

Greater Cleveland Voter Coalition
POSITION PAPER ON NATIONAL VOTER REGISTRATION ACT VOTER
REGISTRATION IN OHIO
March 28, 2007

Ensure that Ohio follows the mandate of the NVRA to offer all clients at public assistance agencies the opportunity and assistance to register or submit changes of address.

Problem:

According to Section 7(a)(2) of the National Voter Registration Act (NVRA) of 1993, states must designate as voter registration agencies all offices that provide public assistance (i.e., welfare) and all offices that provide State-funded programs primarily engaged in serving persons with disabilities.¹ According to the NVRA 2003-2004 survey by the federal Elections Assistance Commission², Ohio reported that the following agencies perform NVRA registration:

All deputy registrars of the Ohio Bureau of Motor Vehicles
All offices of the following public agencies:
Ohio Dept. of Human Services
Ohio Dept. of Health
Ohio Dept. of Mental Health
Ohio Dept. of Mental Retardation/Developmental Disability
Ohio Dept. of Rehabilitation Services Commission
All public libraries
All state-supported colleges and universities
The offices of Ohio's 88 county treasurers
The office of the Ohio Secretary of State
U.S. Armed Forces Recruitment offices, to the extent they choose to do so

Ohio is not in compliance with the NVRA mandate. In the most recent survey covering “applications” (new registrations or changes of name or address) from November 2002 through November 2004², Ohio reported that only 1.4% of all such applications were received from public assistance agencies, in contrast to the 2.9% average of 39 states and in marked contrast to the outstanding performance of Tennessee, where 16.3% of all such applications came from public assistance agencies (apparently as a result of a court order to improve the process³). There are many lines of evidence that Ohio is not in compliance:

¹ http://workforsecsecurity.doleta.gov/dmstree/gal/gal96/gal_02-96.htm

² “The impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2003-2004”. <http://www.eac.gov/docs/NVRA-2004-Survey.pdf> The 2004-2006 survey deadline for state responses is March, 2007.

³ Per personal communication on 8/1/05 with Cathy Summers, Elections Specialist at the Tennessee office of the Secretary of State.

- In a Plain Dealer article on Oct. 27, 2002, then Secretary of State Blackwell acknowledged in effect that the law was not being enforced, and lamented that he had no “stick” to enforce it. However, the organization DEMOS has compiled a list of best practices in states that have had far greater success than Ohio⁴, and none of these involve penalties.
- Direct queries of Cuyahoga County public assistance recipients by Ohio ACORN revealed that almost none that were offered registration at these agencies.
- In 2005, Ms. Anne Bringman, an Election Law student at Cleveland State University, personally visited and discussed voter registration practices with personnel in 6 Ohio counties⁵. She discovered that none of the six offices she visited met all NVRA requirements. Some personnel could recall that years ago they were provided with voter registration materials but this was no longer occurring.
- Greater Cleveland Voter Coalition volunteers who called officials at the county’s Board of Mental Retardation, Department of Jobs and Family Services, Ohio Department of Senior and Adult Services, and Area Council on Aging found little or no routine registration activity in evidence. For instance, Mr. Gaunter, Director of the Virgil Brown Center (Dept. Job and Family Services) stated “...it’s probably the exception rather than the rule that the worker asks the client if they want to register”. Fortunately, citizen advocacy with the Cuyahoga County Commissioners led in the fall of 2006 to a very significant NVRA registration effort by several Cuyahoga County agencies.

If Ohio’s public assistance agencies had achieved Tennessee’s 16.3% level of participation instead of its current 1.4% level, an additional 223,000 new registrations and 137,000 changes of address, or a total of 360,000 additional applications would have been submitted over this 2-year period⁶. Although the intensive voter registration drives in 2004 and 2006 may have included many public assistance clients, it is likely that a large number of potential voters were contacted by neither public assistance agencies or registration drives.

Changes of address applications are very important for low-income populations. In 2004, for instance, over half of the applications received in Cuyahoga County were for that purpose. When the County BOE sent out election notifications in 2006, almost 120,000 came back undeliverable, presumably because of change of address. Also, US Census figures show that low-income families move about twice as frequently as high-income

⁴ <http://www.demos-usa.org/pubs/NVRA%20Best%20Practices.doc>

⁵ Anne Bringman, “Is Ohio complying with mandatory federal voting registration law?”, updated Jan. 2006, research paper submitted for a course in Election Law at Cleveland State University.

⁶ These numbers were derived by taking 16.3% of Ohio’s 2,834,685 applications reported for 2002-2004, deducting the 1.4% (i.e. 38,821), and then assuming that the percent of these that were new registrations (54%) and changes of address (33%) were the same as those reported overall by Ohio in reference 2.

families⁷. Thus, filing change of address applications is vitally important to enfranchising low-income families.

Is the figure of 360,000 additional applications an overoptimistic goal for a statewide NVRA program? For at least two reasons, the answer is NO!

- In the fall of 2006, the Cuyahoga DJFS launched an ambitious voter registration campaign. Of the 3,800 clients offered registration (documented by “compliance forms”), 2,100, or 55%, filed new registrations or changes of address. In 2004, this agency had 120,000 separate individuals receiving assistance⁸: 55% of this number would be 66,000 applications. If we multiply this by the ratio of urban dwellers elsewhere in the state, this comes to 320,000 applications from ODJFS alone.
- Another glimpse of the possibilities of full NVRA compliance come from considering the numbers of clients just in the 2003 annual report of ODJFS; 1.75 million (adults and children) on Medicaid, 900,000 receiving food stamps, 920,000 receiving child support, 812,000 unemployment claims, 209,000 job-seeking registrations, and 200,000 OWF clients. Although these are overlapping populations and include children, it is obvious that 1-2 million adults are clients, and, if 40% needed registration, that number is 400,000-800,000. The point is not the exact number, but rather that hundreds of thousands of low-income voters could be enfranchised if NVRA were truly enforced in Ohio.

Part of the problem is undoubtedly due to the budget cuts of public assistance agencies and, therefore, realistic solutions should emphasize training and technical assistance by the Secretary of State’s office so that an undue burden is not imposed.

Recommendations:

- **Immediate:** Several state public assistance agencies are currently revising their software and computer systems. Because of this opportunity, the following should be considered immediately even before a full NVRA program is developed:
 - Many have suggested that the time-consuming task for public assistance agencies to hand-write compliance and registration forms could be greatly alleviated if a computer/printer program automatically generated these forms for every client interested in registering to vote or filing a change of

⁷ US Census Report, Geographic Mobility: 2002 to 2003. <http://www.census.gov/prod/2000pubs/p20-549.pdf>

⁸ Changing patterns of service use among customers of Cuyahoga County Employment and Family Services”, July, 2005, Center on Urban Poverty & Social Change, Case Western Reserve University.

address, especially since the same information required on these forms is already part of the intake of agency personnel. Once the forms were printed, the voter and agency personnel need only take the time to sign them. Given the limited personnel time available at such agencies, this feature would significantly minimize registration time and reduce errors.

- As in Tennessee³, require that the Secretary of State's office follow-up on, ensure compliance of, and report annually on performance by public assistance agencies (see list above) when registering new voters or entering voter changes of address as required by NVRA. A first step would be to discuss the Tennessee program to see which part could be replicated in Ohio.
- As in Tennessee³, require that the Secretary of State's office public assistance employees training on voter registration, issue posters advertising the availability of registration, and issue voter education materials for public assistance agency clients. Also, work with DEMOS and use, as appropriate, its best practices to make Ohio a model state for NVRA registration.
- The list of agencies required by the Ohio SOS to register voters should be expanded. If any agency that provides social services to the needy and receives federal and/or state funding must register clients, there are many, many more agencies that could be required to register; e.g., The Area Agencies on Aging should be registering all the clients who receive meal and transportation service and all PASSPORT clients should be registered (PASSPORT provides in-home services designed to keep clients at home instead of a nursing home and is funded by Medicaid; e.g., MetroHealth receives major funding from Medicaid and refuses to register its patients. At every desk in every waiting room the attendant could have a register here sign and ask everyone if they'd like to register.
- After meeting and discussing the program with heads of Ohio's public assistance agencies, convene a meeting of county agency directors who are representative of different types of county demographics and agencies to collect ideas and to ensure that proposed Directives are realistic and respectful of the diversity of agency contacts with clients. Invite agencies that have successful programs, such as the Cuyahoga JFS.
- Make it a priority to use NVRA in neighborhood centers, not just agency headquarters, and make it easy for clients to fill out voter registration forms in the waiting rooms or as part of their appointment, not taken home.
- One study⁹ found that voters registered at public assistance agencies were about 14% less likely to vote than those registered at other locations (not including BMV). Therefore, specific messages need to be developed and promoted that address the client motivation to vote. Many clients do not want to sign their name or address on any form for fear of what it means, how it might be interpreted, lack

⁹ Wolfinger, E.E. & Hoffman, J. (2001) "Registering and Voting with Motor Voter", Political Science & Politics, Vol. 34, 85-92.

of trust in the agency, poor reading or writing skills, and a disbelief that their vote will count for a variety of reasons. Mailings, signage and case manager encouragement are all necessary to overcome these barriers to registering or voting. In addition, League of Women Voter or other literature on how to vote, apply for absentee ballot, ID requirements , etc. should be distributed.

- In Cuyahoga, and possibly in other counties, records of numbers of applications from public assistance agencies were not given high priority, and agencies found it hard to get information or registration forms. Therefore, each BOE should formally designate a coordinator for NVRA to keep accurate, timely information by the month for reporting and accountability. Make certain that NVRA agencies have plenty of registration forms and that BOE transmittal forms are up-to-date and accurate for county agency records. Use of the correct transmittal form for each agency is crucial since the entire BOE record keeping system is dependent on it. BOEs should understand that it is in their interest to update addresses so that mailed information is returned less often, and voters receive correct information as to their polling place and precinct. This should also reduce the time poll workers spend looking up correct precincts or having to issue provisional ballots to voters showing up in the wrong precinct. IT departments of BOEs could also track the transmittal batch numbers and report back to the transmitting agency with any problems entering registrations.
- The SoS should keep a double-entry system of accountability; i.e., both the numbers of applications reportedly submitted by public assistance agencies to BOEs as well as the BOE records of how many were received.
- The results of the agency registrations by county should be publicized in local news media. For instance, the SoS could honor top-performing counties. In any event, there needs to be some way to highlight and give public credit to agencies that are doing an effective job of registering their clients.