

**Demographics of voters whose notices of election were returned as “undeliverable”:
Cuyahoga County, Ohio, 2008¹
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Summary

About 10 percent of “notices of election” (NOE’s) sent out by the Cuyahoga County Board of Elections (CCBOE) were returned as “undeliverable” in 2008. If this high rate of return is to be prevented in the future, it is important to know whether specific populations are at greater risk and should be targeted in information and registration activities and campaigns. In addition, voters whose mailings from Boards of Elections were returned as “undeliverable” have been subjected to challenges, and so a question is whether these challenges are unfair because they target special populations of voters. For these reasons, we compared the demographic characteristics of voters whose NOE’s were returned as “undeliverable” to the CCBOE in September 2008 with those who were not.

There was a striking and continuous negative correlation (-0.475) between median household income and percent delivered notices by census block group. In the group with median household income less than \$20,000, undeliverable NOEs were 70% greater than expected by chance. Conversely, in groups with income over \$60,000, undeliverable NOEs were 55% of chance value. Mapping showed that low income was correlated with higher percent undeliverable NOEs even in largely White areas of the City of Cleveland.

The median percent African American population in census block groups with undeliverable voters addresses was 13 percent, versus 4.8 percent for the deliverable voter addresses, i.e. nearly three times greater ($p < 0.0001$). The percent Hispanic was also significantly greater in the census block groups of undeliverable voter addresses, versus the delivered group, but only about 20 percent greater. Finally, the median percent renter occupied housing units in block groups in which undeliverable voter addresses are located was 46 percent, versus 26 percent for those that were delivered.

We conclude that challenges of voters based on “undeliverable” notices of election are discriminatory in that this group is disproportionately low income and disproportionately not high-income, as well as high percentage African American, and somewhat higher percentage Hispanic, compared to voters whose mailings were deliverable.

In addition, these results should motivate groups registering voters in low-income areas to be sure to ask every person encountered if they need to file a change of address. Since low-income clients are likely to report changes of address to public assistance agencies in order to continue their benefits, these agencies have a vital role to play in ensuring that the vote of low-income voters is not put at risk.

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Background

Census evidence indicates that moving is more frequent in low- than in high-income populations². Therefore, unless they think to file a registration update, lower-income voters who move would form a significant fraction of those voters whose NOE's were returned as "undeliverable". For the same reason, higher-percent African American neighborhoods, with lower income, would also be expected to have a disproportionate number of "undeliverable" NOE's. Lastly, if voters with special demographics (e.g. % African Americans) disproportionately do not receive NOEs because they moved and did not update their address, one would expect to find a higher percentage of rejected provisional ballots (for votes cast in the wrong precinct) in the same demographic groups. In fact, in 2004, the percent of rejected provisional ballots was proportional to the percentage Black population in 21 Cleveland wards³. To determine whether there were significant demographic differences in who received or did not receive the 2008 NOE, we analyzed the demographics of these 2 groups.

A second motivation for this study was that "undeliverable" lists have been used in Cuyahoga County and elsewhere as the basis for challenge of the validity of a voter's registration, a practice called "caging".⁴ Indeed, Ohio Secretary of State Brunner felt compelled to issue an Advisory (2008-79) to counter this practice. If, as indirect evidence suggests, the "undeliverable" group of voters disproportionately represents one or more demographic groups rather than a random sample of the County's voters, then this type of caging practice is clearly discriminatory in effect, and may violate equal protection laws. The results of this study would provide direct evidence for or against this hypothesis.

Methods

We analyzed data supplied by the Cuyahoga County Board of Elections, whose mailing to 881,424 voters, of which 83,394 were returned as "undeliverable", went out in September 2008. The addresses of both deliverable and undeliverable groups, with the exception of about three percent (Table 1), were geocoded and assigned census block groups. Demographics based on 2000 Census data were assigned to the geocoded addresses based on their census block groups. The demographic results were expressed as medians, and the two groups (deliverable and undeliverable) were compared statistically using the non-parametric Wilcoxon rank sum test. "Tied" means that in geocoding the addresses, some could have been located in more than one place. Scores are calculated for each possible match to a street segment and, after meeting a user-defined minimum, the highest score is used to locate the address. In cases of ties, if the

² See references,p.9, Analyses of Voter Disqualification, Cuyahoga County, 2004:
http://www.clevelandvotes.org/news/reports/Analyses_Full_Report.pdf

³ See reference 2, p. 9.

⁴ See report, "Caging Democracy: a 50-year history of partisan challenges to minority voters", T. James,J.D., 2007.

http://www.projectvote.org/images/publications/Policy%20Reports%20and%20Guides/Caging_Democracy_Report.pdf

user allows it, the software picks the first of tied scores that is encountered. Chi-square tests of observed vs. expected distribution of undeliverable NOEs were also conducted.

Table 1 Geocoding numerical results

		Total		Delivered		Undelivered	
		Number	Percent	Number	Percent	Number	Percent
Geocoded	Matched	852,813	96.8	771,801	96.7	81,012	97.1
	Tied	4,331	0.5	3,894	0.5	437	0.5
	subtotal	857,144	97.2	775,695	97.2	81,449	97.7
Not Geocoded		24,280	2.8	22,335	2.8	1,945	2.3
Total		881,424	100.0	798,030	100.0	83,394	100.0

Results

In four demographic groups, percent Hispanic, percent Black, percent Black or Hispanic, median household income and percent who moved since 1999, there were highly significant differences in the demographic characteristics of voters with deliverable and undeliverable NOE’s (Table 2). Indeed, for percent Black (and percent Black or Hispanic), the differences were almost three-fold. In the case of Hispanic voters, the difference was about 20 percent. Correlations between these variables and percent undeliverable were also all statistically significant.

Table 2, Median values of Demographics of “undeliverable” vs. Deliverable mailings

Variable	Undeliverable	Deliverable	Significance of Difference	Median of all voters
Percent Hispanic	1.41	1.19	P<0.001	1.20
Percent Black only, non Hispanic	12.95	4.81	P<0.001	5.26
Percent Black only or Hispanic	22.63	7.41	P<0.001	7.97
Median Household Income	\$35,057	\$43,438	P<0.001	\$42,500
Percent who moved since 1999	18.93	13.92	P<0.001	14.29
Percent renter occupied	46.43	26.02	P<0.001	27.16

A striking (negative) correlation was found between household income and percent undeliverable. As shown in Figure 1, an initial sharp decline in income as percent undeliverable increased indicates that there was a sharp division between the less numerous upper income census block groups of the county (with mostly deliverable NOE’s), versus the remaining block groups in the county that show progressively higher percent undeliverable as household income declines.

Expressed in other terms, where median income was \$20,000 or less, 16.0 percent of mailings were undelivered compared to 9.3% expected undelivered based simply on the proportion of these low income household in the total mailing (Table 3). In other words, in this low-income group, undeliverable mailings were 70% greater than would be expected on a random basis. Conversely, in households with a median income of greater than \$60,000, 11.9% were undeliverable vs. the expected percentage of 21.7%, and therefore undeliverable mailings were 55% of what would be expected on a random basis. These low- and high-income results were statistically significant, as was the distribution of all mailings compared to the expected distribution.

Table 3. Distribution of deliverable vs. non-deliverable NOEs by median household income

	<\$20,000	\$20,000-\$60,000	>\$60,000	Total
undeliverable	13,015	58,653	9,678	81,346
delivered	66,735	531,878	175,629	774,242
Total	79,750	590,531	185,307	855,588
Percentage undeliverable (observed)	16.0	72.1	11.9	100
“Expected” percent undeliverable	9.3	69.0	21.7	100
Chi square	4.79	0.14	4.4	9.32
P value	<0.05	>0.75	<0.05	P<0.005

Median household income had a larger bivariate correlation with percent undeliverable mailings than race and Hispanic ethnicity at the block group level and more explanatory power in a multiple regression model.

Superimposed mapping of the undeliverable locations and household income (Figure 2) shows that even in largely White areas such as Lakewood, parts of Parma, Parma Heights, Rocky River, Mayfield Heights, and others, low or modest income is still associated with higher incidence of undeliverable mailings.

As expected, the percentage of undeliverable NOE’s was significantly higher in census block groups characterized by greater residential turnover and a greater percent of renters (who would be more likely to move), compared to neighborhoods where more NOEs were deliverable. Of all factors significantly related to undeliverable NOEs, this factor was dominant (i.e. was the most powerful predictor in a multiple regression model).

Discussion

This study provides clear evidence that undeliverable notices returned to the CCBOE in 2008 derived disproportionately from low-income communities, many of which were African American or Hispanic. This population also consists of a greater number of renters and people who move more frequently.

In addition to the basic finding, there was a striking negative relationship between median household income and percent undeliverable NOEs, and income was a dominant factor even compared to race and Hispanic ethnicity. It is a significant predictor of undeliverable mailings even after controlling for the effects of race and Hispanic ethnicity, percent renter occupied, and percent moved in the past year. Thus, low-income communities had a higher rate of undeliverable mailings regardless of race and residential mobility.

Four recommendations flow from these results (Those marked + have been discussed with and agreed to by the CCBOE)

1. Message for registration groups (e.g. ACORN, NAACP, the Greater Cleveland Voter Coalition, and Northeast Ohio Voter Advocates) that target low-income communities. These groups must take **extra effort** to ask all potential registrants if they need an update of their address. Unless this question is asked, many of the target population, who are the most frequent movers in the County, may not realize the potential voting difficulties they will encounter unless they make this update. For instance, they may attempt to vote in an incorrect precinct, which in Ohio leads to loss of vote. + This request will be highlighted in new registration instruction forms to be supplied to these groups by the CCBOE. Still another approach is to promote signage in highly frequented locations (e.g. grocery stores, buses) in low income communities, reminding everyone to update their voter registrations if they have moved.
2. Message for public assistance agencies. These agencies are required by federal law (NVRA 1993) to offer voter registration to all clients, and including those who have changed address. One conclusion of this study is that exactly the same low-income population (which would take pains to provide their newest address to aid agencies in order to continue receiving benefits) are those most likely not to update their voter registrations. Unfortunately, most Ohio public assistance agencies have a poor record of compliance with this federal mandate⁵, even though a legal suit is in progress as well as efforts by the Secretary of State's office to improve performance. + One interim solution being investigated by the CCBOE is to have public assistance agencies send monthly lists of clients who have changed address along with identifying information (date of birth, former address, last 4 digits social security number) to their local BOE (which will keep this information strictly confidential). The BOE would check the list against that of registered voters, and mail to those who need an address update, a new registration form and stamped return envelope, explaining the importance of the update.

⁵ Position paper on national voter registration act voter registration in Ohio, 2007.
http://www.clevelandvotes.org/news/position_papers/2007%20Position%20Paper%20NVRA.pdf

3. Message for BOE's. Consider adopting two new measures to reduce the incidence of undeliverable NOEs for all registered voters: A. In August prior to each general election, send all registered voters a "notification of election" (similar to that previously required by HB3), BUT using the postal service to supply forwarding addresses of returned mail. The BOE would then send the voter a registration update form and stamped return envelope. B. Every year, registration lists should be matched against the USPS Change of Address files, and registered voters who have moved without updating registration will be treated in the same way as those with forwarded addresses from the August notice of election. This is now required but only on odd years. An apparently more effective practice, currently used by New York State, is to automatically change the addresses at the BOE in all cases in A and B above, and then to send a notice to the new address, informing the voter that their address has been changed unless they contact the BOE otherwise. In New York, this has led to an enormous decrease in number of provisional ballots cast, because the major cause (voter not updating address) has been effectively addressed. It will be necessary to explore whether such a practice in Ohio requires legislative changes.

4. "Caging". This study shows that the practice of "caging" (described in the Background section) which is based on undeliverable BOE notices, clearly challenges specific groups of voters – those with low incomes, African-Americans and Hispanics - and therefore appears to violate the principle of equal protection. The Ohio Secretary of State has already issued an Advisory against such practices, but pending Federal legislation (H.R.103 and S. 528), if passed, will prevent caging and its disproportionate targeting of these groups in all states. The results of the present study may be helpful in convincing legislators of the need for such legislation.

Figure 1: Scatter Plot of Percent Returned Mailings and Median Household Income

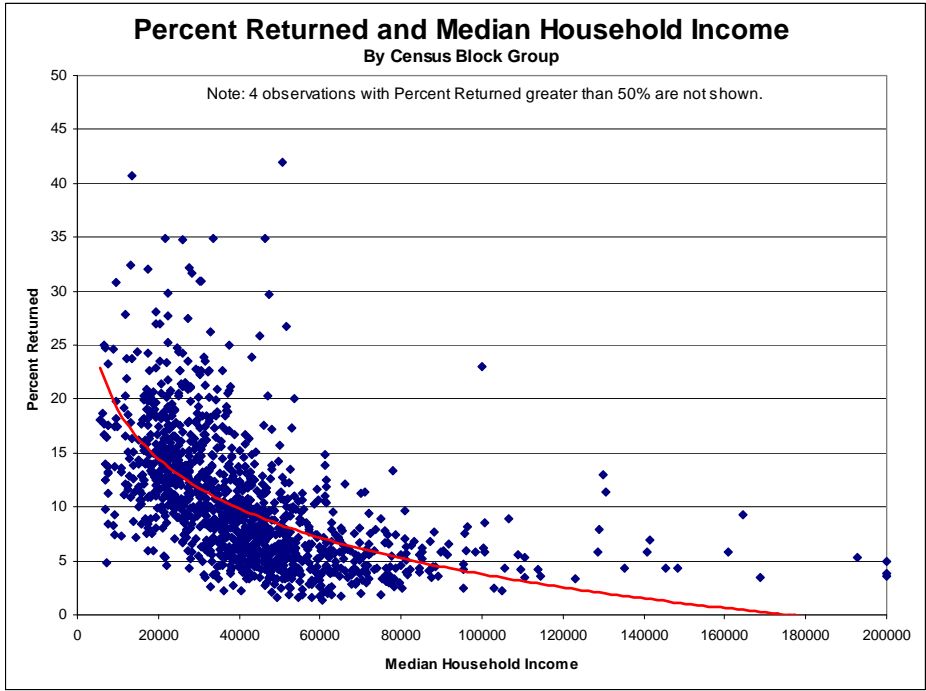


Figure 2: Map of Returned Mailings and Median Household Income

