

VOTER REGISTRATION IN RURAL PUBLIC ASSISTANCE OFFICES

ASSESSING OREGON'S COMPLIANCE WITH THE NVRA



INTRODUCTION

When Congress passed the National Voter Registration Act (NVRA) in 1993, its goals were to “increase the number of eligible citizens who register to vote in elections for Federal office” and “protect the integrity of the electoral process.” Yet, while most states created effective programs for mail-in and Department of Motor Vehicles-based registration processes, many neglected the NVRA’s social service agency requirements (detailed in Section 7). Dēmos and Project Vote have focused significant work in the past years to address compliance issues around the country.

This report focuses attention on the state of Oregon, an early leader with respect to public assistance agency-based voter registration but whose policies and level of compliance have varied over the years. The state divides its thirty six counties into sixteen districts for administration of public assistance benefits. By visiting and assessing the provision of voter registration services in eight of these districts, this project assesses whether the good aspects of state policy are making their way into local office encounters with rural clients. A previous assessment of voter registration services in the state focused on the five most populous counties, none of which is predominantly rural.

The focus on rural areas of the state distinguishes this compliance assessment as compared to previous state assessments, in which Dēmos and Project Vote have focused primarily on highly-populated urban areas. In focusing on rural areas of the state, more emphasis needed to be placed on interactions with staff inside the public assistance offices since the less frequent foot traffic at these offices rendered fewer individual clients to question about their experiences.

An assessment of the interviews and office investigations conducted, county data provided to the U.S. Election Assistance Commission, and U.S. Census data leads to the conclusion that the local rural offices have the necessary materials to provide voter registration services but there are likely issues with respect to implementation and procedures that are not in accord with Section 7 of the National Voter Registration Act.

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STATE POLICIES

When the NVRA was first enacted, Oregon quickly and enthusiastically implemented its requirements. At the outset, Oregon adopted an integrated “declination form” and voter registration application. A declination form is the federally required written offer of voter registration services at a public assistance office. By including it in the same document as the voter registration application, it is easier for public assistance offices to ensure that applicants and clients actually receive the offer to register to vote and a voter registration application.

Moreover, in 2001-2002, Oregon included voter registration applications with materials for the just-created Oregon Health Plan. The state did extensive outreach to uninsured (and presumably low-income) Oregonians through mailings of the materials. Perhaps not coincidentally, the state received its highest number of voter registration applications from public assistance offices during that period.

By 2004, the state was no longer in compliance. Executive-level personnel from the offices of Secretary of State Bill Bradbury, Governor Ted Kulongoski and the Secretary of the Department of Human Services (DHS) met with advocates to develop a plan to improve compliance with the NVRA’s public assistance agency registration requirement. The officials acknowledged that they had not taken steps to ensure continued compliance with the Act and set about to correct that situation.

The first step was to revitalize the NVRA site coordinator system, which was the key structure for ensuring the delivery of voter registration services. Each public assistance office that saw clients was to have an NVRA site coordinator whose duties included ensuring all staff members were made aware of their responsibilities to offer voter registration forms to clients, stocking blank voter registration applications, transmitting completed applications to county election officials weekly and reporting total applications collected and transmitted to the Secretary of State’s office monthly.

In addition, the Secretary of State’s Election Division developed a detailed training for these site coordinators, which Election Division staff presented at six locations around the state in September 2004. DHS updated the chapter on voter registration in the procedural manual used by office managers and caseworkers and created an evaluation tool for regional managers to assess each office’s compliance.

Unfortunately, Oregon’s DHS refused to agree to regularly track the number of registration forms submitted, the number of completed declination forms, or their offices’ traffic flow. Such data tracking would have enabled easier monitoring of the provision of voter registration services. Some agency registration data, however, is available from election officials.

Moreover, Oregon failed to provide voter registration services to individuals engaging in NVRA-covered transactions via phone, mail, or Internet—a violation of the NVRA. Indeed, it appears that the two periods during which public assistance agency-based registration reached its highest point correspond to a time when DHS included voter registration applications in materials mailed to clients and applicants.

After Oregon's implementation of new procedures in 2004, Project Vote obtained data on the number of registrations submitted by agencies from election officials and examined data for DHS offices in Oregon's five most populous counties. In comparison to the previous year, the number of registrations in those counties had increased by 56 percent after reforms were implemented, from 1,635 registrations between September 2003 to August 2004 to 2,555 registrations between September 2004 and August 2005. Additionally, there was significant variation in performance between counties. Based on limited field observations, Project Vote concluded that different offices presented the opportunity to register to vote differently, resulting in uneven implementation and a smaller than expected overall increase in the number of registrations.

FIELD WORK

Information Gathering

In its phase of gathering information about the implementation of practices within rural public assistance offices, the Rural Organizing Project (ROP) used protocols developed by Dēmos and Project Vote, as well as additional information provided by Dēmos, to conduct a questionnaire of individuals leaving public assistance offices and an office investigation protocol inside public assistance offices. Thus, ROP's volunteers spoke both to individuals receiving benefits as well as workers within the offices providing them.

Through office visits, ROP was able to collect information about the infrastructure for the provision of voter registration services and develop positive relationships with county and state public service agencies for planned longer-term civic engagement cooperation. Unfortunately, because of low foot traffic at the rural public assistance offices during the times when ROP volunteers were present, ROP was not able to collect much data from clients about the offer of voter registration services during their interactions within the office.

Results

Notwithstanding Oregon's early and enthusiastic adoption of the NVRA and its increased compliance efforts in 2004, voter registrations from Oregon's public assistance agencies declined 64 percent, from a high of 53,538 in 2001-2002 to only 19,333 in 2005-2006, the most recent reporting period for which there is data.¹ Indeed, during this period, six of Oregon's counties registered 10 or fewer voters, another six counties registered fewer than 100 voters, and two counties failed to provide any data on public assistance voter registrations.² At the same time, Oregon had an average of 232,000 voting age citizens receiving Food Stamps in FY2006, just one of the programs covered by the NVRA.³

Many of Oregon's eligible low-income voters remain unregistered to vote. In 2006, 196,000 or 37% of low-income Oregonians were not registered to vote.⁴ Additionally, Oregon's electorate is significantly skewed toward the affluent: Only 63% of adult citizens in households making

less than \$25,000 were registered to vote compared to 87% of those in households making \$100,000 or more—a registration gap of twenty-four percentage points.⁵ Comparative data regarding the number of voter registrations per month at the offices visited by ROP suggest that these offices are providing voter registration to their clients at a level significantly below the optimal capacity.⁶

The office performance, as investigated by the ROP, follows below:

District 1: Columbia County (500 North Highway 30, St. Helens, OR 97051)

The intake clerk in Columbia County seemed clear about the office’s obligations with respect to voter registration services, and was very enthusiastic about the voter registration program. There were voter registration applications available in a pile near the clerk, who reported that they were offered to all applying or recertifying for their benefits. The clerk did not report providing voter registration services to those changing their addresses with respect to benefits, which is required for compliance with Section 7 of the NVRA.

Despite the light foot traffic—the ROP investigator waited two hours before she saw a person emerge from the office—one public assistance client confirmed that she had been offered voter registration services during her meeting with staff. Another individual later indicated that she had been asked about voter registration during a previous visit.

District 3—Yamhill County (2251 East Hancock Street, Newberg, OR 97132)

In Yamhill County, the office investigation indicated signs of voter registration services: The office had a big voter registration poster by the desk and applications stacked behind the intake counter. When the surveyor asked the intake clerk whether voter registration forms were available, he replied, “Yes, by request.” It is unclear whether this means that voter registration applications are provided only if a client verbally asks the employee or something else. If the first explanation, the response indicates a failure to comply with Section 7 of the NVRA because a voter registration application must be provided at each application, recertification, or change of address simultaneously with benefits paperwork. Unfortunately, there was no way to verify under what circumstances clients are offered voter registration services because the investigator did not encounter anyone exiting the office who, under the NVRA, should have been provided with voter registration services.

District 4—Benton County (545 S.W. 2nd Street, Corvallis, OR 97333)

Although voter registration information was well-displayed in this office, it was not clear whether voter registration services were provided on a regular basis. Voter registration posters hung on the walls of the office and voter registration applications were available. Nevertheless, the intake worker seemed to be under the erroneous impression that only one employee was required to provide voter registration services—and that designated person was not in the office at the time of the investigation. After the initial conversation, the ROP investigator explained the requirements of Section 7 of the NVRA to the intake worker and office manager. The staff of the office scheduled a meeting to clarify NVRA responsibilities and, at a subse-

quent office visit by the ROP investigator, the Benton County workers with whom she spoke were aware of their NVRA obligations. The investigator did not encounter anyone exiting the office who, under the NVRA, should have been provided with voter registration services and therefore was unable to verify what actually happened during client interactions.

District 5—Lane County

ROP investigators visited two public assistance offices in Lane County.

Cottage Grove Office (305 Coop Court, Cottage Grove, OR 97424)

The Cottage Grove office was an intriguing visit for the ROP investigator. The office had voter registration posters, voter registration applications behind the counter and in the waiting room (although those were “extremely removed” from the seating area), and, according to the intake clerk, provided voter registration services to public assistance applicants. The staff was enthusiastic about the voter registration program, if slightly disappointed by their view that 99% of people turn down the opportunity to register to vote. Interviews with the clients outside the office, however, painted a different picture: Out of nine clients questioned, only three stated that s/he had been verbally asked about voter registration services, and none stated that s/he had been given a voter registration application. Interestingly, each of those clients asked about voter registration indicated that it was the intake clerk—rather than any caseworker or eligibility specialist—who asked whether s/he wished to register to vote.

Eugene Office (2885 Chad Drive, Eugene, OR 97408)

The Eugene office seemed to have the materials necessary for Section 7 compliance. Staff was aware of their voter registration responsibilities, voter registration applications were available, and the office had posters on the wall alerting clients of the opportunity to register to vote. Because no clients were interviewed, it is unclear what actually happens when clients are interacting with the office.

District 8—Jackson County

Like Lane County, ROP investigators visited two public assistance offices in Jackson County. As noted above, Jackson County failed to provide any voter registration data for the biennial report published by the United States Election Assistance Commission for 2005-2006.

White City Office (3131 Avenue C, White City, OR 97503)

Voter registration services seem to be well-integrated into the functioning of the White City office and office staff seemed to take their responsibility to provide voter registration services seriously. The investigator described the intake clerk as “incredibly helpful”, found several voter registration posters prominently displayed on the walls, and reported that a stack of registration forms was available at the front desk. The intake clerk indicated that there is a competition every month to see which clerk collects the most voter registration applications. Although the voter registration materials are not included in the benefits application packet,

the intake clerk explained to the investigator that the office (1) asked every client whether s/he was registered to vote and, if not, would s/he like to register, and (2) provided a declination form to sign if the client answered that s/he does not wish to register. Because Oregon uses an integrated voter registration application and declination form, we assume this response means that the office practice is to ensure that every client receives the integrated form and, if the client does not wish to register, the office ensures that the client nevertheless completes the declination form portion of the integrated form.

The intake clerk mentioned that she was glad that the investigator was checking on the office's compliance and suggested that the investigator visit motor vehicles department (DMV) offices, as she was under the impression that the DMV was not offering voter registration as required. Two clients were interviewed at this location, and each acknowledged that s/he had been verbally asked about whether s/he wanted to register to vote.

Medford (914 West Main Street, West Medford, OR 97501)

Like the White City office, the Medford office had posters on display and voter registration applications at the front desk. Unfortunately, the voter registration posters included the relevant deadlines for past elections. The intake clerk did not seem to be aware of the voter registration obligations of the office but, rather, referred the investigator to his supervisor. The supervisor later called the investigator by telephone and reported that they “try hard to get all employees to ask each client about voter registration.” Two clients were interviewed at the location and each acknowledged that s/he had been verbally asked about voter registration.

District 10—Deschutes County (1300 NW Wall Street, Bend, OR 97701)

Of the different rural public assistance offices investigated in Oregon, the outcome in Deschutes County was especially disappointing. The office investigation yielded a picture of good intentions without thought for effectiveness. There were two posters advertising voter registration—one in English and one in Spanish—but they were located in the childcare area rather than the waiting area of the office. There was a large stack of voter registration applications available in holders attached to a central wood column in the office—but they were not labeled and it was hard to see the forms. The office manager told the investigator that the staff was very familiar with the requirements of the law but none of the twelve clients interviewed received the offer of voter registration services.

Employees may be confused about how and when to offer voter registration services. When the investigator asked the intake clerk whether there were any voter registration forms available in the office, the clerk replied that she did not know. Later, the intake clerk acknowledged that voter registration applications were available. At least one clerk responded that self-sufficiency eligibility workers offer voter registration services to “new clients.” If voter registration services are offered only to applicants, that would fail to fulfill the obligation to offer the service to already established clients who are recertifying, redetermining, or changing an address at the office. Another clerk indicated that people were referred “upstairs” to register at the County Clerk's office, which is in the same building. Clearly, the staff interviewed had varying degrees of familiarity with the requirements of the law. When the investigator spoke

with the manager about her findings, the manager replied that it had not been a “normal” day due to an office-wide staff training and extended an invitation to return to the office to monitor on another day.

As referenced above and unlike other offices, the investigator in Deschutes County was able to speak to many clients exiting the office. Of the twelve clients interviewed, not one reported being asked whether s/he would like to register to vote or that s/he had been given voter registration forms from office staff. Those interviewed also indicated there was no voter registration form in the “Application for Services” intake packet.

District 11—Klamath County (700 Klamath Avenue, Klamath Falls, OR 97601)

The Klamath County office had posters on the walls and voter registration forms available. Because there were no clients present at the time of the investigation, it is unclear how voter registration services are actually provided.

District 12—Umatilla County (700 SE Emigrant Avenue, Pendleton, OR 97801)

The office in Umatilla County seems to be providing voter registration services to clients although there is some room for improvement. The intake officer on the day the investigator visited stated that she helps four to six citizens per week register to vote. Moreover, the intake packet included a voter registration application, there was an abundance of voter registration forms available, and there were several voter registration posters around the office. Two of the voter registration posters held a bundle of booklets and voter registration applications. However, there were no voter registration posters in Spanish even though the office’s many other forms were available in Spanish and 18.8% of the county’s residents are Latino.⁷

CONCLUSION

Almost all of the public-assistance offices visited in rural Oregon had the voter registration materials needed for compliance with Section 7 of the NVRA. Nevertheless, many of the offices appear to have implementation issues that need to be addressed in order to provide voter registration services as required by federal law. The variation in practices between offices is consistent with the previous assessment of voter registration services in the five most populous counties.

ENDNOTES

1. U.S. Federal Election Commission, “The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2001–2002, available at http://www.eac.gov/files/clearinghouse/reports_surveys/The%20Impact%20of%20the%20NVR%20of%201993%20on%20Admin%20of%20Elections%20for%2001-02.pdf; and U.S. Election Assistance Commission, “The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2005–2006, available at http://www.eac.gov/program-areas/research-resources-and-reports/copy_of_docs/the-impact-of-the-national-voter-registration-act-on-federal-elections-2005-2006/attachment_download/file .
2. Gillam, Jefferson, Lake, Sherman, Wallowa, and Wheeler Counties each registered ten or fewer voters in 2005–2006. Curry, Hood River, Lincoln, Tillamook, Union, and Wasco Counties each registered less than one hundred but more than ten voters in 2005–2006. Jackson and Washington Counties failed to provide data. See U.S. Election Assistance Commission, “The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2005–2006, available at http://www.eac.gov/program-areas/research-resources-and-reports/copy_of_docs/the-impact-of-the-national-voter-registration-act-on-federal-elections-2005-2006/attachment_download/file..
3. United States Department of Agriculture, Characteristics of Food Stamp Households: FY2006.
4. U.S. Census Bureau, Current Population Survey, November 2006 Voting and Registration Supplement, analysis by Dēmos.
5. Ibid.
6. For example, in Missouri, where there is a court order ensuring compliance, the ratio between average registrations per month and February 2009 Food Stamps caseload is 3.5%. The comparable ratios for 2005–2006 for the offices visited by ROP are as follows: (1) Benton: 0.99%; (2) Columbia: 0.44%; (3) Deschutes: less than .00%; (4) Jackson: no voter registration data available; (5) Klamath: 0.34%; (6) Lane: 0.57%; (7) Umatilla: 1.0%; and (8) Yamhill: 0.12%.
7. U.S. Census Bureau State and County QuickFacts, available at <http://quickfacts.census.gov/qfd/states/41/41059.html>.

ABOUT DĒMOS

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

Dēmos was founded in 2000.

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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. Dēmos 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.

ABOUT THE AUTHORS

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Lisa Danetz is a voting rights lawyer who addresses issues of inequality and fairness in elections. She is an expert on implementation of Section 7 of the National Voter Registration Act, has worked cooperatively with and also litigated against states regarding implementation of the National Voter Registration Act, and has engaged in advocacy before Congress and federal executive offices on the issue. Ms. Danetz has published and been a frequent speaker on voting rights issues, including testimony regarding agency-based voter registration before the Senate Committee on Rules and Administration and before the Subcommittee on Elections of the Committee on House Administration.

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Michael Slater came to Project Vote in 2004 with eleven years' experience in community, labor and faith-based organizing. In 2006 Mr. Slater took over Project Vote's Election Administration Program, and has overseen its successful expansion into one of the leading voter protection and election administration operations in the country. In 2008 Mr. Slater was promoted to Executive Director, and now oversees all the implementation and strategic growth of all Project Vote operations. During his tenure with Project Vote, Mr. Slater has helped lead a successful effort to overturn laws in seven states restricting voter registration, including *Project Vote v. Blackwell*, contributed to the passage of election legislation in half a dozen states, and has authored or edited numerous publications on election policy. Mr. Slater splits his time between Washington, D.C. and his home in Salem, Oregon.

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