

Toward an Equal Electorate:

Five States' Gains Under the National Voter Registration Act



INTRODUCTION

The 2008 presidential election is historic, with election officials anticipating record turnout. While voter registration and turnout in U.S. elections historically has been skewed toward those with higher incomes, there are indications this may be changing. States are finding that properly implementing an often-neglected provision of the National Voter Registration Act requiring voter registration services at public assistance agencies is an effective way to bring low-income voters onto the rolls. Thanks to reforms implemented by officials in several states at the urging of Demos and its partners, low-income voter registrations in public assistance agencies have increased anywhere from 22 percent to over 2,600 percent compared to previous years. In just five states—North Carolina, Michigan, Virginia, Pennsylvania, and Missouri—an additional 125,290 low-income voters have registered at public assistance agencies prior to the November election, most within the past several months.¹

This report documents the dramatic successes experienced by five states that have taken steps—most cooperatively, one under court order—to ensure that their low-income citizens have adequate access to voter registration services.

State	Post-reform Time Period	Total Registrations During Post-reform Time Period	Average Registrations per Month
North Carolina	February 2007—September 2008	63,047	3,152
Michigan	March 2008—September 2008	21,456	3,065
Virginia	June—September 2008	9,612	2,403
Pennsylvania	June—September 2008	4,759	1,190
Missouri	August 16, 2008—September 30, 2008	26,416	17,610
TOTAL		125,290	

BACKGROUND

The story of American democracy has been one of an expanding and ever more inclusive electorate—from the Fifteenth Amendment prohibiting race as a bar to voting, to the Nineteenth and Twenty-Sixth Amendments giving the right to vote to women and 18 year-olds, respectively, to the Twenty-Fourth Amendment barring poll taxes, to the landmark Voting Rights Act of 1965. Notwithstanding this legal expansion of the franchise, troubling disparities in both voter registration and turnout rates have remained.

Recognizing that “discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office,”² Congress passed the National

Voter Registration Act (NVRA) in 1993 to increase the number of eligible citizens who register to vote. Thus, section 7 of the NVRA requires state public assistance agencies to provide voter registration services to their clients. Unfortunately, research by Dēmos and our partners has indicated that many state agencies have neglected these responsibilities. The number of registrations from public assistance agencies declined almost 80 percent in the ten years since the law took effect, from over 2.6 million registrations in 1995-1996 to only 540,000 in 2005-2006.³ Furthermore field investigations have revealed violations in states across the country.⁴ Perhaps as a result, in 2006, only 60 percent of citizens in households making under \$25,000 a year were registered to vote compared to 80 percent of those in households making \$100,000 or more.

Upon presentation with evidence of noncompliance, states are increasingly stepping up and making efforts to improve their public assistance voter registration programs. This is the story of several of those states.

North Carolina

After being presented in summer 2006 with statistical data and evidence from field investigations indicating noncompliance, the North Carolina State Board of Elections, led by Executive Director Gary Bartlett, acted quickly to put in place an effective re-implementation plan. Mr. Bartlett recounted his state's pride in initially implementing the law in 1995 and acknowledged that compliance had simply "fallen off the radar" over the years. North Carolina's compliance plan included such best practices as Certificates of Cooperation between the agencies and SBOE, regular training for agency employees, weekly data collection, and compliance spot checks by SBOE employees. As a result of the plan and follow-up work conducted by Mr. Bartlett and the SBOE, North Carolina's public assistance agencies have registered over 63,000 voters since February 2007, an average of 3,152 voters per month. In contrast, the state's public assistance agencies only registered 11,607 voters in all of 2005 and 2006, an average of only 484 voters per month. In all, North Carolina has experienced a six-fold increase in the number of registration in their public assistance offices.⁵

Virginia

In the ten years since initial implementation of the NVRA in 1995-1996, the number of voter registration applications from Virginia's public assistance agencies declined at least 87 percent, from 54,051 applications to only 7,030.⁶ Investigations by Dēmos' partner, Democracy South, found that seven of nine offices visited did not have voter registration applications on site. At several of these locations, office staff indicated that they were completely unaware of any obligation to provide voter registration to clients, instead suggesting that such services should be obtained at the DMV, library or city hall.

Within weeks of being presented with these findings, officials from the Virginia Department of Social Services (VDSS) and the State Board of Elections agreed to a meeting in Richmond with representatives from Demos, Democracy South, the Virginia Organizing Project, the State Conference of the NAACP,

and the ACLU. A compliance plan was adopted days later and, within a month, all employees were trained on voter registration procedures and a data collection system was in place.

In the four months since enhanced data collection began in June 2008, VDSS registered 9,612 public assistance clients, over 2,500 more than they registered in all of 2005 and 2006 combined. The first few months of data indicate an almost eight-fold increase in registrations as a result of Virginia's compliance plan.⁷

Michigan

Under the leadership of Director Ismael Ahmed, Michigan's Department of Human Services has worked with Dēmos to design and implement a comprehensive Civic Engagement Initiative. Importantly, DHS's initiative has gone beyond best practices in providing voter registration services. It also has incorporated extensive marketing and outreach efforts, including public service announcements by Michigan celebrities, partnerships with community groups such as the League of Women Voters, and Voter Registration Fairs, events that include voter registration opportunities as well as demonstrations of voting machines and copies of sample ballots.⁸ Since implementing a new computerized data collection system in March 2008, Michigan DHS offices have registered over 21,456 voters, an average of 3,065 per month.

Missouri

Missouri is the only state included in this report that did not voluntarily adopt changes to bring itself into compliance with the law. Upon being notified of its failure to comply with the law, Missouri's Department of Social Services insisted it was in full compliance and refused to take corrective action. Left with no other choice, the community group ACORN and an individual DSS client, represented by Demos, the Lawyers' Committee for Civil Rights Under Law, Dewey and LeBeouf, Project Vote, and a Kansas City attorney filed a lawsuit in federal court. In July 2008, a judge in Kansas City ruled that the state was in violation of the NVRA and ordered it to comply immediately. In her ruling, the judge found that the state's own records indicated that DSS was approximately one million blank voter registration forms short of the number it would need for the state to be in compliance with the law. Additionally, at least one employee had allowed completed voter registration forms to pile up on her desk for a year without turning them in to election officials.

Voter registrations in DSS offices have skyrocketed as a result of the judge's order. Between August 16 and September 30, DSS offices registered over 26,400 voters, an average of 17,600 per month. In comparison, Missouri's public assistance agencies (which also includes the Department of Health and Senior Services) registered only 15,500 voters in all of 2005 and 2006, an average of only 649 registrations per month. When ordered to comply with the law, Missouri DSS increased its average number of registrations per month by over 2,600 percent.

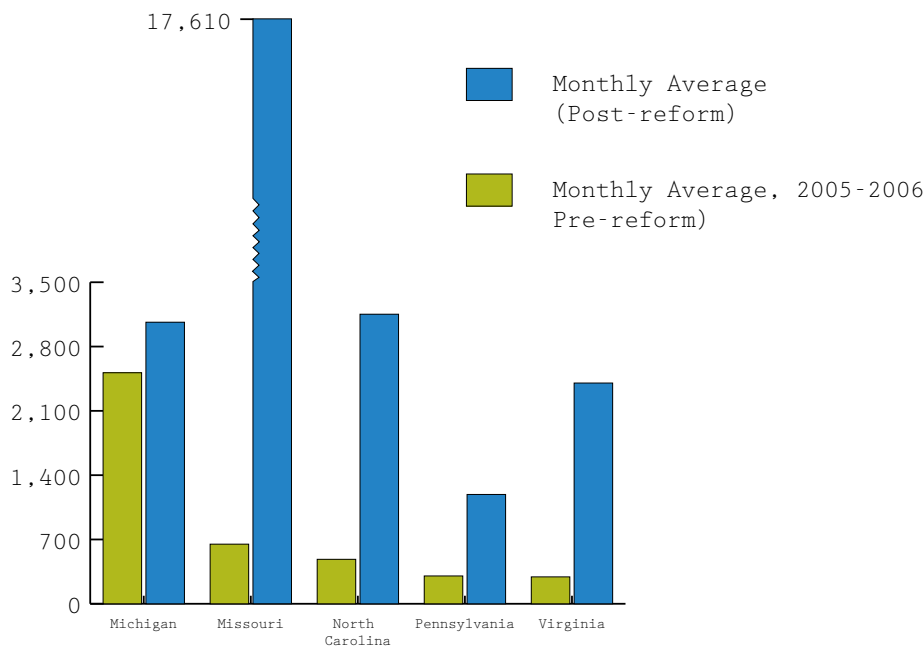
Pennsylvania

Pennsylvania's Department of State (DOS) and Department of Public Welfare (DPW) have a long history of working with Demos on agency based voter registration. In the winter and spring of 2008, however, a renewed look at DPW data indicated the state's performance was faltering—in large part due to (1) the increasing number of DPW clients who did not physically come into the office for services, and (2) the state's failure to offer voter registration services to such individuals.

Upon notification of this issue, DOS and DPW worked with Dēmos to improve procedures. In particular, DPW has taken steps to ensure that all clients, even if they are interacting with the agency via telephone, mail, or Internet, are provided with an opportunity to register to vote. In addition, DPW and DOS have developed a more accurate system of data collection.

Like the other states in this report, Pennsylvania DPW's voter registration numbers increased substantially after implementing improved procedures. DPW averaged only 346 registrations per month in the year prior to implementing reforms. Since June 2008, 4,759 clients have registered at DPW offices, an average of 1,190 each month. Because DPW's biggest procedural reform was addressed toward clients interacting remotely, it has also experienced large gains in the number of voter registration applications sent to clients to complete and mail to election officials on their own. In the year prior to DPW's procedural changes, an average of only 2,406 clients per month requested registration forms to send in on their own. Since June, an additional 18,882 clients, or 4,721 clients per month, requested voter registration forms to complete at home and send to election officials.

PUBLIC ASSISTANCE VOTER REGISTRATIONS: BEFORE AND AFTER IMPLEMENTATION REFORM



CONCLUSION

In state after state, recent reform efforts have proven to dramatically increase the number of low-income Americans registering to vote at public assistance agencies. The states in this report—North Carolina, Michigan, Virginia, Missouri, and Pennsylvania—are now realizing the promise of the NVRA, and in the process, empowering their citizens and serving as models for other states in need of reform.

ENDNOTES

1. Voters are technically registered by election officials. For ease, “registrations” in this report are defined as the number of voter registration applications from public assistance agencies that were submitted to election officials. Data from 2007 and 2008 were provided by the North Carolina State Board of Elections, Virginia State Board of Elections, Michigan Department of Human Services, Pennsylvania Department of Public Welfare, and Missouri Department of Social Services. Data from 1995-1996 and 2005-2006 is from the U.S. Election Assistance Commission.
2. 42 USC s1973gg(a)(3)
3. Douglas R. Hess and Scott Novakowski, *Unequal Access: Neglecting the National Voter Registration Act, 1995-2006* (February 2008), available at <http://www.demos.org/pub1531.cfm>.
4. Ibid.
5. For more information on North Carolina's NVRA improvement see 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*, (Updated April 2008), available at <http://www.demos.org/pub1446.cfm>.
6. Virginia provided the Federal Election Commission with incomplete data in 1995-1996, suggesting that the reported 54,051 registration may actually be an undercount.
7. For more information on Virginia's NVRA improvement, see Allegra Chapman and Scott Novakowski, *Expanding Voter Registration for Low-Income Virginians: The Impact of the National Voter Registration Act*, (October 2008), available at <http://www.demos.org/pub1604.cfm>.
8. For more on MI see Testimony of Catherine Truss, MSW, Civic Engagement Project Manager, Michigan Department of Human Services” before the Committee on House Administration Subcommittee on Elections, April 1, 2008, available at http://cha.house.gov/UserFiles/93_testimony.pdf.

ABOUT DĚMOS

DĚmos is a non-partisan public policy research and advocacy organization. Headquartered in New York City, DĚmos 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.

DĚmos was founded in 2000.

Miles S. Rapoport, President

Tamara Draut, Vice President of Policy and Programs

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. DĚmos supports state and national reform efforts by conducting research on current and long-range issues; advancing a broad agenda for election reform; providing advocates and policymakers with technical support; and strengthening reform networks. Through our recent alliance with the National Voting Rights Institute, we are now able to utilize complementary channels of policy, advocacy and litigation to achieve our goals.

Stuart Comstock-Gay, Director of the Democracy Program

ABOUT THE AUTHOR

Scott Novakowski, Senior Policy Analyst

Scott Novakowski joined DĚmos in September 2005. For the last three years he has been working on a national campaign to improve state compliance with the National Voter Registration Act, in addition to extensive research and writing on election administration and voting rights concerns in the U.S. 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.

CONTACT

Visit www.demos.org to sign up for updates, register for events, and to download research reports, analysis and commentary from the Democracy Program.

To schedule an interview or for any other questions, please contact:

Tim Rusch, Communications Director

trusch@demos.org

Tel: 212-389-1407

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