

Testimony of
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on

**National Voter Registration Act, section 7:
The Challenges that Public Assistance Agencies Face**

before the
Subcommittee on Elections
of the
Committee on House Administration
of the
U.S. House of Representatives

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Madame Chairwoman Lofgren and distinguished Members of the Subcommittee, thank you for your invitation to testify on Section 7 of the National Voter Registration Act (“NVRA”) dealing with agency voter registration.

I submit this written testimony as Deputy Director of the North Carolina State Board of Elections (SBE) office. Elections in North Carolina are under the jurisdiction of an independent five member bi-partisan board appointed for four years by the Governor upon the recommendation of the Democratic and Republican parties. The North Carolina State Board of Elections is an independent regulatory and quasi-judicial agency. The opinions expressed herein reflect my personal opinion based upon my experience with Section 7 of the NVRA, and do not reflect the opinion or position of the North Carolina State Board of Elections.

Section 7 of the NVRA

Each state must arrange for voter registration in person at certain designated sites that provide services for the public. (NVRA Section 7, 42 USC § 1973gg-2(a) (3)) Such sites include any office in a state that provides public assistance or state-funded programs primarily engaged in providing services to persons with disabilities, or Armed Forces recruitment offices. At these sites, voter registration applications, as well as assistance and acceptance of applications, must be made available to persons applying for benefits, renewing benefits, recertifying benefits, or making a change of address. Also if a client at these agencies is offered registration and the person chooses not to register, the person must sign a declination or preference form. The agency must forward all declination forms to the local entity that administers voter registration. Registering to vote at these designated state offices is known as “agency-based registration.” North Carolina’s provision for this is contained in N.C. Gen. Stat. § 163-82.20 (*see* Attachment A).

The North Carolina Experience

The National Voter Registration Act was implemented in North Carolina in 1995 and for several years was considered a model for agency based registrations. However, through personnel changes in the public assistance agencies and the State Board of Elections, emphasis was not maintained as it should have been on the federal mandate for offering voter registration to clients at the public assistance agencies.

The NVRA Implementation Project (a collaboration between Demos, Project Vote and ACORN) began a nationwide effort in 2004 to enhance and improve voter registration procedures in public assistance agencies. Based on findings of surveys conducted as part of this project, in early 2006, North Carolina was identified and contacted by the advocates as one of many states that were not meeting the federal mandates for agency based registrations. Once confronted with evidence of voter registration inactivity and a dramatic drop (74%) in the number of voters registering at agencies, we asked the advocates to work with the SBE to allow us to improve Section 7 NVRA compliance and results.

Gary Bartlett, Executive Director, developed with assistance from the advocates a 14-point compliance plan for public assistance agencies. (*See Attachment B*). The elements included communication and coordination with public assistance agencies, advising the agencies of their specific duties, providing updated materials and training sessions for agency personnel, and tracking agency compliance on a weekly email report.

The updated implementation plan was put into place within a couple of months of development. Some of the steps toward full implementation of Section 7 included:

- Communication with all agency heads in state government that had voter registration responsibilities about reorganizing compliance. The Governor's Office reminded them of the need to work with the SBE on NVRA compliance. Formal cooperative agreements with these agencies were executed. (*See Attachment C*).
- Monthly telephone conference calls with the interested advocacy groups on agency voter registration issues has assisted in the joint efforts to improve voter registration administration under Section 7.
- Publicly advocating in the media the need to improve NVRA compliance and concerns with the failures of agency registrations has increased popular support for the voter registration efforts.
- Preparation, modification and updating of agency voter registration manuals, group training, and PowerPoint presentations (*see Attachments D and E*). These training items are available on the SBE website for easy access.
- Periodic voter registration training to "Train the Trainer" and workshops at agency meetings.
- Dedication of the SBE's Elections Liaison, whose primary duty is voter registration matters, to aide the voter registration efforts of agencies.
- Identification of county site coordinators responsible for communication with all the county agencies on NVRA matters.
- Monitoring of the weekly transmission of preference/declination forms and VR application forms per agency and comparing the reported NVRA activity with the numbers of persons applying for Medicaid at the agencies comparison enables us to determine where compliance problems may exist.
- Unannounced random in-person checks of NVRA agencies. These have been very effective in getting a "true picture" of an agency's NVRA compliance.

- Establishing an e-mail system to connect all voter registration agency site coordinators for quick communication and information directly to persons that need it.
- Posting of voter information posters in both English and Spanish at NVRA agencies (*see* Attachment F).
- Working with the North Carolina General Assembly and other organizations to improve laws to allow better implementation of voter registration duties under the NVRA.

Currently, we are also working to respond to concerns of our NVRA agencies concerning their responsibilities under the Act, specifically the questions of the North Carolina Association of County Departments of Social Service (NCACDSS), as enumerated in their letter to Mr. Bartlett of January 22, 2008 (*see* Attachment G).

It has been North Carolina's experience that working with the voter advocacy groups has been a healthy, engaging and productive relationship. In fact, the SBE is appreciative of the advocates' willingness to contact us prior to entering into any sort of litigation. In no small way, the initial contact with these voter advocacy groups was commenced due to Mr. Bartlett's long history with working with Joann Chasnow, Project Vote, and through her efforts, the SBE was able to work in partnership to fully ascertain North Carolina's voter registration agencies' compliance with the NVRA. What was initially thought to be isolated incidents of non-compliance was found to be a shocking decline in the services being provided to the clients of these NVRA agencies. Indeed, the advocates' faith and trust in the SBE allowed us to work together and set up a model that is compliant and useful for other states to emulate. The non-adversarial relationship between the SBE and the voter advocacy groups is one focused on improving the NVRA agency system for North Carolina's potentially underserved citizens. By staying in contact with these advocacy groups, the SBE and the NVRA agencies are able to stay on task and are able to provide a realistic assessment of the agency voter registration system in our state.

Conclusion

As a result of these efforts, 25,000 more persons registered to vote in 2007 at Section 7 NVRA agencies than in 2006, counties regularly report their NVRA activity, and public assistance agencies staffs are well-trained. We are learning that it is necessary to maintain the oversight set out above in order to ensure that improved NVRA compliance continues. We are grateful for all those who were part of our "re-implementation plan." As Mr. Bartlett has stated "The single greatest right, and responsibility, of any U.S. citizen is the ability to vote. The NVRA charges all election officials with the responsibility to protect that privilege by ensuring that the opportunity to register to vote is readily available to all eligible citizens. It is our sincere desire to continuously improve our current efforts and to become a resource for any state working to improve their own compliance with Section 7 of NVRA."