



August 23, 2007

VIA USPS EXPRESS MAIL

Deborah E. Scott
Director
Missouri Department of Social Services
Broadway State Office Building
P.O. Box 1527
Jefferson City, MO 65102-1527

Dear Ms. Scott:

On behalf of the Association of Community Organizations for Reform Now (ACORN), we write to notify you that the Missouri Department of Social Services (DSS) is not in compliance with the National Voter Registration Act of 1993, 42 U.S.C. § 1973gg, *et seq.* (the “NVRA”), and to urge you to take steps to bring the Department into compliance.

Federal law requires agencies designated by the state as “voter registration agencies” to provide certain specified voter registration services. *See* 42 U.S.C. § 1973gg-5. DSS is a designated “voter registration agency” and, therefore must, at a minimum, distribute mail voter registration application forms, assist applicants in completing the voter registration forms, and accept completed voter registration forms and forward them to the appropriate election official. *See id.* § (a)(4)(A). More specifically, pursuant to Section 7 of the NVRA, DSS offices must (i) distribute voter registration materials with each application for assistance and with each recertification, renewal or change of address form relating to such assistance; (ii) inquire of the applicant, in writing, whether he or she would like to register to vote or change his or her voter registration address; (iii) inform the applicant, in writing, that the decision to register or decline to register to vote will not affect the amount of assistance provided by the agency; and (iv) provide assistance completing the voter registration forms to the same degree the agency provides assistance in completing its own forms. *See id.* § (a)(6).

Substantial evidence demonstrates Missouri DSS' failure to provide mandatory voter registration services at its offices as required by the NVRA.¹ Registration at public assistance agencies in Missouri in the most recent reporting period, 2005-2006, has

¹ The evidence is canvassed more fully in a report recently published by Project Vote, “Investigating Voting Rights In Missouri: An Assessment of Compliance with the National Voter Registration Act in Public Assistance Agencies,” a copy of which is enclosed.

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dropped to almost one-tenth of the numbers achieved in 1995-1996, the first years of the NVRA. In 2005 and 2006, public assistance agencies registered only 15,568 clients register despite the fact that there were nearly 800,000 Food Stamps participants in Missouri during 2005-2006.² That is just one of several public assistance programs in which voter registration materials are required to be distributed. The following table shows the steady, steep drop in voter registrations in each two-year cycle since 1995-96:³

Missouri Voter Registration Applications from DSS & DHSS

	1995-1996	1997-1998	1999-2000	2001-2002	2003-2004	2005-2006
DSS & DHSS Registrations	143,135	68,475	51,951	34,923	17,637	15,568

During this same time period, the percentage of Missourians registered at public assistance agencies dropped from 15% of total registrations to only 2%. Indeed, partly because of a lack of registration at public assistance agencies, Missouri now has an economic registration gap of 15 percentage points: only 66 percent of citizens in households making less than \$15,000 reported being registered to vote compared to 81 percent of citizens in households making \$75,000 or more.⁴

A survey conducted by Project Vote also shows DSS' lack of compliance with Section 7. In May 2007 Project Vote visited DSS offices in each of the four most populated counties in Missouri: Jackson and Clay (Kansas City), St. Louis City and St. Louis County. 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. In addition, 53 clients who met with agency staff were surveyed by Project Vote. Only four recalled agency staff having offered them voter registration services. Furthermore, three DSS sites did not have voter registration materials available even when specifically requested.

By requiring states to offer voter registration applications at public assistance agencies, Congress specifically intended to increase voter registration among low-income citizens. DSS' failure to comply with these provisions of the NVRA has profound consequences. DSS must recognize its obligations under the NVRA and implement

² It should be noted that the number of Food Stamps participants is likely to understate the number of transactions actually covered by Section 7 requirements, because Section 7 requires registration to be offered to all applicants (whether or not they are found eligible for Food Stamps) as well as to all persons seeking to recertify their eligibility or to record a change of address.

³ DSS and Department of Health and Senior Services (DHSS) data is combined in state reports and separate numbers not are available. However, such a substantial drop in public assistance registrations must reflect a substantial decline in DSS registrations because DSS designated offices, which administer Food Stamps, Medicaid, and Temporary Assistance for Needy Families, serve substantially more public assistance clients than DHSS designated offices, which administer the much smaller Women, Infants, and Children program (WIC).

⁴U.S. Census, Current Population Survey November 2006 Voting Supplement, analysis by Demos.

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changes promptly so that all of its citizens, including its citizens who receive public assistance, are able to participate in the electoral process.

This apparent lack of compliance is particularly troubling because the Missouri Secretary of State's office has notified DSS twice that DSS must comply with Section 7, most recently in a letter dated March 29, 2007 from Secretary of State Robin Carnahan that expressed concern about compliance and requested meetings with agencies on this issue.

We believe that full compliance with the requirements of the NVRA will increase the number of voter registrations in DSS offices, to the benefit of the clients you serve. We hope that you agree. Project Vote, Demos and the Lawyers' Committee for Civil Rights Under Law are currently collaborating with the State of North Carolina to implement a program that initially appears to be increasing voter registration at their public assistance agencies. We are happy to meet with you at your earliest convenience to assist in the development of a comprehensive plan to do the same.

Please advise us promptly of the steps you intend to take to remedy your agency's violations of Section 7 of the NVRA, including (i) the measures you will implement to assure future compliance and (ii) the steps you will take to provide registration opportunities to those who have been denied their rights under Section 7 of the NVRA in the past three years. In the absence of such a plan, we will have no alternative but to initiate litigation. We look forward to hearing from you.

Very truly yours,

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cc: Secretary of State Robin Carnahan