

electionlineWeekly—May 29, 2008

electionline.org

NOTE: Beginning next week, electionlineWeekly will shift to a new e-mail delivery format. This will allow us to offer you a cleaner design and new features.

Because we value your privacy, we ask that you re-subscribe to the newsletter (we won't be automatically subscribing you). To do this, please visit: <http://www.patronmail.com/pmailweb/PatronSetup?oid=1675>.

Later this month, we will email electionlineWeekly through two e-mail delivery systems (the old and the new). As a result, some of you may receive duplicate mailings through May (we will make every effort to avoid this). Our transition will be complete as of June, so [sign up](#) soon!

I. In Focus This Week

As election nears, some states fail to meet mandates to help voters register

“Motor Voter” compliance at public assistance agencies lacking, advocates say

By [Kat Zambon](#)
electionline.org

To-date, record numbers of voters cast ballots in primaries nationwide, portending an unprecedented turnout in November. Yet as the general election looms five months from now, some voting rights advocates and lawmakers say states are failing to live up to their obligation to give voter registration opportunities to citizens seeking public assistance.

The [National Voter Registration Act](#) (NVRA) mandates that states give voter registration forms to individuals who may not have a driver's licenses but patronize public assistance offices. Experts say while the more widely known portion of the bill covering registrations at departments of motor vehicles has been met, the obligations to help new registrants at public assistance offices under [Section 7](#) have been ignored, by both states and the [U.S. Department of Justice](#) (DOJ) that is charged with enforcing compliance.

“We're in an election season that's generating a lot of enthusiasm from Americans who historically have not been engaged in the election process,” Mike Slater, [Project Vote](#) deputy director said. “We have a structure to get at those folks but people aren't doing their jobs.”

Section 7 requires that every applicant for public assistance as well as every individual who renews their eligibility or changes their address for public assistance must be offered a voter registration form and help completing it. The public assistance office is then responsible for giving the form to the appropriate official or agency.

Slater said individuals are supposed to receive a form asking if they would like to register to vote or not and a voter registration form simultaneously. However, according to Slater, in some instances citizens are only given the voter registration form after they affirm that they would like to register, which is contrary to the law.

A [report](#) released earlier this year by Project Vote and [Demos](#) found that the number of voter registrations from public assistance agencies has declined 79 percent from 1996 to 2006. From 2005 to 2006, 2,539,604 Americans were registered as a result of Section 7 compared to the 2,602,748 voters registered 1995-1996, the first reporting period after the law's implementation.

“Interviews with public assistance workers and discussions with election officials have also provided us with real world evidence that states are simply not following the law,” said Scott Novakowski, a Demos senior policy analyst. Moreover, states that have taken action to improve their NVRA compliance have seen a significant increase in registrations, which “indicates that non-compliance is indeed a large factor in the declining registrations.”

The decline “is all the more troubling because compliance with the NVRA was by no means complete even during that period” as several states, including California, Illinois, Michigan, Pennsylvania, Virginia and South Carolina initially refused to implement NVRA and had to be sued to enforce compliance, the report noted.

Even with those suits, Section 7 lawsuits have been a rarity. DOJ has filed only two Section 7 lawsuits against states – [most recently against Arizona](#) - since 2002.

David Muhlhausen, a policy analyst at the Heritage Foundation, said last month that the cause for the decline in public assistance-based registrations could be due to other factors unrelated to states failing to meet NVRA mandates.

“Welfare reform led to a substantial decrease in welfare caseloads, which, in turn, may have led to fewer voters registering at public assistance offices,” Muhlhausen [testified](#) at an April [hearing](#) on Capitol Hill. “The previous research by Project Vote and Demos failed entirely to take into account important policy and socioeconomic factors that vary across states and over time and that affect registration rates.”

Despite the reasons, North Carolina opted to address the drop in registrations originating from public assistance offices.

Gary Bartlett, executive director of the state’s election board, created a 14-point NVRA compliance plan for the agencies that included communication and coordination between agencies, training for employees and tracking with weekly e-mail reports.

The governor’s office reminded public assistance offices of their responsibilities under NVRA and the elections board held monthly conference calls with people from the [NVRA Implementation Project](#), which includes Project Vote, the Lawyers’ Committee for Civil Rights, Association of Community Organizers for Reform Now (ACORN) and Demos. The board also identified county coordinators who were responsible for all of the public assistance offices in their counties and conducted random unannounced in-person checks at offices to ensure that make sure agency officials were offering voter registration opportunities.

Johnnie McLean, deputy director of the election board, said that working with the NVRA Implementation Project was “healthy, engaging and productive” and said the election board “is appreciative of the advocates’ willingness to contact us prior to entering into any sort of litigation.”

As a result of the increased efforts, public assistance agencies registered 25,000 more voters in 2007 than in 2006.

Unlike North Carolina, Tennessee had to reform their Section 7 activity as a result of a 2002 [lawsuit](#). The state responded with a [consent decree](#) the same day.

Registration numbers surged. In a two year period between 1999 and 2000, Tennessee’s public assistance agencies turned in 49,636 voter registration applications. In the 2003-2004 reporting period, the first following the lawsuit, the agencies registered 173,927 voters. Agencies registered 120,962 voters 2005-2006, accounting for one in five public assistance office registrations in the country.

Since May 2006, the NVRA Implementation Project has sent letters to Ohio, New Mexico, Missouri, Florida and Arizona alerting them to their states’ possible non-compliance with Section 7. Notice letters typically precede litigation from DOJ or others.

In fact, that's what happened recently in Missouri. On April 23, ACORN and Dionne O'Neal, a St. Louis resident, filed [suit](#) against the Missouri Department of Social Services (DSS) after Project Vote and Demos sent a [notice letter](#) to DSS on ACORN's behalf in August 2007. *The St. Louis Post-Dispatch* [reported](#) that public assistance offices registered more than 143,000 voters during the 1996 election cycle compared to less than 16,000 during the 2006 cycle – a 90 percent decrease.

Deborah Scott, DSS director said that the state is in compliance.

Her department attributes the decline in public assistance agency registrations to past successes in registration and the fact that more people are applying for food stamps online.

The Lawyers' Committee, however, countered in a [press release](#) that nearly 66 percent of adults in Missouri households making less than \$25,000 annually were registered in 2006 compared to 85 percent of those in households making \$100,000 or more. Activists also visited several public assistance offices and found that some offices didn't even have voter registration applications. Public assistance agencies are also required to offer voter registration opportunities during every interaction with clients, including over the phone and internet.

Charlene Davis, Jackson County Republican elections director, said that her office has no authority over public assistance agencies and that her office conducted training sessions with social service workers who were resistant.

The lack of control over public assistance offices goes all the way to the top in Missouri. Secretary of State Robin Carnahan (D), was not named in the lawsuit. After Scott denied the allegations in the August 2007 letter, Carnahan sent a letter to Scott describing Project Vote's evidence of the state's non-compliance and offered to assist with compliance to no avail.

Jeff Ordower, Missouri ACORN head organizer said that Carnahan has attempted to persuade DSS to comply with NVRA and therefore has not been named in the suit.

"Secretary Carnahan has joined us in calling on the agencies to do registration," Ordower said. "We have the suit because they haven't listened to her and they haven't listened to us."

With the primary elections coming to a close and the November presidential election fast approaching, some members of Congress have started asking DOJ to evaluate their Section 7 enforcement.

Last month, six Democratic Senate Judiciary Committee members sent a letter to Attorney General Michael Mukasey asking about DOJ's efforts to enforce NVRA Section 7. Rep. Zoe Lofgren (D-Calif.), chair of the [Committee on House Administration](#) elections subcommittee also sent a [letter](#) to DOJ inquiring about their NVRA enforcement on April 14.

II. Election Reform News This Week

- Voters in [Puerto Rico](#), South Dakota and Montana head to the polls (or mailbox) in the next few days for the final three Democratic presidential primary races. In Montana, [voter registration](#) is up by almost 100,000 compared to same period in 2004 and in Cascade County, there are concerns because only half of the [18,000 absentee ballots](#) that were sent out have been received. In South Dakota, [absentee voting](#) and [voter registration](#) numbers are also way up ahead of the Tuesday primary. The primaries in both Montana and South Dakota also feature an assortment of state and local races.
- With just over months to go until the November presidential election, Colorado is still working out problems with its federally-mandated [statewide voter registration database](#)—and spending more money to fix those problems. According to the *Rocky Mountain News*, in addition to the \$13 million already pledged to Saber Government Solutions for the database, the state is also

spending \$125,000 on consultants to fix errors with secure connections that surfaced during statewide testing in early May. "While no functional showstoppers were uncovered during the mock election, many critical issues identified must be corrected to ensure a successful 2008 election," mock election manager Jan Kuhn wrote. Officials said deficiencies will be fixed in newer versions of the system, to come out in July.

- Officials in [White County, Ark.](#) are still trying to close the books on the May 20 primary, but won't be able to do for at least another week. According to *The Daily Citizen*, the primary election fiasco—initial results weren't reported until five hours after the polls closed and a second set of unofficial results weren't published until more than 24 hours after the elections—was the result of four major mistakes. Problems began when Leslie Bellamy, the county's election coordinator, took emergency maternity leave and two contractors were hired by the election commission to prepare for the election. The four areas of mistakes involved doubled voting results reported from the Programmable Electronic Ballots (PEBs), a time programming error, the failure of a vote-counting machine and names left off ballots. The county will count the ballots again on [June 3](#)—this time by hand.
- [Okaloosa County, Fla.](#), home to the Elgin Air Force Base, will allow any registered voter living abroad to vote via the Internet in upcoming elections. Frustrated by the pace of overseas voting efforts undertaken by the Department of Defense in recent years, Supervisor of Elections Pat Hollarn has championed a plan that will let those living on, or near, three military bases in the United Kingdom, Germany and Japan cast ballots in the November election. During a 10-day period just before Election Day, voters living abroad will be able to enter a computer kiosk and vote on an encrypted electronic ballot, which will eventually be shipped to Florida via the Internet and then counted. Poll workers will be on site to verify that the person is a registered Okaloosa County voter. Hollarn, told the *Miami Herald* that she views her "distance balloting project" as just another type of absentee ballot that uses the Internet instead of the mail. The ballot will have all of the federal, state and local races that appear on the one used in Okaloosa County. "This is strictly an alternative method of absentee-ballot delivery and return for people where mail is a significant problem," Hollarn told the paper.

III. Opinion This Week

National: [Voter ID](#); [Hans van Spakovsky](#)

Arkansas: [Poll workers](#)

California: [Election mailers](#)

Colorado: [Vote fraud](#)

Connecticut: [Dead voters](#)

Florida: [Voting system 'Recount'](#); [Ballot counting](#); [Voter registration forms](#)

Hawaii: [Voting machines](#)

Ohio: [Vote-by-mail](#); [Cuyahoga County](#); [Paper ballots](#); [Vote for a veteran](#)

Oregon: [Instant-runoff voting](#); [Voter turnout](#)

Texas: [Vote fraud](#)

***some sites require registration*

V. Job Postings This Week

All job listings must be received by 12 p.m. Eastern on Wednesday for publication in our Thursday newsletter. Job listings are free but may be edited for length. Whenever possible, include Internet information. Please email job postings to mmoretti@electionline.org

- **Database Specialist, Maryland Board of Elections, Annapolis, Md.**— Responsible for (1) detailed oversight of management and maintenance of the statewide voter registration system (MDVOTERS) database; and (2) the extraction of data and formatted reports from that database.

Qualifications: Bachelor's degree from an accredited college or university in Computer Information Technology, Management Information Systems, Computer Science or other information technology-related field to include course work in data management systems. Experience with MDVoters database software and Crystal report generator. Experience developing databases with Microsoft SQL Server including writing queries, using SQL and SQL Plus for Oracle. Application: Applications will be evaluated based on the materials submitted in relation to the above position responsibilities and requirements. Therefore, it is important to provide complete and accurate information. Please include the title of the position for which you are applying, as well as the announcement number, on your State application (MS 100). All applications must be received or mailed by the closing date to the address shown above. For applications, call 410-767-1277 or download from www.dbm.maryland.gov. Salary: \$41,074-\$65,568. **Deadline:** June 16, 2008.

- **Election Administrative Assistant, Talbot County, Md.--** An Election Administrative Assistant I is the full performance level of administrative support work related to a variety of technical or secretarial services in a local election office. Employees working in the technical areas perform administrative functions not involving policy decisions but requiring a thorough knowledge of the specific functions performed. Employees perform a variety of complex secretarial duties requiring a thorough knowledge of election laws, rules and procedures. Employees in this classification do not supervise but may provide training and guidance to Election Clerks and other support staff. Employees receive general supervision from an Election Director, Election Deputy Director or other designated administrative staff and are expected to exercise considerable tact, discretion and judgment in all areas of work. Matters of confidentiality are given close attention by the supervisor. The work may require travel to schools, nursing homes or other facilities to register voters or provide related services. Employees may be required to work evenings and weekends, particularly prior to and following an election. **Qualifications:** Graduation from an accredited high school or possession of a high school equivalency certificate; one year of experience applying election laws, rules and procedures in a local board of elections office. **Salary:** \$26,257 to \$40,996. **Application:** May be obtained by visiting our [Web site](#); by writing to DBM, OPSB, Recruitment & Examination Division, 301 W. Preston Street Baltimore, Maryland 21201; or by calling 410-767-4850, toll-free: 800-705-3493; TTY users call Maryland Relay Service, 800-735-2258. **Deadline:** June 16, 2008.
- **Election Clerk Lead/Advanced, Anne Arundel County, Md. —** Is the lead or advanced level of specialized clerical work in a local election office or the primary support to an Election Director in a small local office. Employees process and maintain voter records and apply election laws, rules, and procedures to work problems. Does not supervise but may provide training and guidance to Election Clerk Is, IIs and IIIs and other designated support staff. Does not perform the full range of supervisory duties but assigns, trains and reviews the work of Election Clerks and other support staff. Employees in this classification receive general supervision from an Election Supervisor, Election Deputy Director or Election Director. The work may require travel to schools, nursing homes or other facilities to register voters or provide related services. Employees may be required to work evenings and weekends, particularly prior to and following an election. **Qualifications:** Graduation from an accredited high school or possession of a high school equivalency certificate; one year of experience applying election laws, rules and procedures in a local board of elections office. **Salary:** \$26,257 to \$40,996. **Application:** May be obtained by visiting our [Web site](#); by writing to DBM, OPSB, Recruitment & Examination Division, 301 W. Preston Street Baltimore, Maryland 21201; or by calling 410-767-4850, toll-free: 800-705-3493; TTY users call Maryland Relay Service, 800-735-2258. **Deadline:** June 13, 2008.