



January 29, 2008

***VIA US POSTAL SERVICE***

Honorable Kurt S. Browning  
Secretary of State  
Florida Department of State  
R. A. Gray Building  
500 South Bronough Street  
Tallahassee, FL 32399-0250

Re: NVRA Section 7 Compliance

Dear Secretary Browning:

On behalf of the Association of Community Organizations for Reform Now (ACORN), we write to notify you that the Florida Department of Children and Families (DCF) and the Florida Department of Health (FDH) are 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 these Departments 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. DCF and FDH are designated “voter registration agencies” 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, DCF and FDH 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 Florida DCF and FDH's failure to provide mandatory voter registration services at their offices as required by the NVRA.

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Registration at public assistance agencies in Florida in the most recent reporting period, 2005-2006, has dropped to less than one-tenth of the numbers achieved in 1995-1996, the first years after enactment of the NVRA, and to less than one-fifth of the numbers reported in the 2003-2004 period. In 2005 and 2006, public assistance agencies helped only 13,436 clients register to vote. The following table shows the overall decrease in public assistance voter registrations since 1995-96, and a marked decline in public assistance registrations since 2003-2004:

**Florida Voter Registration Applications, Selected Sources and Statistics**

	<b>1995-1996</b>	<b>1997-1998</b>	<b>1999-2000</b>	<b>2001-2002</b>	<b>2003-2004</b>	<b>2005-2006</b>
<b>Agency Registrations</b>	158,836	47,990	31,619	59,460	83,679	13,436
<b>All Registrations</b>	2,723,303	2,319,830	2,850,347	2,626,913	1,367,914	1,808,831
<b>Agency/ All Registrations</b>	6%	2%	1%	2%	6%	0.7%

*EAC & FEC data source for voter registration data. "Public Assistance Offices" in EAC tables include offices under Florida's Department of Health (WIC), Department of Children and Families (TANF, Food Stamps, and Medicaid). Here "Public Assistance Offices" registrations will be called "Agency Registrations."*

From the peak time period of 1995-1996, the percentage of Floridians registered at public assistance agencies dropped from 6% of all registrations to only 0.7% in 2005-2006. Indeed, partly because of the lack of voter registration services at public assistance agencies, Florida now has an economic registration gap of 19 percentage points: only 59 percent of citizens in households making less than \$15,000 reported being registered to vote compared to 78 percent of citizens in households making \$75,000 or more.<sup>1</sup>

Florida's DCF and FDH offices serve all the clients of the following programs, among others: WIC, Temporary Cash Assistance (TANF), Food Stamps, and Medicaid. All clients of these programs should be offered the opportunity to register to vote, yet the data indicate that only a tiny percentage of program participants are being registered. The table below compares the approximate number of monthly participants in just one of these programs, Food Stamps, with the number of all agency registrations. Participation in the Food Stamp program was higher in 2005-2006 than in any two-year period since 1995-1996; yet agency registrations dropped precipitously in 2005-2006. While the average monthly participation in the Food Stamp program was at 1,266,144 for the 2005-2006 period only 13,436 voter registrations originated from all public assistance agencies during that time. This alone suggests that DCF, which administers the Food Stamp program, is not providing the voter registration opportunities required by Section 7 of the NVRA.

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<sup>1</sup>U.S. Census, Current Population Survey, November 2006 Voting Supplement, analysis by Project Vote.

### Food Stamp Participation and Agency Registrations

	1995-1996*	1997-1998	1999-2000	2001-2002	2003-2004	2005-2006**
<b>Approximate number of monthly food stamp participants</b>	1,345,220	1,027,362	895,878	985,692	1,201,625	1,266,144
<b>Agency Registrations</b>	158,836	47,990	31,619	59,460	83,679	13,436

*Source for food stamp data: Food Research and Action Center (average for four months out of two-year period - June & December of each year totaled and divided by four)*

*Source for voter registration data: same as table above*

*For fiscal year 2006, the USDA reports that over 55 percent of all food stamp participants in Florida were adults. Of those 656,000 adult participants, only 103,000 (15%) were non-citizens.<sup>2</sup>*

*\* Due to lack of available data, for 1995-1996 food stamp participants, used average for 1996 only*

*\*\* Participation includes major hurricane disaster relief in Florida during November 2005.*

A survey conducted by Project Vote confirms both DCF and FDH's lack of compliance with Section 7. In October and November 2007, Project Vote visited DCF and FDH offices in Miami-Dade, Broward, Palm Beach, and Orange counties, which are four of the most populous counties in the state. Of the seven offices visited, four offices did not have voter registration applications available even when specifically requested, despite the clear requirement in the NVRA that all those applying for benefits, recertifying their benefits, or changing an address must be able to register to vote at the agency. In addition, Project Vote surveyed forty-nine clients who met with agency staff to apply for benefits, recertify their applications, or change their address or name. The majority of clients surveyed did not receive the required voter registration services at their public assistance office.

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

We believe that full compliance with the requirements of the NVRA will increase the number of voter registrations in DCF and FDH offices, to the benefit of the clients they serve. We hope that you agree. Project Vote, Demos and the Lawyers' Committee for Civil Rights Under Law are collaborating with a number of states to improve their implementation. Through these efforts, states such as North Carolina and Iowa have substantially increased 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.

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<sup>2</sup> "Characteristics of Food Stamp Households: Fiscal Year 2006", Report No.FSP-07-CHAR, U.S. Department of Agriculture, Food and Nutrition Service, September 2007; see tables B-11, B-12 and B-13.

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Please advise us promptly of the steps you intend to take to remedy your agencies' 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).

Very truly yours,

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