

INVESTIGATING VOTING RIGHTS IN MISSOURI:

An Assessment of Compliance with the National Voter Registration Act in Public Assistance Agencies

By Douglas R. Hess



September 2007

Washington DC Office
739 8th Street SE, Suite 202
Washington, DC 20003

Arkansas Office
2101 South Main Street
Little Rock, AR 72206

1-800-546-8683

www.projectvote.org

About Project Vote

Since its founding in 1982, Project Vote has been a leading provider of strategic and management services to the voter engagement and civic participation community.

About the Author

Douglas Hess began working for Project Vote on an effort to secure the fair and effective implementation of the National Voter Registration Act in 1994. After directing that project for three years he returned to Project Vote as a consultant in 2004 and in 2007. He has an M.A. in Policy Studies from Johns Hopkins University and is a Ph.D. candidate in the School of Public Policy and Public Administration at George Washington University. In addition to his work on voting rights Douglas has worked in other areas of civil and human rights, on children's food and nutrition policy, on election reform and with grassroots community organizations in the U.S. and Haiti.

Additional Materials by the NVRA Implementation Project, a partnership between Project Vote, Demos and ACORN

Maximizing Voter Registration Opportunities at Public Assistance Agencies. November 2005.

Ten Years Later: A Promise Unfulfilled. The National Voter Registration Act in Public Assistance Agencies, 1995-2005. July 2005.

Public Agency Registration Model Bill. July 2005.

A Summary of the National Voter Registration Act. March 2006.

Executive Summary

The number of citizens registered to vote by Missouri's public assistance agencies, a service required by the federal National Voter Registration Act (NVRA) and state law, has plummeted to one-tenth the number from 12 years ago. Visits to agency offices by Project Vote staff and Project Vote's analysis of demographic and voter registration data indicate that the decline in registration is a consequence of the failure to comply with federal and state law by the the Department of Social Services, Department of Health and Senior Services and Department of Labor.

This report details the following findings:

- The number of voter registration applications coming from public assistance agencies across the state has dropped to one-tenth what it once was.
- While one county registered nearly 2,000 citizens in Department of Labor offices in 2005 and 2006, all but two other counties registered less than a hundred citizens over the same time period in the department's offices, even in some of the most populous counties.
- Hundreds of thousands of Missourians remained unregistered during the decline in performance at public assistance agencies.
- Voter registration performance at public assistance agencies varies enormously from county to county , with some of the largest counties registering fewer citizens at public assistance agencies than much smaller counties.
- Participation in public assistance agency programs has not waned and thus does not explain why voter registration has declined at these agencies.
- The success of voter registration services at DMV offices ("motor voter") also does not explain the decline in voter registration at public assistance offices as some counties demonstrate by registering significant numbers in both DMV and public assistance agencies.
- Neither the timing nor geographic location of voter registration efforts by non-profit organizations and campaigns in the state explain the drop off in agency performance.
- Visits by Project Vote staff to agency sites in four counties in 2007 found numerous instances of non-compliance with the NVRA.

We conclude that poor compliance and non-compliance with the National Voter Registration Act is evident in many agency offices throughout Missouri. We call upon Missouri to review NVRA performance in public assistance agencies and we make some general recommendations for improvement based on effective practices in other states.

Introduction

Once a leading state in offering voter registration opportunities in public assistance agencies, as required by federal and state law, Missouri now registers tens of thousands fewer clients at these agencies than in the recent past. While many county public aid offices are registering few, if any, clients, some counties are registering numbers which indicate that others could accomplish much more than they have. As a result, while agency registration declined to a tenth of what it was twelve years ago, tens of thousands, if not hundreds of thousands, of Missourians served by these agencies remain unregistered.

This report reviews evidence of the sharp decline in voter registration in Missouri's public assistance agencies and examines possible explanations for that decline. We conclude that many public assistance agencies are failing to offer voter registration opportunities as required by federal and state voting rights laws. Recommendations for improving Missouri's compliance with these important laws are provided at the end of this report.

Voter Registration Requirements

The National Voter Registration Act (NVRA) was passed by Congress in 1993 to expand access to voter registration and, thereby, increase participation in elections. It went into effect in 1995. The well known "Motor Voter" feature of the law instructs states to offer voter registration as individuals apply for or renew their driver's licenses. Each year millions of Americans update their voter registration information or register to vote for the first time thanks to "Motor Voter."

An equally important, but less well known, provision of the NVRA requires states to offer voter registration to applicants for public assistance, such as the Food Stamp Program, Temporary Assistance for Needy Families (TANF), and Medicaid among others. The NVRA requires voter registration at agencies in addition to motor vehicle offices to ensure that "the poor and persons with disabilities who do not have driver's licenses [would] ... not be excluded from those for whom registration will be convenient and readily available."¹ Census surveys verify the ability of agency-based registration to reach these populations: registered members of low-income households are several times more likely to have registered through a public assistance office than other citizens. Registered individuals who said they were not able to work due to a temporary or permanent disability were three times more likely to have registered through a public assistance office than other citizens.²

Missouri law implementing the National Voter Registration Act mandates that voter registration is to be offered at offices of the following programs and departments: Motor Vehicle License Fee, Employment Security, State and County Family Services, State and County Health Department,

¹ NVRA House Report 103 9, p.5.

² Source: <http://www.census.gov/population/socdemo/voting/cps2004/tab14.xls> and additional analysis of the Current Population Survey November 2004 Supplement by Project Vote.

Rehabilitation Service for the Blind, Worker's Compensation, Mental Health, Governor's Council on Disabilities, and Armed Forces recruitment.³

The next section of the report reviews the agency registration numbers for the for the Department of Health and Senior Services and Department of Social Services over the twelve years the NVRA has been in effect. A brief comment on the latest data from the Department of Labor is also given. Registration data from other agencies mentioned above are not reviewed in this report. The third section of the report discusses some possible explanations for why Missouri's public assistance agencies are registering far fewer voters than before and examines these explanations using data from a variety of sources.

Missouri's Social Services and Health Voter Registration Performance Plummet

Applications for voter registration at Missouri's public assistance agencies have plummeted to nearly one-tenth the results of twelve years ago. Meanwhile, according to data collected by the Census Bureau after the 2004 election and analyzed by Project Vote, there remain hundreds of thousands of unregistered yet voter-eligible Missourians. At least a hundred thousand unregistered voter-eligible Missourians lived in households earning under \$15,000 a year in 2004, and thus were likely to be in contact with public assistance agencies.

Table 1: Missouri Voter Registration Applications from Selected Sources

	1995-1996	1997-1998	1999-2000	2001-2002	2003-2004	2005-2006
DSSH Registrations	143,135	68,475	51,951	34,923	17,637	15,568
DMV Registrations	409,323	363,454	414,686	409,746	469,902	379,935
Mail Registrations	135,076	77,298	163,208	90,631	379,691	185,203
All Registrations	937,209	1,084,178	1,154,165	818,644	1,235,709	727,300
Voter Eligible Pop.	3,919,885	3,978,146	4,052,254	4,116,889	4,133,314	4,241,478
DMV/VEP	10%	9%	10%	10%	11%	9%
DSSH/VEP	4%	2%	1%	1%	<1%	<1%

Table 1 presents the number of voter registration applications received from the Department of Motor Vehicles (DMV) and the Department of Social Services and Department of Health and Senior Services (throughout the report data from these two departments are labeled simply as DSSH). The data are presented in two-year cycles starting with 1995, when the NVRA went into effect. The decline in registrations from public assistance agencies is clear and steep. Also shown are applications received by election officials through the mail and the total number of voter registration applications received by the state from all sources. These are the numbers the state provided to the Elections Assistance Committee for their bi-annual reports to Congress.⁴ The third to last row in Table 1 shows the state's voter eligible population (VEP).⁵

³ In this report, data from public assistance agencies is limited to those from the Departments of Social Services and Health, unless otherwise noted.

⁴ Prior to the creation of the EAC, these data were reported by states to the Federal Election Commission. All the past reports are now on-line at the EAC web site: www.eac.gov. Note: the data represent applications to register to vote. However, as we do not have data on how many applications per agency go on to become registrations, nor how many are changes in registration as opposed to new registrations, we use the terms applications and registrations interchangeably in the report to avoid overuse of the cumbersome phrase "applications for voter registration or registration change."

⁵ The VEP is given for the even-numbered year in each of the two-year periods in the table. Source: data from Prof. Michael

Looking at Table 1 we see that registrations in DMV offices have increased as the population of the state grows. In short, as a percent of the state's voter eligible population, shown in the second to last row of Table 1, DMV registrations occur at a fairly steady rate (with the exception of more voters registering, or changing their registration, in presidential election years.) Meanwhile, registrations at public assistance agencies have plummeted to nearly one-tenth of their initial results. As a percent of the voter eligible population, shown in the last row of the table, voter registration applications transmitted through DSSH offices have dropped from four percent to less than one percent.

Concern over these declines led Secretary of State Robin Carnahan to issue a letter on March 29, 2007 to public assistance agencies urging them to continue to follow the law and requesting meetings with agencies to help determine what additional training or technical assistance they may need to comply with the NVRA.

The number of voter registration applications from DMV and DSSH offices during 2005 and 2006 can be found in Table 2 for counties with populations over 30,000. One can see an enormous degree of variation in registrations across counties. The degree of variation is so large that compliance with voter registration laws appears, on the face of it, to be lax at many public assistance offices. Variation in the population, program use and DMV performance among the counties, as we explain later, cannot account for the alarmingly small number of registrations collected by many counties.

Variation in registrations between counties is even greater for Department of Labor offices. Although data for each county is not presented here, Greene County's unemployment offices generated 1,953 applications of the 2,622 applications generated by the Department of Labor as a whole during 2005-2006. Of the remaining counties, only Caldwell and Scott Counties registered more than 100 citizens through the Department of Labor over the two years.

Possible Explanations for Performance Decline

Possible explanations for the steep decline in voter registration at DSSH offices are explored in this section using data for 2005-2006 provided by Missouri election officials, demographic data from the Census Bureau, and information gathered by Project Vote from visits in May 2007 to public agency sites covered by the NVRA. We conclude that poor compliance with the National Voter Registration Act is clearly evident in many agency offices throughout Missouri.

1. Although changes in welfare policies and the booming economy in the mid-1990s brought a decline in public assistance participation, this trend has reversed even while registration of public assistance participants has fallen.

Could changes in participation in agency programs over time explain the decline in DSSH results? One way to answer this question is by looking at participation in the Food Stamp Program. While many other programs are required to offer voter registration services, the Food Stamp Program is one of the largest. Thus, food stamp participation numbers provide a conservative indication of how many people make contact with public assistance agencies. Data in Table 3 show an estimate for food stamp participation along with voter registration applications transmitted by DSSH agencies.⁶ While Food Stamp Program participation dipped during the economic boom of the late nineteen nineties, it has since surpassed earlier levels by a sizable margin.

McDonald, available at <http://elections.gmu.edu>.

⁶ The estimate is the average of food stamps participation numbers for June and December of both years in each two-year cycle from the Food Research and Action Center, www.frac.org.

Table 2: Applications for Voter Registration by Agency by County for 2005-2006

Pop Rank	Jurisdiction	July 1, 2006 Population Estimate	Dept. Motor Vehicles	Depts. of Social Services & Health	DMV/July 2006 Pop	DSSH/ July 2006 Population	DSSH/ DMV
	Missouri (totals)	5,842,713	379,934	15,567	7%	0.3%	4%
1	St. Louis County	1,000,510	120,661	225	12%	0.0%	0.00%
2	Jackson County	664,078	18,205	256	3%	0.0%	1%
3	St. Louis City	347,181	14,027	2,776	4%	0.8%	20%
4	St. Charles County	338,719	28,902	40	9%	0.0%	0%
5	Greene County	254,779	15,724	22	6%	0.0%	0%
6	Jefferson County	216,469	7,695	31	4%	0.0%	0%
7	Clay County	206,957	11,815	35	6%	0.0%	0%
8	Boone County	146,048	11,222	1,080	8%	0.7%	10%
9	Jasper County	112,505	6,322	801	6%	0.7%	13%
10	Franklin County	100,067	7,398	644	7%	0.6%	9%
11	Cass County	95,781	4,657	-	5%	0.0%	0%
12	Buchanan County	84,955	3,921	324	5%	0.4%	8%
13	Platte County	83,061	9,383	14	11%	0.0%	0%
14	Cole County	73,296	4,136	4	6%	0.0%	0%
15	Cape Girardeau Co.	71,892	3,444	143	5%	0.2%	4%
16	Christian County	70,514	5,672	206	8%	0.3%	4%
17	St. Francois County	62,181	2,654	190	4%	0.3%	7%
18	Newton County	56,047	3,437	234	6%	0.4%	7%
19	Johnson County	50,646	2,651	98	5%	0.2%	4%
20	Lincoln County	50,123	2,981	83	6%	0.2%	3%
21	Pulaski County	44,022	1,891	39	4%	0.1%	2%
22	Taney County	43,770	3,500	740	8%	1.7%	21%
23	Callaway County	43,072	2,395	396	6%	0.9%	17%
24	Phelps County	42,289	2,569	57	6%	0.1%	2%
25	Butler County	41,582	2,000	1	5%	0.0%	0%
26	Scott County	41,068	1,510	105	4%	0.3%	7%
27	Pettis County	40,520	1,229	2	3%	0.0%	0%
28	Camden County	40,283	3,235	367	8%	0.9%	11%
29	Howell County	38,734	1,997	161	5%	0.4%	8%
30	Lawrence County	37,400	1,991	557	5%	1.5%	28%
31	Barry County	36,404	701	604	2%	1.7%	86%
32	Webster County	35,507	1,579	195	4%	0.5%	12%
33	Laclede County	35,091	2,064	159	6%	0.5%	8%
34	Lafayette County	33,186	1,247	125	4%	0.4%	10%
35	Dunklin County	32,277	1,187	-	4%	0.0%	0%
36	Stone County	31,382	2,544	307	8%	1.0%	12%
	Other Counties*	1,140,317	50,515	4,438	4%	0.4%	9%
	Kansas City Board**		12,873	108			

* For space considerations this row provides totals for the counties with populations under 30,000.

** This row gives the DMV and DSSH voter registration totals provided by the Kansas City Board of Election. These numbers should, arguably, be attributed to the counties which include parts of Kansas City. However, the low number of public assistance agency registrations from this jurisdiction would have had a negligible impact on the county analysis had this been possible.

Presented as it is here the data highlights problems in voter registration services offered in agencies in Kansas City.

We can also examine public assistance participation in the larger counties with data from the Census Bureau's new American Community Survey (ACS). About 58 percent of the state's population lives in the ten most populous counties. Data from the 2005 ACS on the number of households receiving cash public aid or food stamps for these ten counties and for the state are presented in Table 4.

As one can see in Table 4, Boone, Jasper and Franklin Counties and St. Louis City are registering more public aid recipients than their share of the total number of recipients in the state. Meanwhile, all the other large jurisdictions are contributing a fraction of what they could be. For instance, whereas St. Louis County has 10 percent of all households in the state on public aid or food stamps, it has only produced 1 percent of the registrations that come from public aid offices. Meanwhile, Boone County has only approximately 3 percent of the state's public aid households, yet has produced 7 percent of the state's public aid registrations.

2. Voter registration at DMV offices does not greatly diminish the effectiveness of offering voter registration at public assistance agencies.

The data for Missouri's 10 largest counties presented in Table 4 provide some insight into the relation between DMV and DSSH registration numbers. Note that the relationship between the share of DMV registrations and the share of the population is not substantially different in Boone, Jasper and Franklin Counties than in the larger counties. Yet, these three counties produce a high share of the total public assistance registrations. This strongly suggests that voter registration performance at DMV offices do not "squeeze out" performance in public assistance agencies.

Moreover, citizens on public assistance are likely to interact with public aid offices more often than with DMV offices. Thus, when registered voters change their address, change their name or need to re-register for any other reason, it would seem as likely, if not more likely, that they would take the opportunity to do so at public aid offices than at DMV offices – assuming that they were offered such opportunities.

Table 3: Participation in Food Stamps and Public Assistance Registrations

	1995-1996	1997-1998	1999-2000	2001-2002	2003-2004	2005-2006
Approximate Number of Food Stamp participants	540,000	420,000	416,000	506,000	692,000	796,000
DSSH Registrations	143,135	68,475	51,951	34,923	17,637	15,568

3. Increases in state voter registration rates and the presence of voter registration drives in earlier years cannot explain the decline in registrations at public assistance agencies.

There are several reasons to believe that the sharp rise in mail registrations during 2003 and 2004, most likely from voter registration drives conducted by campaigns and civic organizations, cannot explain the drop in agency performance.

First, approximately 18 percent of the state's total DSSH voter registration applications for 2005 and 2006 came from St. Louis City even though it has only about 6 percent of the state's population and 11 percent of the households on cash public assistance and food stamps (see Table 4). This disproportionately higher rate of registration at agencies in a city heavily targeted by voter registration drives in 2000 and 2004 indicates that other counties still could have registered a meaningful number of people through their own public assistance agencies.

Furthermore, even if a general increase in voter registration in 2004 explains some of the decline in agency-based registration, it certainly cannot explain the rapid decline that occurred across all twelve years.

Finally, while there was an increase of five percentage points (from 76 percent to 81 percent) in voter registration among eligible Missourians for the 2004 election, this still left hundreds of thousands of eligible voters unregistered in 2004.⁷ Thus, any claim that registration drives reduced the number of public aid applicants who could be registered needs to be balanced with the great variance in agency performance across the state and the large pool of unregistered citizens that the agencies continued to serve.

Table 4: Indicators of Performance for Ten Most Populous Counties

	Ten Most Populous Counties (sorted by population)	Percent of State's Population (July 2006)	Percent of State's DMV Registrations (2005-2006)	Percent of State's DSSH Registrations (2005-2006)	Households Receiving Cash Public Aid or Food Stamps*	Percent of All Households Receiving Aid or Food Stamps, 2005
	Missouri (statewide)	100%	100%	100%	248,870	100%
1	St Louis County	17%	32%	1%	24,067	10%
2	Jackson County	11%	5%	2%	29,018	12%
3	St Louis City	6%	4%	18%	27,029	11%
4	St Charles County	6%	8%	0%	5,146	2%
5	Greene County	4%	4%	0%	10,836	4%
6	Jefferson County	4%	2%	0%	6,345	3%
7	Clay County	4%	3%	0%	5,600	2%
8	Boone County	2%	3%	7%	6,880	3%
9	Jasper County	2%	2%	5%	7,309	3%
10	Franklin County	2%	2%	4%	2,885	1%

* Source: American Community Survey: households were surveyed in mid-2005 and asked about public assistance or food stamp receipt for the prior 12 months. Using state administrative data produces similar results.

4. Visits to agency offices also indicate that the state is not in compliance with the National Voter Registration Act and related state laws.

The decline in voter registration activities in public assistance agencies in Missouri is so large that the question “what happened?” remains even after a variety of possible explanations are explored. The final piece of evidence of state agencies failing to comply with the NVRA comes from visits Project Vote made in May 2007 to Departments of Social Services (DSS) offices in four counties (Clay, Jackson, St. Louis Counties and St. Louis City).

In the eleven offices visited, no voter registration applications were given to the Project Vote staff member who requested applications for public assistance, despite the clear requirement in the NVRA that applications for voter registration be included with these materials. The same failure occurred in the three Women, Infant and Children (WIC) offices visited by Project Vote.

⁷ Source: analysis of the Current Population Survey November 2004 Supplement by Project Vote.

In addition, 53 clients that met with agency staff were surveyed by Project Vote. Only four recalled agency staff having offered them voter registration services. Furthermore, three DSS sites and one WIC site did not have voter registration materials available when specifically requested. Of all the sites, only one had voter registration applications prominently displayed and only one had a poster informing clients that voter registration services were offered at the site.

Conclusion: Complying with the NVRA in Missouri

The data indicates that the large decline in voter registration applications from public assistance agencies is a most likely a consequence of poor or non-existent compliance with the requirements of the National Voter Registration Act by the Departments of Labor, Social Services and Health. This conclusion is strengthened considerably by the observations and interviews conducted by Project Vote at public assistance offices. The consequences are clear: rates of voter registration among Missourians continue to be stratified by income contrary to the intent of federal and state law.

To address this problem, Missouri agencies need to take steps to come into compliance with the NVRA. The NVRA Implementation Project—a partnership between Project Vote, Demos and ACORN—has worked with a number of states to improve their agencies performance. Based on practices the Project has seen to be effective in other states, these steps, along with other measures, should include:

1. Collect data regarding voter registration performance by the agency sites and monitoring of this data by the agencies and the Secretary of State.
2. Conduct regular internal reviews and audits of voter registration services in public assistance agencies. NVRA compliance should be integrated into each office's performance review.
3. Ensure that voter registration applications are always included with materials used in applications and re-certifications for benefits, as well as when program participants change their address (even if transactions occur remotely, i.e. by mail, telephone or Internet).
4. Appoint a staff person at each site to be in charge of (a) ensuring voter registration applications are available and (b) training new staff so that clients are correctly offered voter registration services and assistance.
5. Promote voter registration with appropriate signage in areas where clients and applicants gather.

Approximately 50,000 applications for food stamps are filed each month in Missouri. Until agencies implement the NVRA effectively, over a thousand Missouri citizens are being denied a fundamental civil right – easy access to voter registration – each day.