



October 12 2007

Via USPS-Priority Mail

Jane Drummond, Director
Missouri Department of Health and Senior Services
912 Wildwood Drive
PO Box 570
Jefferson City, MO 65102-0770

Dear Ms. Drummond:

On behalf of the Association of Community Organizations for Reform Now (ACORN), we write to notify you that the Missouri Department of Health and Senior Services (DHSS) is not in compliance with the National Voter Registration Act of 1993, 42 U.S.C. § 1973gg, *et seq.* (the “NVRA”), and to urge you to take steps to bring the Department into compliance.

Federal law requires agencies designated by the state as “voter registration agencies” to provide certain specified voter registration services. *See* 42 U.S.C. § 1973gg-5. DHSS is a designated “voter registration agency” and, therefore must, at a minimum, distribute mail voter registration application forms, assist applicants in completing the voter registration forms, and accept completed voter registration forms and forward them to the appropriate election official. *See id.* § (a)(4)(A). More specifically, pursuant to Section 7 of the NVRA, DHSS offices must (i) distribute voter registration materials with each application for assistance and with each recertification, renewal or change of address form relating to such assistance; (ii) inquire of the applicant, in writing, whether he or she would like to register to vote or change his or her voter registration address; (iii) inform the applicant, in writing, that the decision to register or decline to register to vote will not affect the amount of assistance provided by the agency; and (iv) provide assistance completing the voter registration forms to the same degree the agency provides assistance in completing its own forms. *See id.* § (a)(6).

Substantial evidence demonstrates Missouri DHSS’ failure to provide mandatory voter registration services at its offices as required by the NVRA.¹ Registration at public assistance agencies in Missouri in the most recent reporting period, 2005-2006, has dropped to almost one-tenth of the numbers achieved in 1995-1996, the first years of the

¹ The evidence is canvassed more fully in a report recently published by Project Vote, “Investigating Voting Rights In Missouri: An Assessment of Compliance with the National Voter Registration Act in Public Assistance Agencies,” a copy of which is enclosed.

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NVRA. In 2005 and 2006, public assistance agencies helped only 15,568 clients register. The following table shows the steady, steep drop in public assistance voter registrations in each two-year cycle since 1995-96:

Missouri Voter Registration Applications from DSS & HSS

	1995-1996	1997-1998	1999-2000	2001-2002	2003-2004	2005-2006
DSS & HSS Registrations	143,135	68,475	51,951	34,923	17,637	15,568

During this same time period, the percentage of Missourians registered at public assistance agencies dropped from 15% of total registrations to only 2%. Indeed, partly because of a lack of registration at public assistance agencies, Missouri now has an economic registration gap of 15 percentage points: only 66 percent of citizens in households making less than \$15,000 reported being registered to vote compared to 81 percent of citizens in households making \$75,000 or more.²

While DHSS does not serve all the clients that visit public assistance agencies and should be offered the opportunity to register, the average monthly participation in Missouri's Women, Infant and Children (WIC) program has increased since at least FY 2002 (with the exception of a slight drop in FY 2005), with an average monthly caseload of 132,493 in FY 2006 [Source: United States Department of Agriculture Food and Nutrition Service, available at <http://www.fns.usda.gov/pd/26wifypart.htm>]. The fact that public assistance voter registrations have dramatically decreased while average WIC participation is generally on the rise suggests DHSS, like Missouri's DSS agencies, is not complying with the law. DSS has been notified of their non-compliance by a letter similar to this one.

A survey conducted by Project Vote also shows DHSS' lack of compliance with Section 7. In May 2007 Project Vote visited WIC offices in three counties in Missouri: Jackson, Clay (Kansas City) and St. Louis City. In the three offices visited, no voter registration applications were given to the Project Vote staff member who requested applications for WIC, despite the clear requirement in the NVRA that applications for voter registration be included with these materials. Furthermore, two WIC sites did not have voter registration materials available even when specifically requested.

By requiring states to offer voter registration applications at public assistance agencies, Congress specifically intended to increase voter registration among low-income citizens. DHSS' failure to comply with these provisions of the NVRA has profound consequences. DHSS must recognize its obligations under the NVRA and implement changes promptly so that all of its citizens, including its citizens who receive public assistance, are able to participate in the electoral process.

²U.S. Census, Current Population Survey November 2006 Voting Supplement, analysis by Demos.

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We believe that full compliance with the requirements of the NVRA will increase the number of voter registrations in DHSS offices, to the benefit of the clients you serve. We hope that you agree. Project Vote, Demos and the Lawyers' Committee for Civil Rights Under Law are currently collaborating with the State of North Carolina to implement a program that initially appears to be increasing voter registration at their public assistance agencies. We are happy to meet with you at your earliest convenience to assist in the development of a comprehensive plan to do the same.

Please advise us promptly of the steps you intend to take to remedy your agency's violations of Section 7 of the NVRA, including (i) the measures you will implement to assure future compliance and (ii) the steps you will take to provide registration opportunities to those who have been denied their rights under Section 7 of the NVRA in the past three years. Please consider this notice as required by 42 U.S.C. 1973gg-9(b).

Brian Mellor

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Very truly yours,

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cc: Secretary of State Robin Carnahan