

May 1, 2008

To: Interested Parties

From: Douglas R. Hess and Jody Herman

Re: Performance Indicators for Section 7 of the NVRA

Introduction

The 1993 National Voter Registration Act (NVRA) requires states to register citizens through public assistance agencies, making participation easier and more accessible for millions of low-income Americans. However, the evidence is compelling that many states are in poor compliance with the public assistance agency registration requirements of the NVRA. Indeed, state election and agency officials often admit that compliance is lacking, and agency offices are often found without the necessary training and forms.¹

Efforts to improve compliance with the NVRA must first grapple with the question: "How many registrations should a particular state or the nation produce from public assistance agencies?" To address this question, and place agency data in context, this memo provides the following estimates:

- (1) the percent of agency clients that need to register to vote,
- (2) the number of people interacting with agencies, and
- (3) the performance history of agencies that are complying with the law.

State-to-state comparisons show that many states are performing poorly, and many states are performing below their own performance levels from just a few years ago. Nationwide, these steep declines in agency voter registration performance occurred during a period of significant increases in participation in the Food Stamp Program, one of the largest programs required to comply with the NVRA. Some states also perform better at agency registration than states with greater need. All of these factors suggest that the poor results are a matter of administrative performance and not a lack of need.

If all states had performed in 2006 at a level that many states did just a few years ago, close to 1.8 million more registrations would have taken place.

Estimates

Registration rates are disproportionately low among low-income citizens. In 2006, only 60 percent of eligible citizens with household incomes below \$25,000 a year were registered nationwide.² This was 12 percentage points lower than the 2006 rate for all those reporting income. In other words, we can estimate that roughly four in ten adult citizens coming through agencies serving low-income populations will need to register to vote or update

¹ For a detailed presentation on evidence of state compliance problems and a review of what the NVRA requires from states, see Hess, Douglas R. and Scott Novakowski. (2008) *Unequal Access: Neglecting the National Voter Registration Act, 1995-2007* available at <http://www.projectvote.org>.

² See Hess, Douglas R. (2007) *Representational Bias in the 2006 Electorate* available at <http://www.projectvote.org>.

their past registration. Indeed, in states with lower than average registration rates, and for client pools with even lower incomes, the estimate might be closer to one in two.³

To estimate the flow of traffic through agencies, we use the average monthly number of adult citizens participating in the Food Stamp Program (FSP) for the two calendar years overlapping the election cycle. While the FSP is by far one of the largest programs required to offer voter registration, this is still a very conservative estimate: it does not include applicants that are denied benefits, applicants in other programs not receiving food stamps, participants who are filing address changes, or agency clients who are recertifying their benefits.⁴

The final estimate needed to gauge the scale of the NVRA non-compliance problem is past performance of agency registration efforts. Table 2 ranks states by comparing agency registrations to monthly Food Stamp Program participation. In the 2002 election cycle, most states were able to register 10 clients or more for every 100 Food Stamp Program participants, and a variety of states were able to do far better than that in several election cycles. For these reasons, we feel confident in using 20 registrations per 100 eligible food stamp participants as an indicator of excellence in NVRA performance.

Analysis

Table 1 provides the average monthly number of adult citizens receiving food stamps, and the number of voter registrations states received from public assistance agencies for the 2006 cycle. The states are then sorted based on the ratio of registrations to FSP participants, presented in the third column. The final column of Table 1 shows how many additional registrations the state would have received had agency NVRA performance been equal to the approximately twenty percent standard of excellence described above.

Table 2 provides the food stamp participation data, the number of registrations completed at agencies, and the ratio of the two for the 2000, 2002 and 2004 election cycles. Looking at 2002 in Table 2 and 2006 in Table 1), we see that, between the two mid-term elections, *average monthly adult citizen FSP participation increased by more than a third*, while registrations from agencies declined dramatically. Indeed, several states had registrations decline by one half or more.

It is important to recognize that changes in voter registration rates do not explain the decline in agency registrations, as registration rates have not markedly increased over the time period covered by these tables.⁵ Ignoring this, some states have responded to evidence of declines in agency voter registration by pointing to improved registration procedures at Department of Motor Vehicles or through the Internet. Ultimately, however, the number of low-income citizens that remain unregistered, and the ability of some state agencies to perform far better than others, precludes the notion that voter registrations through other avenues completely explains the performance decline at agencies. In short the fact that performance has declined in several states, despite little or no change for registration services, strongly indicates that poor NVRA performance is a result administrative failure. (See also footnote 3.)

³ States occasionally assert that registrations at agencies are lower than they once were because their clients had already registered during the first years of NVRA. However, this ignores two important facts necessitating active voter registration services: first, new citizens, new residents of the state and those turning 18 need to be registered continuously; second, a large percent of all registrations are actually from people updating their registration (i.e., people who were registered but who need to change their address or name to maintain a valid registration). In 2006, for instance, approximately 15 percent of adult citizens had been at their current residence for less than one year (see *Representational Bias*, p. 17).

⁴ State agencies could use administrative data to better estimate office traffic for transactions covered by the NVRA. However, for a national review of all states, no such data readily exists. Thus, food stamp participation is used here as a proxy for the relative size of the programs. New reporting systems several states are implementing to improve NVRA compliance may allow for additional development of performance indicators in the near future. We encourage all states to develop data for such evaluations.

⁵ See Tables 1b and 1c of *Representational Bias in the 2006 Electorate*.

The ratio of registrations to the relative size of public aid programs is presented in both tables, using the proxy of Food Stamp Program participation. Whereas 29 states had a ratio of 10 or more registrations per 100 participants in the 2000 election cycle, only 18 states in 2002, 14 states in 2004, and a scant 4 states in 2006 achieved this level of performance.

The final column of Table 1 shows how many more registrations states would have collected in 2006, if public aid offices had registered a number equal to 20 percent of their average monthly adult citizen FSP participation during 2005 and 2006. Altogether, if all states met this standard, the nation would have registered 1.8 million more people than the half-million that were through public assistance agencies for the 2006 elections. If this estimate seems high, recall that millions of adult citizens apply and recertify for benefits each year at public assistance agencies, and that approximately 65 million adult citizens were not registered to vote in 2006.

Moreover, there are recent cases where states have been able to dramatically improve their registration performances with sensible management reforms; in some cases registrations have soared in response to litigation forcing states into greater compliance.⁶ Given these events, and recent past performance levels, the evidence seems strongly in favor of setting high expectations for what proper NVRA compliance could achieve.

Data Reliability

States sometimes claim that the data on voter registrations they have sent to the EAC is incorrect. However, states making this argument have been unable to provide numbers that do not raise significant compliance or accuracy problems of their own. Moreover, if the EAC numbers are incorrect for some states, this alone is cause for alarm. Why are states unable to monitor compliance and performance? Why are states unable, for several years, to correct deficiencies in their reports to the EAC, and to Congress? In the end, our experience has consistently been that poor collection and monitoring of NVRA performance data is highly indicative of poor compliance.

Additionally, registrations in a state that come from but are not credited to agencies should show up elsewhere in the state system. However, we have not seen increases in registrations from other sources that would cause us to believe that agency registrations are erroneously attributed to other sources.

In the end, statewide data, such as that reported to the EAC, is only useful as a starting point for an evaluation of agency registration programs. Given the strong evidence of poor or declining performance in that data, digging deeper into the data or conducting field research, as Project Vote has done in seven states, is the next step.

In short, a major point of this memo is to note that based on the 2006 EAC data all but a handful of states must explain sharp declines in NVRA performance. If those explanations lead to corrected data which improves the compliance record of the state, that is all for the good. However, this has yet to occur in any state and, as it stands, the best evidence indicates that states are missing the opportunity to register hundreds of thousands of voters each year.⁷

⁶ Tennessee, which already was registering a substantial number through public assistance agencies, tripled its performance after litigation earlier this decade. Registrations in Florida increased dramatically for a few years as a result of litigation, but dropped just as dramatically after settlements between the state and plaintiffs expired. In addition, Iowa and North Carolina saw radical increases in registration in 2004 after reforms were implemented. Recently, New Mexico increased registrations six fold after reforms inspired by the threat of litigation over poor NVRA compliance was brought by Project Vote and others.

⁷ Again, the indication in the EAC data that states are out of compliance has been backed up by research in the field confirming severe compliance problems. This field research includes direct surveys of offices and their clients in seven states and numerous discussions with state election and public assistance officials.

Conclusion

Taking into consideration the recent past performance of states in agency registration, the consistently large number of unregistered citizens, and the substantial client base of public assistance programs, it becomes clear that states have missed opportunities to register hundreds of thousands of Americans as a result of poor compliance with the NVRA.

To improve compliance, states should require agencies to provide frequent reports on the number of clients seen and the number registered. State election officials, who are required by the Act to serve as their state's coordinator of NVRA activities, should take the lead on working with agencies to develop these reporting and monitoring systems. These systems would, in turn, improve the data election officials are required to report to the EAC for its biennial reports to Congress on the implementation of the NVRA. Our experience with states reforming their NVRA programs indicate that monitoring can be done easily and quickly, and lead to substantial increases in registrations.

Action at the federal level also needs be taken: states with poor reporting records, as well as those reporting few registrations, should be the subject of investigations by the Department of Justice. At the same time, the Department of Justice, the EAC, and Congress should push public assistance agencies to develop valid and reliable systems for collecting and reporting NVRA data on jurisdictions below the level of the state.

Table 1: Adult Citizen Food Stamp Participants and Agency Registrations, 2005-2006, Rankings by Rate

State*	Adult Citizen Food Stamp Participation, Avg. Monthly**	Public Assistance Agency Registrations***	Ratio	Additional Registrations at 20% of Food Stamps
Tennessee	446,000	120,962	27%	
South Dakota	27,500	4,360	16%	1,140
Michigan	571,000	60,364	11%	53,836
Iowa	109,000	11,333	10%	10,467
Colorado	111,500	10,222	9%	12,078
Kansas	89,000	8,093	9%	9,707
Georgia	420,500	35,747	9%	48,353
Oregon	232,000	19,333	8%	27,067
Ohio	515,500	42,599	8%	60,501
Montana	43,000	3,510	8%	5,090
Kentucky	323,500	25,328	8%	39,372
Delaware	30,500	2,338	8%	3,762
Maryland	144,500	8,788	6%	20,112
Oklahoma	209,500	12,724	6%	29,176
Nevada	55,000	3,307	6%	7,693
West Virginia	152,000	7,261	5%	23,139
South Carolina****	270,500	12,328	5%	41,772
Missouri	372,000	15,568	4%	58,832
Louisiana	332,000	12,278	4%	54,122
California	553,500	20,355	4%	90,345
New Jersey	173,000	5,423	3%	29,177
Rhode Island	32,000	938	3%	5,462
North Carolina	396,000	11,607	3%	67,593
Virginia	244,000	7,030	3%	41,770
Nebraska	56,000	1,548	3%	9,652
Washington	269,500	7,119	3%	46,781
District of Columbia	47,500	1,196	3%	8,304
Arkansas	189,000	4,750	3%	33,050
Arizona	214,000	5,323	2%	37,477
Florida	551,000	13,436	2%	96,764
Indiana	279,500	6,023	2%	49,877
Texas	945,500	17,034	2%	172,066
Mississippi	191,000	3,309	2%	34,891
Illinois	577,500	8,948	2%	106,552
Pennsylvania	562,500	7,266	1%	105,234
New Mexico	103,500	1,214	1%	19,486
Utah	58,500	611	1%	11,089
Hawaii	48,500	343	1%	9,357
Alaska	27,000	119	0%	5,281
Vermont	27,000	45	0%	5,355
Connecticut	112,500	0	0%	22,500
Maine	93,000	0	0%	18,600
Massachusetts	202,500	0	0%	40,500
New York	872,500	0	0%	174,500
Alabama	259,500	0	0%	51,900
TOTALS	11,540,500	540,080	5%	1,799,782

Sources: "Characteristics of Food Stamp Households" (USDA reports from FY1999 to FY2006) and "The Impact of the National Voter Registration Act, 2005-2006" (U.S. Election Assistance Commission).

* Excluded from this table are states exempt from the NVRA: Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming.

** The number of adult citizen food stamp participants is the average monthly participation for the two fiscal years overlapping the election cycle.

***The EAC reports cover a two-year period beginning in November of the preceeding even-numbered year through October of the election cycle.

**** South Carolina reported zero registrations for the 2005-2006 EAC report but has since reported 12,328 registrations from agencies for this period.

Table 2: State Rankings by Election Cycle

1999-2000

2001-2002

2003-2004

State	1999-2000			2001-2002			2003-2004				
	Adult Citizen FSP Avg. Monthly	Public Assistance Agency Registrations	Ratio	Adult Citizen FSP Avg. Monthly	Public Assistance Agency Registrations	Ratio	Adult Citizen FSP Avg. Monthly	Public Assistance Agency Registrations	Ratio		
1 South Dakota	21,000	10,276	49%	Nevada	40,000	39,444	99%	Montana	39,500	22,959	58%
2 Oregon	118,000	51,714	44%	South Dakota	23,500	9,020	38%	Tennessee	399,000	173,927	44%
3 New York	708,500	225,660	32%	Oregon	165,500	53,538	32%	South Dakota	26,000	7,039	27%
4 Arizona	103,500	32,137	31%	New York	687,500	164,924	24%	Nebraska	50,500	10,979	22%
5 Maryland	118,500	32,250	27%	Tennessee	318,000	52,373	16%	New York	735,000	157,116	21%
6 Missouri	206,000	51,951	25%	Texas	628,000	97,644	16%	Colorado	100,000	21,123	21%
7 Massachusetts	110,500	26,984	24%	Mississippi	149,500	21,242	14%	Florida	503,000	83,679	17%
8 Vermont	24,500	5,724	23%	Missouri	248,500	34,923	14%	New Jersey	159,500	24,501	15%
9 Delaware	1,500	3,317	21%	Iowa	69,500	9,655	14%	Georgia	378,000	51,892	14%
10 West Virginia	140,000	27,907	20%	Florida	433,500	59,460	14%	Michigan	448,000	58,401	13%
11 Tennessee	259,000	49,636	19%	Connecticut	92,500	11,603	13%	Nevada	52,000	6,389	12%
12 North Carolina	241,000	42,125	17%	Massachusetts	116,500	13,521	12%	Oregon	215,500	25,926	12%
13 New Jersey	165,000	27,771	17%	Georgia	309,500	35,802	12%	California	494,500	56,034	11%
14 Maine	63,000	10,419	17%	Maine	68,500	7,839	11%	West Virginia	143,500	14,556	10%
15 Michigan	314,500	51,123	16%	District of Columbia	40,500	4,454	11%	Kentucky	289,500	27,312	9%
16 Washington	137,500	22,167	16%	Kentucky	249,500	27,269	11%	Ohio	443,500	38,821	9%
17 Georgia	276,000	41,165	15%	Montana	33,500	3,207	10%	Maine	79,500	6,646	8%
18 Iowa	62,000	8,259	13%	California	482,000	45,976	10%	Texas	807,000	66,866	8%
19 Indiana	144,500	18,594	13%	Utah	40,000	3,750	9%	Oklahoma	194,000	15,535	8%
20 Kansas	59,000	7,585	13%	South Carolina	179,000	16,253	9%	District of Columbia	42,000	3,024	7%
21 Colorado	78,500	9,905	13%	Delaware	18,000	1,601	9%	Washington	10,000	4,771	7%
22 Utah	37,000	4,349	12%	Virginia	181,500	15,817	9%	Delaware	24,000	1,602	7%
23 California	537,500	62,288	12%	North Carolina	276,000	23,781	9%	Utah	50,000	3,299	7%
24 Kentucky	218,500	24,993	11%	Michigan	356,000	30,127	8%	Pennsylvania	471,000	30,752	7%
25 Pennsylvania	415,500	45,967	11%	Colorado*	83,500	6,804	8%	Kansas	81,500	5,159	6%
26 Connecticut	91,000	9,951	11%	Washington	164,500	13,067	8%	Indiana	242,500	15,071	6%
27 Montana	31,000	3,286	11%	New Jersey	152,000	11,611	8%	Arizona	188,500	11,347	6%
28 Mississippi	134,000	13,241	10%	Rhode Island	31,000	2,240	7%	North Carolina	337,000	19,798	6%
29 Nevada	30,000	2,883	10%	Indiana	186,500	13,281	7%	Missouri	302,500	17,637	6%
30 South Carolina	145,500	13,428	9%	Kansas	68,500	4,661	7%	Iowa	84,000	4,796	6%
31 Ohio	314,500	28,712	9%	Ohio	363,500	24,391	7%	Massachusetts	140,000	7,092	5%
32 Oklahoma	132,000	11,777	9%	Arizona	140,500	9,351	7%	South Carolina	233,500	10,474	4%
33 Alabama	192,500	16,362	8%	Alabama	207,000	13,621	7%	Virginia	209,000	8,807	4%
34 Virginia	177,000	14,953	8%	Oklahoma	158,000	9,633	6%	Connecticut	101,500	3,821	4%
35 Florida	406,500	31,619	8%	Arkansas	143,000	8,623	6%	Louisiana	319,000	7,391	2%
36 Nebraska	42,000	3,063	7%	Nebraska	43,000	2,527	6%	Illinois	493,500	10,398	2%
37 Arkansas	128,500	9,214	7%	New Mexico	80,000	3,719	5%	Arkansas	165,000	3,276	2%
38 Illinois	378,500	26,490	7%	Louisiana	267,500	10,522	4%	Maryland	129,000	1,867	1%
39 Louisiana	235,000	15,869	7%	Pennsylvania	416,500	16,207	4%	Alaska	23,500	151	1%
40 New Mexico	76,000	5,088	7%	Illinois	411,000	13,891	3%	Mississippi	174,000	245	0%
41 District of Columbia	40,500	2,586	6%	Maryland	115,500	1,151	1%	Alabama	228,500	0	0
42 Rhode Island	32,500	1,646	5%	Vermont	24,000	143	1%	Hawaii	52,500	0	0
43 Texas	523,500	19,108	4%	Hawaii	57,000	277	0%	New Mexico	90,500	0	0
44 Hawaii	62,000	738	1%	Alaska	21,000	102	0%	Rhode Island	30,000	0	0
45 Alaska	1,900	211	1%	West Virginia	138,000	0	0%	Vermont	25,000	0	0
TOTALS	7,766,000	1,124,491	14%	8,478,000	949,045	11%	10,005,000	1,050,479	10%		

Sources and Definitions: see Table 1.
 * Colorado's agency registrations for the 2001-2002 federal report was likely a typographical error.
 The Colorado Secretary of State reports that number as 6,804 for the 2001-2002 calendar years and not 56,801 as listed in the 2001-2002 report, thus that substitution was made.



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