



## **A Preliminary Analysis of the Public Assistance Agency Data Within the EAC 2009-2010 Biennial NVRA Report**

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A preliminary analysis of the data within the biennial NVRA report just issued by the United States Election Assistance Commission (EAC) shows the dramatic impact that stepped-up oversight and enforcement of voter registration mandates at state agencies can have in reversing the long decline in registration among low-income and working class Americans. Dēmos, Project Vote and The Lawyers' Committee for Civil Rights Under Law long have been concerned about the decline in voter registration applications at public assistance offices following initial implementation of the National Voter Registration Act ("NVRA") in 1995. In mid-2006, the non-profit partners commenced strong outreach efforts combining negotiated improvements with litigation, where necessary, in states where compliance had lagged. The impact of this work is evident in the increase in voter registration applications at public assistance agencies documented in the EAC's June 2011 report, "[The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 2009-2010.](#)"

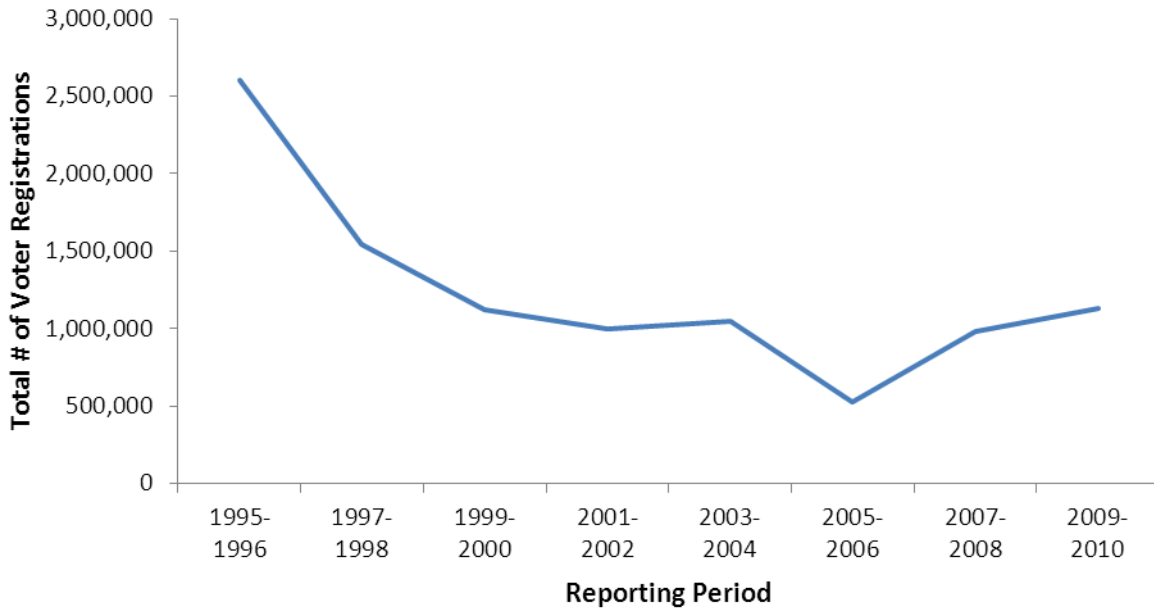
Individual states clearly show the impact of enforcement activity. The number of voter registrations at public assistance agencies has risen sharply in specific states following re-implementation work and litigation. Most of the top ten performing states within the just issued 2009-2010 EAC biennial report – whether measured by absolute numbers of voter registration applications or by voter registration applications relative to the number of SNAP (Supplemental Nutrition Assistance Program) applications—are states where there has been enforcement activity or cooperative efforts to improve public agency registration. For example, Ohio and Missouri, two states that were sued by the non-profit partners and entered into settlement agreements in 2009 to resolve their lack of compliance with public agency registration requirements, topped the charts. Tennessee has been in the top three states since it entered into a consent decree with DOJ in late 2002. Illinois, which entered a pre-litigation settlement agreement during the Bush Administration, also ranked high in terms of the absolute number of people submitting voter registration applications at public assistance offices. North Carolina, Colorado, and Virginia all worked cooperatively with either Dēmos or Project Vote to improve voter registration efforts and Section 7 compliance at public assistance offices.

Under the Obama Administration, enforcement action under Section 7 of the NVRA has just begun. DOJ entered a consent decree with Rhode Island in March 2011, too recent to show any impact in the current EAC report, and also filed a lawsuit in Louisiana this month. The data in the current EAC report strongly underscore the need for the Obama DOJ to step up its enforcement efforts in this area.

Unfortunately, the data in the recent EAC Report also show that many states continue to ignore their responsibilities. While voter registration applications have been increasing at agencies serving low-income Americans since 2005-2006, it nevertheless has dropped off by 57 percent since 1995. The underlying problem remains evident in states with dismal numbers, such as Georgia. Other states, such as Iowa, Massachusetts, New Mexico, and West Virginia, simply failed to report data on the issue to the EAC.

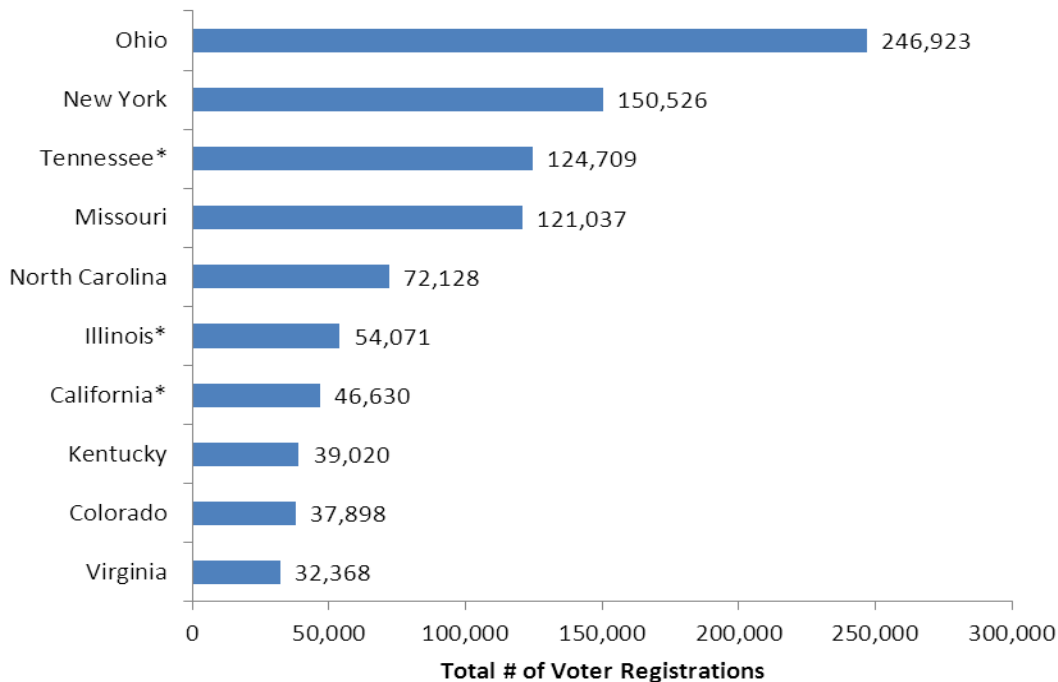
Unless otherwise indicated, the charts and graphs below are based on data within the EAC biennial NVRA reports from 1995-1996 through 2009-2010.

**Total number of Voter Registration Applications Received from Public Assistance Offices, 1995-2010**



**Voter Registration Applications Received from Public Assistance Offices, 2009-2010**

*Top Ten States ranked by absolute number of voter registration applications*



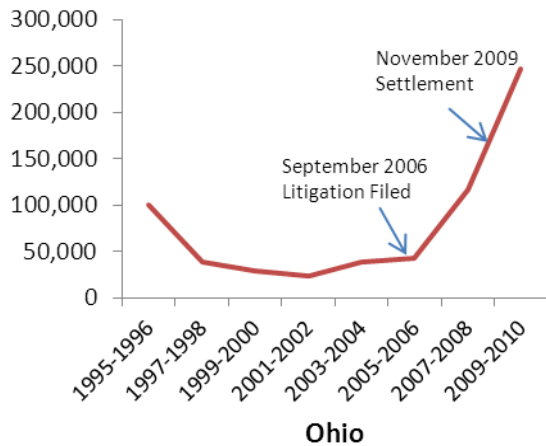
Note (\*): All of the election jurisdictions in each of the states above reported total number of voter registration forms received from public assistance offices, with the exception of California (98.3% of jurisdictions), Illinois (88.2%) and Tennessee (97.9%). See "Incomplete Reporting" chart below.

*Top Ten States ranked by number of voter registration forms relative to number of SNAP (Supplemental Nutrition Assistance Program, formerly Food Stamps) applications in FY 2009-2010*

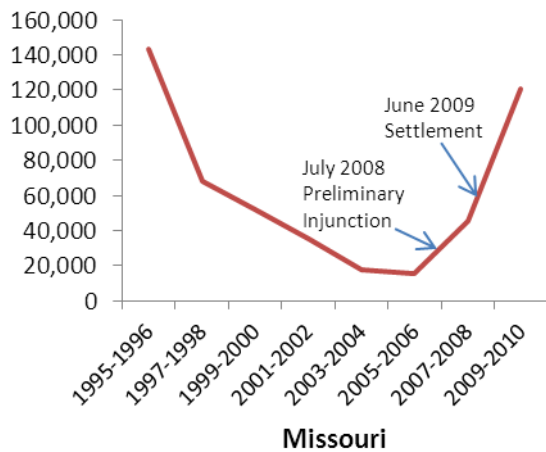
<b>State</b>	<b>VRs</b>	<b>FS Appst†</b>	<b>VR/FS (%)</b>
Missouri	121,037	633,264	19.1
Ohio	246,923	1,365,741	18.1
Tennessee	124,709	735,574	17.0
Delaware	1,741	15,615	11.1
Maine	7,112	63,788	11.1
Colorado	37,898	342,169	11.1
Montana	6,564	64,993	10.1
New York	150,526	1,670,844	9.0
North Carolina	72,128	826,940	8.7
Kentucky	39,020	476,238	8.2

†Total number of initial food stamp applications in FY 2009 and 2010, provided by Karen Peko, USDA

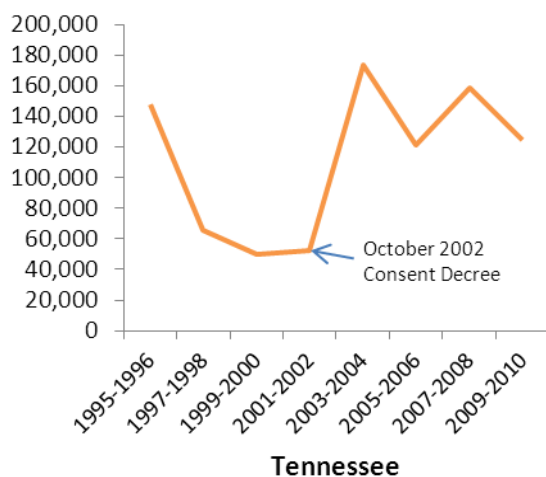
### NVRA Public Agency Enforcement Litigation



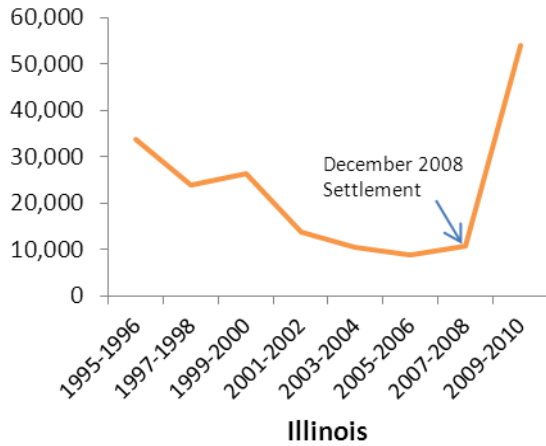
After the first two years of NVRA implementation, registrations from **Ohio** public agencies fell from over 100,000 in 1995–1996 to just over 42,000 in 2005–2006. The non-profit partners sent a pre-litigation notice letter in May 2006 and filed a lawsuit in **September 2006**, after which applications began to rise. The lawsuit was settled in **November 2009** and Ohio then processed over 246,000 applications through public agencies in 2009-2010, making it number one in the nation.



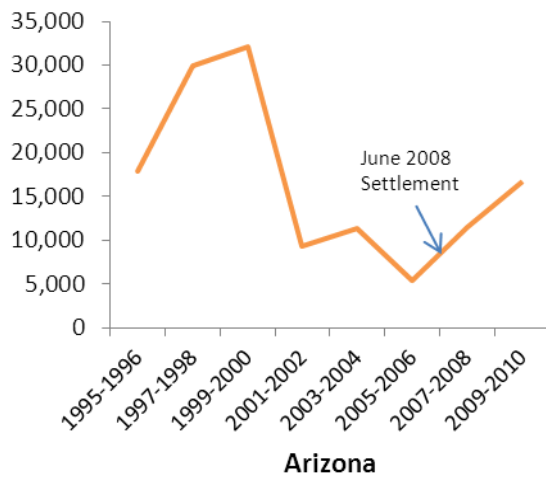
In **Missouri**, the first two-year reporting period after the passage of the NVRA was a success, but there was a sharp decline in voter registration application numbers from Missouri agencies in the years afterward, with state agencies reporting only 15,568 in 2005-2006. The non-profit partners sent a pre-litigation notice letter in July 2007 and filed a lawsuit in April 2008. Applications began to rise dramatically following a **July 2008** court order that Missouri must immediately begin complying with Section 7. The lawsuit was settled in **June 2009**, and Missouri agencies processed over 121,000 applications in 2009-2010.



The high number of voter registration applications **Tennessee** saw in the first reporting period after passage of the NVRA more than halved in the following reporting period and continued to fall. Immediately after agreeing to a consent decree with the DOJ in **October 2002**, however, the number of voter registration applications at public assistance agencies in the state shot up more than five-fold. Tennessee has continued to be a national leader in public assistance registration, registering at least 120,000 low-income voters biennially and ranking in the top three for each EAC report since the consent decree. Tennessee reported 124,709 voter registration applications at public assistance offices in the 2009-2010 EAC report.

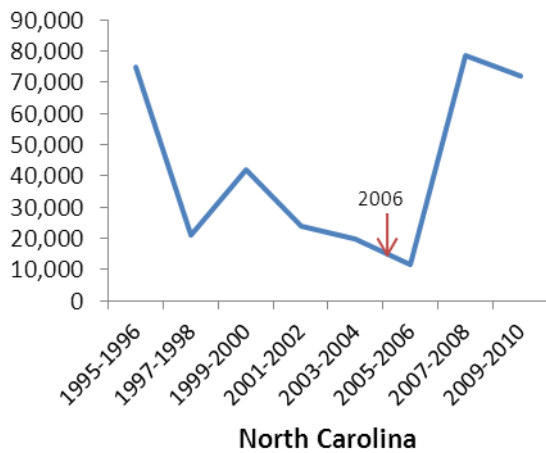


Just after passage of the NVRA, **Illinois** asserted that the Act was unconstitutional and implemented its provisions only under court order. Perhaps unsurprisingly, its numbers were not particularly high in the first reporting period and afterwards, numbers plummeted by almost 75 percent— from 33,837 registrations to only 8,948 registrations at the lowest point. On **December 19, 2008**, the DOJ and Illinois' primary public assistance agency entered into a pre-litigation settlement agreement to ensure the state's compliance with the NVRA. Since the settlement agreement, public assistance registrations in Illinois have increased more than five-fold – up to 54,071 in 2009-2010.

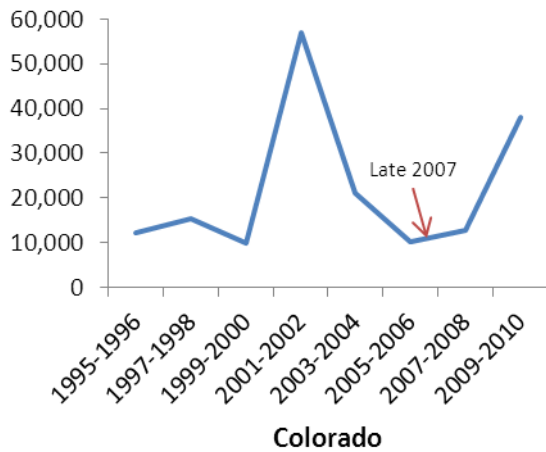


After the high of 32,137 voter registration applications submitted to public assistance agencies in the 1999-2000 reporting period, voter registration applications at public assistance offices in **Arizona** entered a steep decline. On **May 15, 2008**, the DOJ and **Arizona's** primary public assistance agency entered into a pre-litigation settlement agreement to ensure the state's compliance with the NVRA. The 2009-2010 numbers, 16,694 voter registration applications, show voter registration applications have almost returned to the initial 1995-1996 levels.

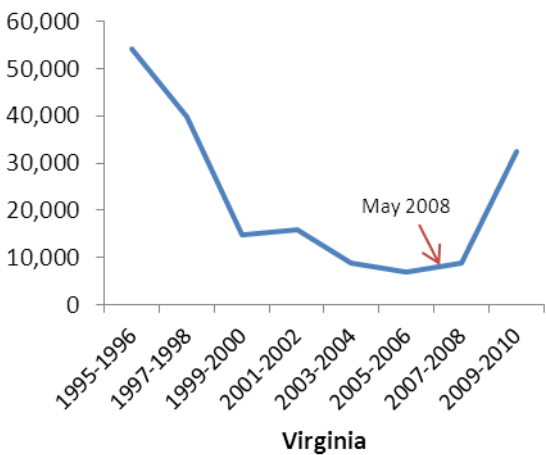
### NVRA Cooperative Public Agency Enforcement



After being presented statistical data and evidence from field investigations indicating noncompliance by the non-profit partners in **summer 2006**, the **North Carolina** State Board of Elections (SBOE), worked with Demos and acted quickly to put in place an effective re-implementation plan. As a result of that plan, North Carolina’s public assistance agencies have registered over 150,000 voters— a nearly six-fold increase—since February 2007. North Carolina reported 72,128 voter registration applications submitted to public assistance offices in 2009-2010.



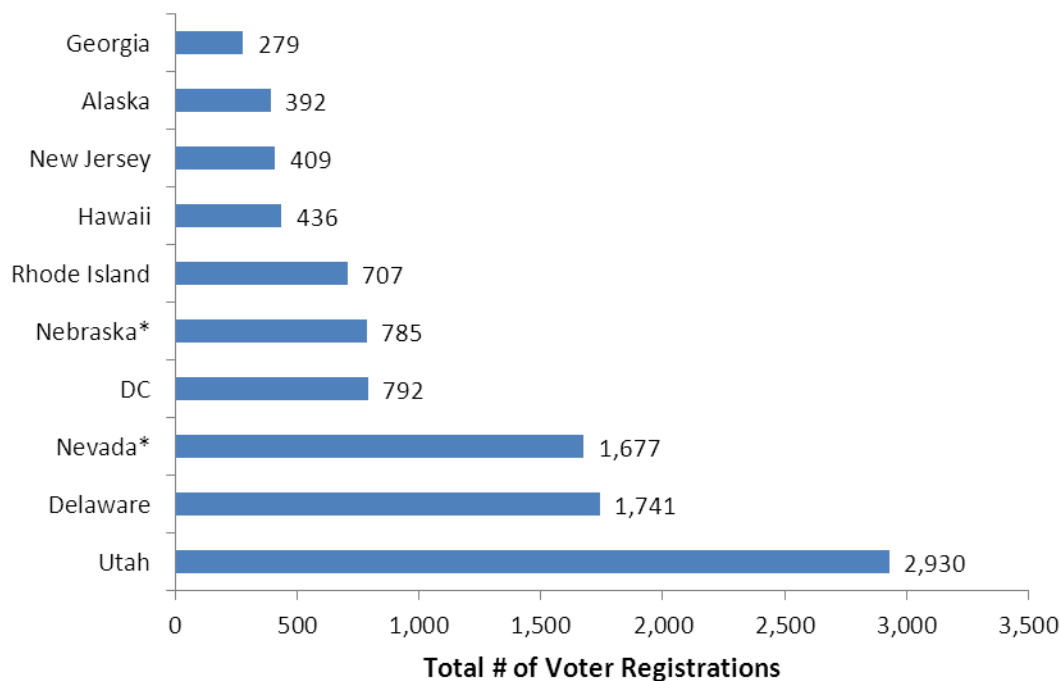
From a high of 56,000 in 2001-2002, **Colorado’s** public assistance agency applications fell to a mere 10,222 in 2005-2006. Led by Project Vote, a partnership between advocacy groups and the Colorado Secretary of State’s office began in **November 2007** to improve NVRA compliance at the state’s Department of Human Services . The first of two pre-litigation notice letters detailing allegations of noncompliance was sent in **May 2008**, and voter registration applications have been climbing ever since, with nearly 38,000 applications from Colorado agencies in 2009-2010.



From the time of implementation through the 2005-2006 reporting period, the number of voter registration applications from **Virginia’s** public assistance agencies declined by more than 87 percent – from 54,051 to 7,030. In **May 2008**, Dēmos and its partners began working cooperatively with state elections and public assistance officials to improve procedures. As a result of the compliance plan, the number of voter registration applications submitted at public assistance offices is climbing and four times as many public assistance clients have been able to register to vote every month in the past three years. The state reported 32,368 applications in 2009-2010.

**Voter Registration Applications Received from Public Assistance Offices in 2009-2010**

*Bottom Ten States ranked by absolute number of voter registration applications*



Note (\*): All of the election jurisdictions in each of the states above reported total number of voter registration forms received from public assistance offices, with the exception of Nevada (52.9% of jurisdictions) and Nebraska (68.8%). See “Incomplete Reporting” chart below.

*Bottom Ten States ranked by number of voter registration forms relative to number of SNAP (Supplemental Nutrition Assistance Program, formerly Food Stamps) applications in FY 2009-2010*

State	VRs	FS Apps†	VR/FS (%)
Georgia	279	1,627,274	0.0
New Jersey	409	412,037	0.1
Texas	3,334	2,990,521	0.1
Pennsylvania	4,179	1,814,000	0.2
Florida	13,707	4,903,536	0.3
Nebraska*	785	160,380	0.5
Nevada*	1,677	335,584	0.5
Alaska	392	73,691	0.5
Hawaii	436	77,754	0.6
Arkansas	4,078	674,908	0.6

†Total number of initial food stamp applications in FY 2009 and 2010, provided by Karen Peko, USDA

\*: All of the election jurisdictions in each of the states above reported total number of voter registration forms received from public assistance offices, with the exception of Nevada (52.9% of jurisdictions) and Nebraska (68.8%). See “Incomplete Reporting” chart below.

**States with Incomplete Reporting**

Data on the number of voter registration forms received from public assistance agencies were incomplete in the following states:

State	Election Jurisdictions in State (e.g. county)			Total VRs
	Total #	# Reported	% Reported	
Alabama	67	66	98.5	19,059
California	58	57	98.3	46,630
Tennessee	95	93	97.9	124,709
Washington	39	37	94.9	6,612
Illinois	110	97	88.2	54,071
Nebraska	93	64	68.8	785
Mississippi	82	51	62.2	8,378
Nevada	17	9	52.9	1,677
Vermont	233	123	52.8	461
Iowa	99	0	0.0	n/a
Massachusetts	351	0	0.0	n/a
New Mexico	33	0	0.0	n/a
West Virginia	55	0	0.0	n/a

In addition, at least seven states (California, Delaware, Iowa, Maine, Missouri, Ohio and Virginia) misreported the number of voter registration forms received from public assistance agencies (see page 41-42 of EAC 2009-2010 Report).