(2)(B).
11. 42 U.S.C. § 1973gg-5(a)(6).
12. 42 U.S.C. § 1973gg-5(a)(7)(c).
13. *Generally* 42 U.S.C. § 1973gg-5.
14. *Ibid.*
15. Presidential Commission on Election Administration, *The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration* 17 (Jan. 2014) available at <http://www.supportthevoter.gov/>.
16. Dēmos, *Federal Court Lawsuit Settlement Brings Ohio Into Compliance with National Voter Registration Act* (Nov. 2009), available at <http://www.demos.org/press-release/statement-federal-court-lawsuit-settlement-brings-ohio-compliance-national-voter-regis>.
17. Dēmos, *Settlement in Missouri Voter Registration Lawsuit*, (2008), available at <http://www.demos.org/sites/default/files/publications/Settlement%20Agreement%20in%20Missouri%20Voter%20Registration%20Lawsuit.pdf>.
18. Dēmos, *Alabama and Alabama NAACP Agree to Procedures to Ensure Voter Registration Opportunities at Public Assistance Agencies*, (Jan 2014) available at <http://www.demos.org/press-release/alabama-and-alabama-naacp-agree-procedures-ensure-voter-registration-opportunities-p-0>.
19. Tova A. Wang *et al.*, *Voting in 2010: Ten Swing States* 17 (Sept. 2010), available at http://www.demos.org/sites/default/files/publications/SwingStates2010_Demos.pdf.
20. Cha, *Registering Millions*.
21. Pub. L. No. 111-148, 124 Stat. 119, codified as amended at scattered sections of the Internal Revenue Code & 42 U.S.C.
22. Lisa J. Danetz, *Building A Healthy Democracy: Registering 68 Million People Through Health Benefit Exchange*, (2013), available at <http://www.news ninja2012.com/wp-content/uploads/2013/10/NVRA-HealthExchange.pdf>.