



Compliance with the NVRA: Not Optional

By Michael Slater

Compliance with the National Voter Registration Act (NVRA) could help up to 2.5 million additional low-income Americans register to vote.

Right now, litigation and special complaints are pending in several states. For example, in Ohio, litigation is working its way through the judicial system. In North Carolina, the state is moving forward on compliance based on a filed complaint.

SPENCER PLATT/GETTY IMAGES

Background

The NVRA requires states to offer voter registration opportunities at public assistance agencies. Specifically, agencies must offer voter registration services to individuals who are applying for benefits, recertifying their eligibility for benefits and changing their address.

Despite initial resistance by some states and spotty implementation by other states, public agencies managed to register 2.6 million low-income Americans in 1995–1996, the first two years the Act was in effect. Since then, the number of registrations has been declining and the downward trend has accelerated sharply in recent years.

The Problem

One simple reason for declining voter registrations through public agencies: A majority of states are failing to comply with the law. Specifically, states are not complying with the NVRA's public agency registration requirements. Consequently, registrations at public assistance agencies have plummeted from 2.6 million in 1995–1996, when the Act was first implemented, to just 528,000 in 2005–2006.

Table 1 shows that registrations dropped by more than half in 1999–2000 and, again, by more than half in 2005–2006. Registrations in this most recent period are now just 20 percent of what they were in 1995–1996.

These declines cannot be accounted for by changes in demand for social services or by changes in the number of eligible low-income Americans, or simply attributed to lowered interest in voter registration on the part of low-income Americans.

In 1995–1996, monthly Food Stamp caseloads averaged 25 million cases. The number of cases declined in 1997–1998, but started to rise in 1999–2000. In 2004, the average monthly caseload was again 25 million cases. Although more recent national data is not yet available, reports from states indicate that the trend in rising caseloads continued into 2005 and 2006.

We can also dismiss the idea that declining numbers of eligible low-income Americans is the cause. The overall number of low-income voting eligible Americans has increased since 1995–1996. Finally, the

registration rates among Food Stamp eligible households have remained largely flat.

The Root Cause for Declining Registrations

Noncompliance with the requirements of the NVRA is the problem and the cause of declining registrations at public assistance agencies. Since 2004, Project Vote has investigated compliance in a number of states. The organization has reviewed documents obtained through public records requests, inspected agency offices, analyzed registration and social service delivery data, and interviewed clients, agency staff and elections officials. Table 2 shows the number of clients Project Vote interviewed who were offered voter registration.

The evidence points to one conclusion: States are failing to offer clients an opportunity to register to vote when these clients apply for benefits, recertify their eligibility or change their addresses as required by law. Consequently, hundreds of thousands, if not millions, of low-income Americans are being kept off the voting rolls. When presented with the opportunity to register to vote (by Project Vote, for instance), a significant percentage of public assistance clients actually do register to vote.

Public assistance clients will register to vote if given a chance. Several states are or have cooperated with Project Vote to

improve their agency registration procedures. As part of that work, three states have agreed to keep records on the number of clients who are offered voter registration opportunities and their responses. Table 3 shows the rates at which clients in three states accepted the opportunity to register.

Increased compliance with the NVRA's public agency registration requirements could lead to an additional 1.7 to 2.5 million low-income Americans registered to vote each year.

Project Vote's Methodology

Although states do not routinely collect data on the number of NVRA-covered transactions that occur in public assistance agencies, Food Stamp participation can be used as a reasonable proxy number. Applying the

TABLE 1: REGISTRATION AND PERCENT CHANGE IN PUBLIC AGENCY REGISTRATIONS, 1995–2006.¹

Period	Registrations from agencies	% Change from 1995–1996
1995–1996	2,602,000	NA
1997–1998	1,929,000	-35%
1999–2000	1,124,000	-131%
2001–2002	999,000	-160%
2003–2004	1,050,000	-148%
2005–2006	528,000	-393%

¹Source: US Election Assistance Commission and US Federal Election Commission.

TABLE 2: CLIENTS OFFERED VOTER REGISTRATION BY CASEWORKERS IN 5 STATES.

State	Number of Responsive Surveys	Number Offered Voter Registration	% Offered Registration
Maryland	99	34	34%
Missouri	53	4	8%
New Mexico	53	0	0%
Ohio	103	3	3%
Washington	74	1	1%

TABLE 3: RATES OF REGISTRATION FOR PUBLIC ASSISTANCE CLIENTS OFFERED VOTER REGISTRATION IN COOPERATING STATES.

State	Department	Percent Registering
Iowa	Dept. of Human Services	20
	WIC	10
North Carolina	(Pooled)	17
Washington	Dept of Social & Health Services	15

results of Project Vote's analysis of voter registration acceptance rates in Iowa, North Carolina and Washington, Project Vote conservatively estimates that an effective agency-based registration program should register a number equal to between 8 percent and 12 percent of a state's Food Stamp program participants per year. This translates into 1.8 million to 2.8 million registrations per year (using the most recent available information—2004 Food Stamp participation numbers).

Project Vote's assessment of public assistance agencies' registration potential is strengthened by the example of Tennessee. The state entered into a consent decree with the U.S. Justice Department in the summer of 2002 to resolve a lawsuit in which the United States alleged, and Tennessee acknowledged, that the state had failed to offer registration at public assistance agencies as required by law. Tennessee agreed to undertake a series of remedial steps that included offering voter registration to clients, annual training of staff and monitoring data on registration rates by offices. Table 4 shows that Tennessee regis-

TABLE 4: VOTER REGISTRATION APPLICATIONS FROM TENNESSEE PUBLIC ASSISTANCE AGENCIES, 1995–2006.		
	Year	Agency Registrations
Pre-Litigation	1995–1996	147,830
	1997–1998	66,081
	1999–2000	49,636
	2001–2002	52,373
Post-Litigation	2003–2004	173,927
	2005–2006	120,962

tration rates tripled in the period after the consent decree, from 52,000 in 2001–2002 to 174,000 in 2003–2004, a number equal to 12 percent of the individuals participating in the state's Food Stamp program.

What Should Be Done

Congress should investigate states' compliance with the NVRA. Although Congress passed the NVRA in 1993, it has not held

any oversight hearings on states' implementation and compliance with the law. Furthermore, the U.S. Department of Justice has failed to investigate recent allegations that states are not complying with the public agency requirements of the NVRA despite the department's aggressive pursuit of voter purging cases. As a result, the resistance on the part of states to offer voter registration to low-income Americans has gone unchecked.

Congress can play an important role in boosting registration rates among low-income Americans by holding hearings on states' compliance with the public agency provisions of the NVRA and signaling to all of the states and the Justice Department that compliance with federal voting laws is not optional. ■

Michael Slater has written several articles for The National Voter. He is deputy director of Project Vote.

VOTER LINKS

■ www.projectvote.org



STEP UP AND DO YOUR PART!

Help Your Community By Serving as a Poll Worker for the 2008 Elections

I've served as a poll worker in two general elections at two different polling places in Virginia, and I've had two truly rewarding experiences! Admittedly, the hours are long. Polls in VA open at 6 am, so poll workers need to be there by 5 am—not the best time of day for me. But working directly with voters is very energizing! We poll workers rotated duties, so I got to perform various functions related to checking voters in, as well as helping them use new machines. And, although initially I didn't know any of the other poll workers, we "bonded" as a team and had a great time together. I strongly recommend the experience to everyone. Not only is it a much-needed service to the community, but something that you will find personally rewarding.

—**Nancy Tate**, LWVUS executive director and president of the LWV of Arlington (VA)

Over the years, I've served as a poll worker and a political observer. My interest began in my native Costa Rica where voters jealously guard the transparency of elections, and I brought this interest to the U.S. where I became a citizen in 1996. I have been a poll worker and part of the observer corps program that the LWV of Montgomery County (MD) has with the Board of Elections. I love the experience. It is a tiring, but worthwhile endeavor, and it is the only way to learn firsthand about elections, to have a glimpse at what makes voters line up as early as 7 am or as late as 8 pm. Part of my work has also been to serve as a bilingual judge for Latino voters who are voting for the first time. I strongly recommend this experience as integral to participating in our democratic system.

—**Zaida Arguedas**, LWVUS deputy executive director and a member of the LWV of Montgomery County (MD)

LWVUS Executive Director Nancy Tate and LWVUS Deputy Executive Director Zaida Arguedas have stepped up and served in their communities. Both of them urge you to do the same. If you have never done it before or if you have already done it, you are needed along with the other 1.4 million poll workers who will be serving in this critical position in the elections this year.