



Association of Community Organizations for Reform Now

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## **Strengthening Democracy: Voter Registration and the American Electorate**

### **Statement**

By ACORN President Maude Hurd

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Although decades of work by civil rights advocates and civic groups – with the help of laws like the Voting Rights Act and the National Voter Registration Act (NVRA) – have reduced barriers to registration and voting for many Americans, too many obstacles remain in the way of full civic participation.

Registration rates for African Americans lag Whites by 10 percentage points (71 percent to 61 percent). Latinos (54 percent) and Asian Americans (49 percent) lag even further. Only half of eligible young Americans, ages 18-29, are registered to vote. Low income people vote at much lower rates than the more affluent. *These disparities in electoral participation weaken our democracy and distort public policy by making elected officials less accountable to citizens from disenfranchised communities.*

In order to reduce these disparities in our electorate and help build a more truly representative American democracy, ACORN has conducted major, non-partisan voter registration drives in the last several years—talking face to face to millions of Americans about the importance of voting, and helping people complete and submit voter registration applications.

In 2008 ACORN surpassed its goals by collecting and submitting more than 1.3 million voter registration forms from low income and minority communities. Based on past studies of voter registration drives and samples from our own work, we estimate that seventy percent (over 900,000) of these applications succeeded in keeping voters on or adding voters to the rolls: Hundreds of thousands of young, minority, and low-income citizens registered for the first time, while hundreds of thousands of other voters updated their voter registrations, allowing them to vote legally at their current address.

Voter registration drives by civic groups contributed to a surge in voter turnout among young people, people of color, and low-income citizens, making the 2008 electorate more representative of America than in previous elections. Below, we share some of the information about how we conducted this work, challenges we faced, and our recommendations for involving all Americans in our democracy.

### **How ACORN conducted its voter registration work**

In 2008, ACORN implemented the most sophisticated quality-control system in the voter engagement field. Each application collected was examined by independent staff for completeness and tagged and bundled so we could tell which crew member who gathered it. Registrations were entered into a database

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by an outside vendor, and call centers made several attempts to call each and every registrant to verify information. Where we were able to do so, ACORN worked to “cure” incomplete registrations by contacting voters to get information about missing or inaccurate entries—such as county or zip-code information—that could get a registration rejected.

ACORN turned applications in to election officials in three stacks with separate, detailed cover sheets: 1) those that ACORN believed were complete and ready for processing, 2) those that required additional information and 3) those that ACORN thought suspicious and should be carefully reviewed by election officials in order to verify the authenticity of the information on the application.

Election officials generally recognized ACORN’s good work and praised our quality control systems. In the course of our voter registration drives, ACORN routinely met and communicated with State and local election officials to review the quality of our work and to establish a cooperative relationship.

Unfortunately, a few election officials, for whatever reason, either ignored ACORN’s attempt to notify them of applications that needed further review or did not conduct such a review. In all cases, ACORN staff and lawyers sought to work closely with election officials to resolve any problems and make the process of enfranchising American citizens as efficient as possible.

### **Understanding voter registration drives**

In the course of this work, ACORN hired more than 12,000 registration workers to help people register to vote and verify their information. As with any business or agency that operates at this scale, there are always some people who want to get paid without really doing their job, or who aim to defraud their employer. Any large department store will have some workers who shoplift. Any large voter registration operation will have some workers who turn in bogus registration forms – not because the “Jimmy Johns” whose name they put on a registration form will ever attempt to vote on Election Day, but because they want to get paid without actually making the effort to help register actual voters.<sup>1</sup>

ACORN has a zero-tolerance policy for any employee deliberately falsifying registrations, and in the cases where our internal quality controls identified this happening, we fired the workers involved and turned them in to election officials and law-enforcement. (Also, contrary to rumor, ACORN paid its canvassers by the hour, not by the card.)

Fortunately, only a small fraction of the workers we hire try to defraud ACORN in this way, but we obviously have a big stake in making sure people know we will turn them in and encourage prosecution when we catch them.

Convictions against individual former ACORN workers have been accomplished

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<sup>1</sup> For example, a number of news reports made much of a voter registration card turned into election officials in Lake County Indiana with the name “Jimmie Johns”--a local sandwich shop. What they almost all failed to report that ACORN’s Quality Control staff had attached a “problematic card report coversheet” which stated this very fact.

with our full cooperation and often at our suggestion using the evidence obtained through our quality control and verification processes — evidence which, in most cases ACORN called to the attention of authorities. Press stunts notwithstanding, ACORN’s staff and attorneys have not received notification or information indicating the organization itself is under investigation by any government entity anywhere in the country.

Some poorly-reported media accounts further conflated this handful of fraudulent voter registration cards, which constituted at most two percent of all the cards collected with the more routine problems endemic to any effort to collect large amounts of information from the field such as incomplete voter registration cards (applications missing information), handwriting errors, or cards where the voter entered erroneous information or submitted a card not realizing he or she was already on the rolls.<sup>2</sup> These distinctions are important yet some media outlets reported on voter registration without discussing them.

Predictably, however, partisan forces tried to use these isolated incidents to incite fear of widespread voter fraud. In 2008, ACORN organizers had to contend with break-ins and vandalism to their offices, racist harassment messages, and death threats as they went about the work of helping their fellow citizens register to vote.

The numerous attacks on ACORN voter registration drives and the inflammatory media reports were all based on the same false and discredited premise: that a voter registration application that contains incorrect information represents an attempt, or at least an opportunity, for someone to commit “voter fraud,” i.e. cast an improper ballot. As numerous studies and reports by responsible media have demonstrated, *this is simply not the case.*<sup>3</sup>

Fraudulent voting itself is close to non-existent in the United States, and there has never been a single documented instance of a problematic voter registration form resulting in an improper vote. Even if someone wanted to influence the election this way, it would not work. Election officials have to verify the identity of each registrant and, if somehow a person made it onto the rolls improperly, they would be a sitting duck to be nabbed and prosecuted as soon as they showed up to vote.

### **Why civic groups must turn problematic cards over to election officials**

In almost all states and localities, ACORN is required either by state law, local election officials or good legal judgment to turn in every voter registration application, even if it knows the card is incomplete or fake. Some states have explicit laws requiring the turn-in of all signed voter registration applications. Other states or localities have policies that require that card be turned in within a given time period—implying that it must be turned in. In all cases, it is election

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<sup>2</sup> While there is very little research in this area, a comparison of voter registration records from the state of Pennsylvania indicated that cards collected by civic groups had a lower rate of errors than those that voters completed on their own or while doing business in government offices.

<sup>3</sup> One of the more comprehensive studies on the topic is “The Politics of Voter Fraud” by Barnard professor Lori Minnite. [projectvote.org/fileadmin/ProjectVote/Publications/Politics\\_of\\_Voter\\_Fraud\\_](http://projectvote.org/fileadmin/ProjectVote/Publications/Politics_of_Voter_Fraud_)

officials who have the final right and responsibility to determine if a card is valid.

In every state, the worst possible thing an organization could do is discard a registration application that turns out to be valid, thus disenfranchising a voter. This would be in opposition to the organizational goal of helping all citizens register and vote, and would be a legal liability as well. So the advice of our counsel has been in almost every case to turn in every single card, identifying in writing any suspected problems.<sup>4</sup>

### **Improving the voter registration process**

Voting rights and voter registration are fundamental components of our democracy and should not be partisan issues. ACORN's voter registration work reached out to and helped enfranchise American citizens from the most underrepresented and disenfranchised communities.

The U.S. Justice Department has an important role to play in the protecting of voting rights for all our citizens. *Existing laws make it clear that efforts to intimidate voters and organizations helping them are criminal offenses. Aggressive enforcement of these laws should be a high priority for the Justice Department going forward.*

In considering longer-term legislation to address problems with the voter registration process, it is worth baring in mind the fact that in every other democracy in the world, maintaining a current list of eligible voters is a public responsibility. ACORN's members and organizers would be the first to applaud a system that takes responsibility for addressing the disparities in the electorate off the shoulders of community organizations. A Universal Voter Registration system, in which the government maintains and updates list of citizens who can vote would allow community organizations to focus on talking to citizens around public policy issues, rather than handling the mechanics of voter registration.

An important step interim step in this direction would be to increase state compliance with the National Voter Registration Act (NVRA). Passed in 1993, the NVRA was intended to help close gaps in the electorate by requiring that states reach out to register citizens through commonly used services: motor vehicle offices and public assistance agencies.

To date, however, too many states have met the public agency provisions of the NVRA with reluctance, resistance, or outright refusal. A 2008 Project Vote report, *Unequal Access: Neglecting the National Voter Registration Act 1995-2007*, documented that the number of registration applications from public assistance

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<sup>4</sup> ACORN voter engagement and legal staff met with elections officials around the country as we began our voter registration drive in 2007-8 and discussed our procedures with them. In only three localities did elections officials ask us to turn cards we knew to be fraudulent into local law enforcement rather than (as opposed to delivering them to the elections office with problems flagged). Because this was allowable under these states' laws, we agreed to do this only if we were 100% certain that it could not possibly be an application from a legitimate voter—and that only occurred in one place.

agencies was in fact at an historic low.

ACORN has worked with public officials and, where necessary, gone to court to see that public agencies provide registration opportunities to the citizens they serve.

### **Missouri: A Success Story**

A model of what can be achieved by bringing states into compliance with the NVRA is the outcome of the 2008 federal case *Acorn v. Scott* in the state of **Missouri**.

In April, 2008 a lawsuit, *Acorn v. Scott*, was filed charging that the Missouri Department of Social Services DSS had failed to fulfill its legal obligations to provide voter registration services to all public assistance clients. The state's compliance with NVRA had fallen from 1995-1996, when the state was a leader in registering voters through public assistance agencies with over 143,000 registrations, to an appalling 15,500 public agency registrations in 2005-2006. "Substantial evidence" of voting rights violations cited in the Court's ruling include emails between two DSS employees acknowledging that voter registrations applications completed by clients had been allowed to pile up for more than a year, through several elections.

On July 15, 2008 Judge Nanette K. Laughrey issued an order directing the Missouri DSS to immediately comply with NVRA. The order instructed Scott and Luck to send notice within five days to all DSS locations informing them that compliance with NVRA was mandatory and required by law, with failures subject to citation for contempt of court. Following this landmark ruling, the attorneys for the plaintiffs in *ACORN v. Scott* began negotiating a settlement with DSS, and opened discussions with the state's WIC program to improve Missouri's implementation of NVRA.

As a direct result of the court order, registrations through Missouri DSS agencies skyrocketed in the six-week period following implementation: **more than 26,000 Missourians registered to vote through Missouri DSS agencies from mid-August through the end of September**. This six-week total surpassed the number of registrations the state collected in public assistance agencies during all of 2005 and 2006 combined. If present trends continue, 100,000 or more citizens will have completed voter registration applications at agency offices by late 2009.

Such impressive results clearly indicate that Missouri's public assistance agencies could have registered hundreds of thousands of voters over the last two years had they implemented the law properly, and provide a perfect example of what can be achieved when states comply with the NVRA and live up to their responsibility to make voting easy and accessible for all Americans.

Any federal legislation or regulatory action regarding voter registration and election participation should be considered with the goal of building a more inclusive and representative democracy.