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Encouraging Local Compliance with Federal Civil Rights Laws: Field Experiments with the National Voter Registration Act

Abstract: *Can state officials increase local officials' compliance with an important federal civil rights law with subtle interventions? The National Voter Registration Act of 1993 (NVRA) requires voter registration services at certain government agencies, but many counties fail to comply with the act. Working with officials in two states, the authors conducted field experiments to determine whether two methods commonly used by state officials increase compliance with the NVRA. Findings show that although the effects of the methods on output were sizable relative to recent performance, agency performance remained poor overall, with many offices continuing their history of registering no voters. The authors also discovered that gains in performance were largest for the offices that had performed best in the past. These findings suggest that while subtle interventions by state officials can produce increased compliance, stronger tactics may be needed to secure implementation of this federal law by local government agents.*

Practitioner Points

- Field experiments can help government agencies evaluate the effectiveness of new and existing strategies to increase staff members' compliance with federal law.
- Efforts by state officials in one agency to influence the behavior of officials in another agency may be too mild to effect change because of the lack of direct authority. The e-mail correspondence tested here, between state election officials and social service agencies regarding compliance with the National Voter Registration Act, was found to have a measurable effect on offices that were already modestly complying with the law, but it did not change the overall compliance profile.
- Even when influence is attempted within the same agency, the effect of tools traditionally used for oversight may be too weak to achieve satisfactory levels of compliance.
- Compliance with the National Voter Registration Act among public assistance offices remains spotty in many places. Corrective prompts by state election offices did little to correct the situation, especially when compared with the results of litigation to ensure compliance in other states. Establishing set routines by employees to register clients (i.e., remove discretion) may be a more effective tactic.

By what mechanism might state officials help ensure compliance by local officials with federal voter registration laws? Although Congress has passed several federal laws regarding citizens' voter registration rights, states and counties vary in how institutions implement those laws (Ewald 2009; Hanmer 2009; Springer 2014). In short, rights granted in federal election laws reach citizens only when, and in the manner which, nonfederal agents comply with the law.

However, the U.S. federal system creates an organizational distance between national and local institutions that puts the cooperation of local officials beyond direct or easy oversight by Congress (Grodzins 1966; McCubbins, Noll, and Weingast 1987). Thus, for many laws, such as the National Voter Registration Act (NVRA) of 1993 (52 U.S.C. § 20501), Congress relies

on state officials, among others, for oversight of local officials. This sets up a complication to the usual model of the principal-agent problem. Instead of one principal and one agent, we have a hierarchy of multiple principals and agents. Whereas Congress is a principal and local governments are agents, state governments are both agents to the federal government's principal and principals to the local government agents.

This article concerns how states manage this second principal-agent relationship by examining a frequently overlooked provision in the NVRA that mandates that government health and social service agencies offer their clients an opportunity to register to vote. Specifically, we worked with two states to conduct experiments evaluating the effectiveness of two interventions commonly used in attempts to reduce compliance problems and increase the number of

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voter registration applications submitted by public assistance offices. In one state (state A), we randomly varied the timing of when social service agency employees were trained. In the other state (state B), we randomly varied the content of e-mail messages sent by the state's chief election office to county social service offices aimed at reminding offices of the need to register clients.

Our hypothesis is that these minimal interventions will be most effective among offices that are compliant with the law to a greater degree because the norm and office procedures implementing the law are already in place in these offices. Conversely, offices that are less compliant with the dictates of the federal law are not expected to be responsive to the interventions because the prompts from the state are insufficient, in themselves, to overcome a lack of both norms and established procedures surrounding their NVRA-related duties.

We find that while both interventions improved voter registration performance over the very low baseline performance, this effect is observed only among offices that are already attempting to register their clients to some extent. This suggests that simple interventions from the state, such as e-mail reminders and brief trainings, may improve the performance of some local agency bureaucrats, but the offices most in need of improvement are largely immune to these interventions. More robust oversight may be required on the part of the state or federal government to ensure compliance with the NVRA.

The National Voter Registration Act

The United States is among a minority of developed nations that require citizens to affirmatively register to vote in elections (Massicotte, Blais, and Yoshinaka 2004).¹ This has allowed political groups to use state voter registration laws and state and local voter registration procedures to shape the demographics of election participation (Ewald 2009; Keyssar 2000; Piven, Minnite, and Groarke 2009). Finding that “discriminatory and unfair registration laws and procedures can . . . disproportionately harm voter participation by various groups, including racial minorities,” Congress passed the NVRA to increase access to voter registration applications (52 U.S.C. § 20501 [a][3]).² Although it was vetoed by President George H. W. Bush, the act was signed into law by President Bill Clinton in 1993, and states were to implement it beginning in January 1995.

NVRA proponents believe the act can bring about a more representative electorate by increasing access to voter registration applications (Piven and Cloward 2000). For example, people with low incomes are much less likely to register and vote than people with higher incomes. In the presidential election year prior to the NVRA becoming law, only 55.0 percent of eligible citizens in the bottom decile of family income were registered to vote, compared with 85.3 percent of eligible citizens in the top decile (Current Population Survey, November 1992 Supplement).³ Among the NVRA's many provisions, the one that may most directly address this gap requires voter registration services at agencies administering programs that primarily serve low-income households.⁴ These agencies are to offer voter registration services when clients apply for benefits, seek recertification of eligibility for benefits, or notify the agency of a change in address (52 U.S.C. § 20506).

States were to implement the NVRA starting in January 1995. However, resistance to the NVRA by a few Republican governors

and state legislatures led to litigation involving the U.S. Department of Justice (DOJ) and civil rights organizations (Groarke 2000; Hess, Wright, and Uradomo 1995; Piven and Cloward 2000; Piven, Minnite, and Groarke 2008). This overt, high-level resistance eventually ended when the courts ruled that Congress had the right to require states to implement the NVRA (Davis 1997, 131–32).⁵

Even with several populous states failing to initially comply, 2.6 million voter registration applications were completed at public assistance agencies alone during the first two years after the act's implementation (FEC 1997).⁶ While the voter turnout rate of registrants in these offices was not on par with those who registered in other ways, more than 50 percent did vote in the first two presidential elections after the NVRA took effect, exceeding some scholars' expectations (Hanmer 2009).

After the initial success, the biennial tally of voter registrations at social service agencies declined dramatically in many states—sometimes by more than half—and remained low even when the number applying for benefits at these agencies increased (Hess and Novakowski 2008). Evidence from NVRA-related litigation and investigations by the DOJ and civil rights organizations, including site visits by observers and depositions from officials, revealed numerous cases of long-standing noncompliance with the NVRA in these agencies (Committee on House Administration 2008; Danetz 2013; Herman 2008; Hess and Novakowski 2008).⁷ Indeed, noting these widespread compliance problems, the 2014 Presidential Commission on Election Administration referred to the NVRA in its final report as “the election statute most often ignored” by officials (2014, 17).

Campaigns by advocates to increase compliance have occasionally produced dramatic results in increasing the number of citizens registering to vote through public assistance offices, with the largest gains following litigation. These results seem to belie arguments that poor performance is attributable to client disinterest or the availability of voter registration at other sites. For instance, social service agencies in Ohio and Missouri each transmitted more than 100,000 voter registration applications in the 12-month periods after the states settled with private plaintiffs regarding violations of the NVRA. These results compare extremely well with the paltry number of voter registration applications in the 24 months prior to the beginning of litigation (Demos 2010; Project Vote 2010).

Several studies have found that the NVRA (or similar policies) can assist in creating a more representative electorate (Herman, Hess, and Groarke 2008; Rigby and Springer 2011; Rugeley and Jackson 2009). Therefore, the failure of some states and counties to allow the act to live up to its potential is of normative concern because the composition of the electorate shapes political representation (Bartels 2008; Griffin and Newman 2005).

Bureaucratic Compliance and the NVRA

There are many reasons why the implementation of any policy might go awry and why agencies might underperform.⁸ For instance, bureaucrats charged with implementing a new policy might resist additional tasks or use their discretion in ways contrary to the intent of some legislative sponsors (Lipsky 1980). In addition, many policies require cooperation between separate agencies, and the capacity to cooperate or the quality of the cooperation can be a hurdle to

implementation (Bardach 1998). Moreover, lacking information, training, or resources, agencies or their staff members simply may not be up to the tasks assigned them. What the law intends for agencies to do may also be unclear—sometimes even intentionally so, depending on legislative compromises or the complexity of the problem being tackled (Edelman 1992; Matland 1995; McCubbins, Noll, and Weingast 1987). Policies also may be poorly designed for shaping the behavior they aim to change (Schneider and Ingram 1990).⁹

Of course, agency heads, political appointees, and elected officials can all intervene to provide their own sources of resistance to implementation. For example, governors may oppose federal directives, seeing them as intrusions into their sphere of power (“states’ rights”) or as burdens that strain their resources (“unfunded mandates”). Actors outside of government, such as private citizens and advocacy organizations, can also get involved in the implementation game through a variety of means, including litigation to halt a program, ensure enforcement, or challenge how a law is interpreted, thus fundamentally affecting what is executed (Bullock and Lamb 1984).

Despite the exasperation frequently expressed in works on implementation, government often does get its work done. Steps can be taken to ameliorate many of the problems that exist between policy design and policy reality: legislation can be clarified through rulemaking, information sharing between agencies can be increased with new technology, enforcement powers can be deployed to engender compliance, and so on. In other words, there is reason to believe that failed or poor implementation can be corrected.

But why, in particular, has implementation of the NVRA been problematic in state health and human services agencies? On the surface, implementing the NVRA provisions involving these agencies is straightforward. Staff members are to give clients a voter registration application and ask clients whether they wish to register to vote. Clients’ responses to the offers are then recorded, and staff members assist clients with the voter registration application as they would for any other agency form. Finally, offices are to transmit completed voter registration applications to election officials (52 U.S.C. § 20506).

While these steps appear simple, they create new tasks for employees who are already burdened with significant amounts of paperwork, and these “street-level bureaucrats” are a likely starting point for implementation problems (Lipsky 1980). Just as police officers have discretion on which traffic infractions to enforce at a given moment, intake workers in social service offices may decide to emphasize different parts of their jobs at different times.

The “motor voter” provision of the NVRA solved this principal–agent problem by mandating that voter registration applications be built into the paperwork for a driver’s license or state identification card. This ensured that the voter registration application was always provided and that citizens would not need to provide their name or address multiple

times (Piven and Cloward 2000).¹⁰ In other words, as long as local motor vehicle offices used the forms or software compliant with the NVRA, the cost of oversight of these agents was reduced. However, the public assistance provision in the NVRA made no such procedural demands, and the specific language used in the section (52 U.S.C. § 20506) left more room for interpretation of appropriate implementation.

While the wiggle room that this difference in the law created for social service agencies led to procedures that were harder to oversee because they were less “automated,” and thus increased the opportunity for spotty compliance, the documented cases of persistent or statewide noncompliance are harder to explain. The structure of NVRA oversight in a three-tiered federal system and implementation requiring the cooperation of separate agencies may be contributing factors. The NVRA is implemented by county-level agencies that are generally housed within a state’s department of social services or health and human services (names for these departments and institutional arrangements vary by state). However, the task of coordinating compliance with the law is left to the state’s chief election officer—often the secretary of state but occasionally a state board of elections or the state attorney general—who has no budgetary or appointment power over social service offices. With no direct line of authority over these offices, the state’s chief election officer has two primary courses of action to rectify poor performance.

First, the election office could “pull the fire alarm” (McCubbins and Schwartz 1984) and inform either the DOJ or the governor of the problematic compliance, but these can be costly actions. Complaining to a governor about the performance of another department violates norms in decentralized policy domains (Mazmanian and Sabatier 1989, 184) and could create ill will among bureau-

crats, political appointees, and elected officials across the board. This dynamic would be even more pronounced if an agency were to go outside the state and enlist the help of the DOJ, which, along with private citizens, is allowed to bring enforcement litigation against agencies that are not complying.

The second option is “policing,” or monitoring compliance and intervening instead of waiting to act after violations occur (McCubbins and Schwartz 1984). Implementation of the act requires interaction between bureaucrats who otherwise would have no contact: election officials and health and human services officials. Thus, we would expect that technical assistance and monitoring could be more difficult. More importantly, because monitoring and training are not costless, and would be unlikely to be acted on for

disciplining noncompliant counties (for the reasons given earlier), state-level officials may find other uses of their limited time, perhaps focused on officials over which they do have authority.

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implementation is not a priority for the federal government. Advocacy groups began to report noncompliance with the NVRA at the local level in 2004—pulling fire alarms proactively and entering the implementation process as new actors—and also found that enforcement at the federal-level had been lax for many years despite evidence of noncompliance presented to the DOJ (Demos and Project Vote 2004; Piven, Minnite, and Groarke 2008; Schumer 2009). Thus, if a state's chief election officer had reported violations to the DOJ, it was likely that no action would have been taken. Taken together, the forces leading to the NVRA's decline were not countered by forces commonly identified as leading to improvement (Bullock and Lamb 1984; Mazmanian and Sabatier 1989, 280–81).

Facing noncompliance by many county governments, an inability to issue disciplinary actions directly, and an unwillingness to report violations to higher authorities, there are few options left for state officials interested in improving compliance. An ideal intervention would utilize existing forms of communications between state and county-level offices to increase compliance with the NVRA, but what forms should those interventions take, and do they work?

To begin to answer these questions, we assisted two states with experiments to test the ability of tools for compliance typically used by state officials.

Field Experiments to Increase Agency-Based Voter Registration Activity

Following evidence of widespread noncompliance in two populous states provided by advocates and confirmed by state officials, the state election officials in one state and social service officials in the other were eager to partner with us to test simple methods for increasing local (i.e., county-level) bureaucrats' compliance with the NVRA. Both of the states involved had seen increases in NVRA performance following technical assistance provided by advocates to state officials. However, this assistance was provided two or more years before the experiments, and both civil rights advocates and state officials still expressed concern about agency compliance. Indeed, in both states, many offices had registered no clients for at least several months in the year prior to our study.

In cooperation with a state social service office in state A and the chief election office in state B, we designed two separate field experiments that officials in the respective states carried out. While paired testing and experimental audits have been used in the field to test for discrimination in several areas of civil rights, such as housing and employment (Bertrand and Mullainathan 2003; Pager and Quillian 2005; Ross and Turner 2005), we are not aware of prior attempts to use field experiments to test tactics that may increase bureaucratic compliance.

The treatments in the two experiments are typical of those that state officials use to spur agency staff members to comply with various policies and procedures. In state A, we tested a computer-based training module for local agency employees. In state B, the

treatments consisted of written e-mail communications to local agency managers reinforcing NVRA policies. Given the authority structure, intergovernmental dynamics, and lax federal enforcement surrounding the NVRA, these treatments represent two of the compliance tools remaining to officials who cannot or do not want to pay a higher price.

Expectations

In both states, our goal was to increase bureaucratic compliance by heightening attention to agencies' required voter registration services. Training, subtle interventions, and cues can affect targeted behaviors in some contexts (e.g., Kroll and Moynihan 2015; Shafir 2013; Thaler and Sunstein 2008). Interventions reminding clerks

that voter registration is both a part of the agency's mission and a legal requirement should encourage agency staff to be more cognizant of this aspect of their job and, given the room for improvement that officials and advocates had found, produce more voter registration applications.

However, some offices might not have accepted voter registration as part of their agency's core mission (e.g., meeting the basic needs of low-income households), especially given the lack of funding and previous experi-

ence working with election officials.¹¹ Piven, Minnite, and Groarke recount evidence of implementation problems at the level of office workers that ranged from outright hostility (e.g., workers removing voter registration forms from clients' packets) to the more mundane (e.g., workers' lacking awareness of their responsibilities under the NVRA) (2009, 123–25). The moderate interventions in our experiments are more likely to work provided that office managers or staff members have accepted implementing the NVRA as part of their work. Thus, the effect of the treatments should be conditional on the existing level of commitment to this aspect of the agency's mission.

Basic training and correspondence guarantee that every social service office should be at least minimally aware of the requirement to register clients to vote. However, for these interventions to translate into action, some prior commitment may be necessary. In other words, offices that regularly submit voter registration applications are signaling that they not only are aware of the requirement but also view it as part of their job description and have a process set up to request and process registration forms. Thus, the training intervention in state A and the communication interventions in state B should serve as prompts that draw increased attention to the tasks necessary for compliance, thus increasing the number of registrations submitted.

In contrast, offices that routinely report registering few or no clients demonstrate through their actions a lack of awareness of or commitment to their NVRA duties or the lack of a regularized process to request and submit registration applications. Subtle communication will be unlikely to shake their prior understanding of their job or approach to conducting business. In these circumstances, a subtle reminder may not be enough to drive managers and frontline staff members to learn about and take on a new task or to reverse

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decisions that local officials may have made in the past to bypass or limit implementation of the NVRA.

One might argue that offices need some threshold of activity to get into the routine of asking clients to register. If true, this would help explain why those with high levels of previous performance are more responsive to the treatment. For example, Mann (2014) suggests that a low threshold of activity around voting by mail in some states explains implementation problems with that policy. However, given the simplicity of implementing an agency voter registration process (e.g., many small offices have successfully implemented registration services) relative to establishing voting by mail (which requires checking eligibility, checking signatures, preparing the appropriate ballot, and mailing the ballot in a timely fashion), we do not believe that such a threshold of activity is necessary. Instead, we think that agency culture is the main force (see also Hanmer 2009 on early and late adoption of registration laws).

It should be noted that our treatments were constrained by the bounds of the usual communication style of state officials to county officials. While more aggressive treatments may have been desirable, the state-level officials were unwilling to “push the envelope” and, understandably, wanted to avoid ruffling feathers. These treatments represent the most aggressive treatments that the officials would agree to, and as a result, our treatments accurately represent the true ability of states to improve compliance using typical means.

Research Design and Results

The field experiments were implemented during the run-up to the 2010 congressional elections in two populous states that have recently been presidential battleground states. Both states’ social service offices are administered at the county level, and the state-level offices were committed to the experimental methodology. The random assignment to treatment and control conditions ensures that, on average, the treatment and control counties will be identical except for the treatment applied (see table A1 in the supplemental appendix in the online version of this article). Any differences in voter registration application rates after the treatment can be attributed to the treatments themselves.

Experiment 1: State A Methods and Data

State A’s social service office encourages compliance with the NVRA by requiring that county social service employees complete a training module on the NVRA each year. The training module, accessed online, is a narrated slideshow lasting 14 minutes that explains the rules and procedures for implementing the NVRA in social service offices. The module stresses that compliance with the NVRA is a legal requirement. After they pass a short quiz and complete a survey at the end of the module, employees receive a certificate of completion, which they are to present to their local agency coordinator.

Our goal in state A was to evaluate the effect of the training module on the number of voter registration applications submitted by social service agencies. Because officials in state A wanted to maintain their policy of requiring the NVRA training for all employees, we randomly assigned the 120 local jurisdictions used for analysis to the timing of when they received an e-mail announcing the training period.¹² On August 10, 2010, officials from the state social service

office sent an e-mail to the local agency coordinators in the treatment group announcing that the training was open and that eligible staff had to complete the training by the end of the month.¹³ Offices in the control group were sent the training announcement on November 1, 2010.

In order to improve the efficiency of our estimates and ensure balance on observable traits, we stratified the randomization of counties (Nickerson 2005). We constructed strata by creating propensity scores for submitting forms and size of the population. All results include a fixed effect for the strata used for randomization (based on propensity scores for submitting forms starting in November 2008, the number of clients seen, and the broader population in the county using data from state sources and the U.S. Census Bureau). Our dependent variable is the number of registration applications submitted by social service agencies in September and October 2010 (i.e., after the treatment group received the training and before the control group received the training). The experiment in state A has the power to detect an increase in submitted applications as small as two applications per month, which is one-ninth of a standard deviation in the number of applications submitted across counties, and is very precise despite a fixed number of observations (for more on the strata, see the supplemental appendix online).

Results

Over the pretreatment period, from November 2008 to July 2010, the average monthly number of voter registration applications reported per agency office was nine applications. This amounts to a rate of roughly 1 percent of the number of SNAP (Supplemental Nutrition Assistance Program) applications and is considerably lower than numbers reported by state A when the NVRA was first implemented.¹⁴ With this relatively low level of performance as a backdrop, table 1, column 1 reports the top-line results of the experiment and estimates the average effect of the online training. On average, jurisdictions assigned to the control condition submitted

Table 1 Effect of Online Training on Voter Registration Applications Submitted in State A

	Model 1	Model 2	Model 3	Model 4
Training	5.4* (2.8)	-4.2** (1.7)	-4.0** (1.8)	-4.3** (2.0)
Training * Past performance		1.1*** (0.1)	1.1*** (0.1)	0.9** (0.3)
Training * Population (1,000s)				0.08 (0.06)
Training * Assistance				-0.01 (0.01)
Past performance		2.2*** (0.3)	2.2*** (0.3)	2.3*** (0.4)
County population (1,000s)			-0.003 (0.01)	-0.07 (0.05)
No. households on public assistance			-0.002 (0.01)	-0.003 (0.01)
Constant	20.2*** (2.0)	1.0 (3.1)	2.0 (4.0)	5.8 (5.0)
N	120	120	120	120

Standard errors reported in parentheses.

All models include fixed effects for strata of randomization.

* $p < .10$; ** $p < .05$; *** $p < .01$.

Notes: We ran all models using ordinary least squares. Model 1 shows that the mean number of applications in the control group was 20.2, while the mean in the treatment group was 25.6 applications. The 5.4 difference represents the treatment effect, which we note is statistically different from 0 at $p < .1$.

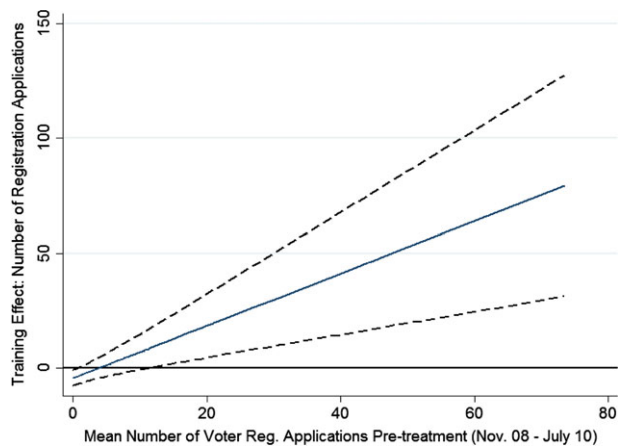


Figure 1 Effect of Online Training on Voter Registration Applications by Past Performance in State A

20 voter registration applications during September and October. Given that there were roughly 330,000 people on food stamps during this period, this means that the agency registered only 0.3 percent of its client base—a share that ranged from a high of 17 percent to a low of 0 percent (meaning the office did not register a single client). In comparison to this baseline, the online training module improved the average number of registration applications submitted by 5.4 per office (standard error = 2.8, $p < .06$). This boost represents an increase in performance of 27 percent and is unlikely to be attributable solely to chance. Thus, it appears that the online training registers a few more people—potentially 600 over two months—but does not dramatically change the overall compliance profile.

Our primary hypothesis, however, is that the 14-minute online training will have the biggest effect among those offices who already make an attempt to register some of their clients and no effect on those ignoring the law. Table 1, column 2 reports the results of analysis that considers the effect of the training conditional on past performance (i.e., the average number of forms submitted each month). As expected, we observe larger treatment effects for offices that already make attempts to register their clients. The training had no effect on offices typically returning fewer than five applications per month (roughly half the sample) but then caused counties to submit an additional 1.1 applications (standard error = 0.1, $p < .01$) in September and October combined for every application they submit in a typical month—a 50 percent increase in performance. Figure 1 graphs the treatment effect. This result is not attributable to simply having a larger supply of available applicants. Table 1, column 3 adds controls for population and number of residents on public assistance in the county, and table 1, column 4 adds the related interaction terms. The coefficients for the interaction between the training treatment and past office performance do not change meaningfully in either specification.

Experiment 2: State B Methods and Data

Together, the authors and elections division leadership designed an experiment to test the effectiveness of e-mail communication with county social service offices. We randomly assigned 93 of the state's counties to one of three conditions.¹⁵ In the first condition, the

elections division sent an e-mail to social service offices reminding them of their duty under the NVRA to register clients. We call this the “reminder” e-mail:

Dear _____,

The National Voter Registration Act requires agencies that offer public assistance to also offer voter registration services. This federal mandate is an important part of our job and duty. State B is blazing new trails in registering clients and setting the standard for the nation. Please make sure you ask everyone who comes into your office to apply for services, reapply for services, or change their address whether they would like to register to vote.

The literature on performance monitoring covers a wide range of outcomes, such as productivity, effort, job satisfaction, and stress (for a review, see Stanton 2009). To signal that compliance with the NVRA was being monitored, we also created messages that incorporated information regarding their previous outcomes and encouraged county staff to surpass their previous levels. Again, we expect the effects to vary with previous commitment to voter registration activities. Given the constraints of working with what the elections division officials deemed typical of professional communications, we were not able to signal any rewards or punishments. We call this treatment the “performance” e-mail, and it adds the following paragraph to the reminder e-mail:

During the last three months _____ applications were processed from [public assistance and disability services] agencies in _____ County. Let's see if we can beat those numbers this month.

The third condition was a control group that received no special communication from the elections division. Both of the treatment e-mails were sent on September 6, 2010. E-mail addresses were confirmed ahead of time, so no e-mails were undeliverable. As our dependent variables we examined the reported registration activity at social service offices in September 2010 and October 2010.

As in state A, we constructed strata by creating propensity scores for submitting registration forms and the size of the population. We created the strata using data on the number of clients seen and the broader population in the county using data from state sources and the U.S. Census Bureau. Counties were matched into groups of three and randomly assigned to one of the three experimental conditions. Thus, the results presented include a fixed effect from the strata. The experiment is sufficiently powerful to reliably detect increases as small as 16 applications per month per county, which is one-tenth of a standard deviation in the number of applications submitted across counties (see the supplemental appendix online).

Results

Column 1 of table 2 presents the differences in the number of voter registration applications submitted by each county's social service office during the two months after the intervention (September and October) across treatment conditions. On average, control counties submitted 53 voter registration applications over these two months

Table 2 Effect of Treatment Email on Voter Registration Applications Collected in State B

Variable	Model 1	Model 2	Model 3	Model 4
Reminder e-mail	7.9 (17.8)	-29.7 (18.2)	-30.0 (18.8)	-35.1 (22.2)
Performance e-mail	14.5 (17.8)	11.3 (17.2)	13.0 (17.5)	15.7 (23.4)
Reminder * Past performance		2.2*** (0.5)	2.3*** (0.6)	2.3*** (0.8)
Performance * Past performance		0.06 (0.4)	0.04 (0.4)	1.1 (0.9)
Reminder * Population (1,000s)				-1.9** (0.7)
Performance * Population (1,000s)				-2.2** (0.8)
Reminder * Assistance				0.2*** (0.1)
Performance * Assistance				0.1** (0.1)
Past performance		1.3*** (0.3)	1.3*** (0.3)	1.3*** (0.3)
County population (1,000s)			-0.2 (0.4)	1.4 (0.9)
No. households on public assistance			-0.01 (0.03)	-0.1*** (0.04)
Constant	53.2*** (12.6)	19.0 (12.1)	42.4 (26.7)	21.3 (47.5)
N	93	93	93	93

Standard errors reported in parentheses.

All models include fixed effects for strata of randomization.

* $p < .10$; ** $p < .05$; *** $p < .01$.

We ran all models using ordinary least squares. Model 1 shows that the mean number of applications in the control group was 53.2, the mean in the reminder treatment group was 61.1 applications (an average increase of 7.9 applications over the control), and the mean in the performance treatment group was 67.7 applications (an average increase of 14.5 applications over the control). Neither of the differences from the control are statistically different from 0 at conventional levels.

leading up to the midterm elections, which constitutes 5.5 percent of the 938 clients for which the county submitted preference forms (i.e., clients were asked whether they would like to register).¹⁶ In comparison, counties sent the reminder e-mail returned, on average, eight more applications (standard error = 18)—an increase of 15 percent. The performance e-mail performed similarly, returning

14.5 applications on average per county (standard error = 18), which improved performance by 27 percent. However, the uncertainty around each of these estimates is sufficiently large that we cannot rule out the null hypothesis that the e-mails had no effect on office performance.

However, we expect that the nudge from the e-mails will be less effective for the least compliant offices (e.g., offices with a long history of registering no or few clients) and encourage greater compliance at offices regularly registering some clients. To test this hypothesis, we condition our analysis on the average number of voter registration applications reported by the offices in the six months prior to the experiment¹⁷ and analyze the effect of the interaction between the two treatments and past performance on the average number of voter registration applications in September and October.

The results strongly suggest that response to the treatment is conditional on past registration activity and the content of the letter (see table 2, column 2). While the reminder treatment may have had a marginal effect on average, the effect of the treatment conditional on past performance is very powerful. For every application collected in an average month, the e-mail caused counties to return 2.2 (standard error = 0.6, $p < .01$) additional applications in September and October. That is, counties submitting an average of fewer than 14 applications per month show no gain from receiving the reminder e-mail, but the treatment caused counties to collect an additional two cards for every card they averaged in the past. This result is not only statistically significant but also a staggering improvement in performance (see figure 2, panel A for a graphical depiction). In order to provide evidence that the result is not being driven by larger counties simply having more clients to register, column 3 in table 2 adds control variables for total population and the number of residents on public assistance in the county, and column 4 in table 2 adds additional interaction terms with the treatment. The fact that our key estimated coefficients remain unchanged strongly suggests that the finding is not driven by the supply of the potential clients but instead by past performance, which is consistent with our hypothesis.

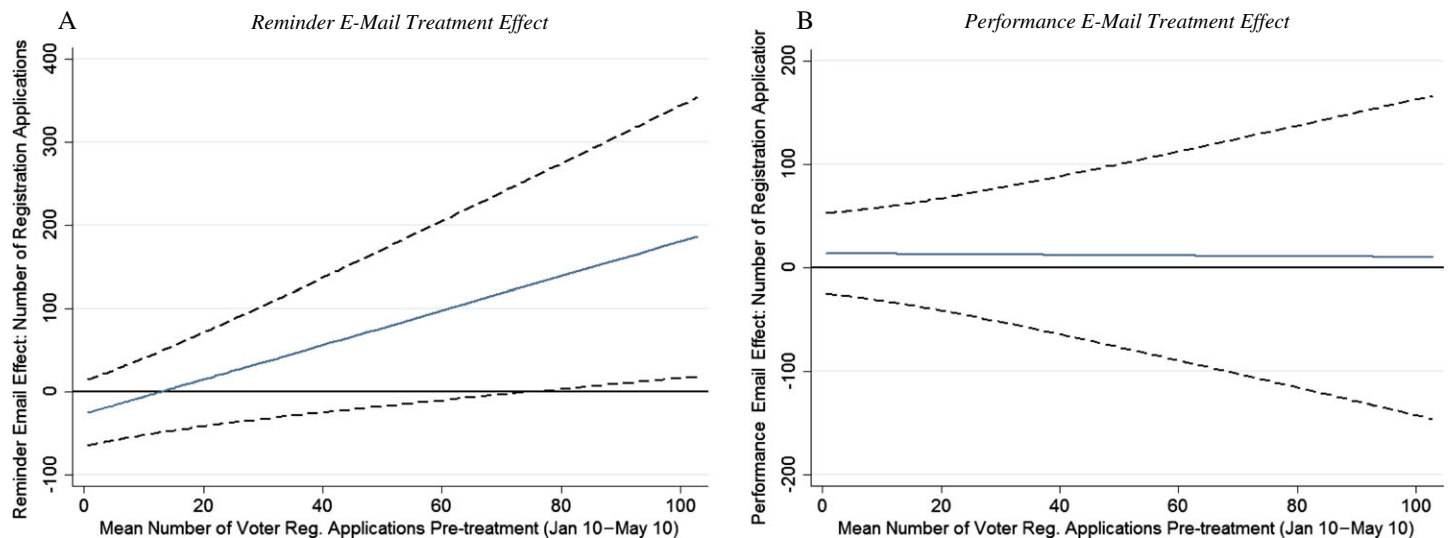


Figure 2 Treatment Effects by Past Voter Registration Applications Returned in State B

In contrast, the performance e-mail showed no similar improvement in performance based on prior behavior. Not only do the coefficients fail to approach traditional thresholds for statistical significance in table 2, but also the graph of the overall treatment effect's most striking feature is its flatness (see figure 2, panel B). While we hoped to demonstrate the importance of the task attentiveness to treatment responsiveness, it is hard to view the performance e-mail as anything other than a curious null finding.

Conclusion

This article presents the results from a collaboration between social scientists and state officials to evaluate the effectiveness of low-cost interventions typical of those used by state officials to spur local bureaucrats toward greater compliance. In this case, the state officials wished to increase local compliance with a federal civil rights law. Our results show that subtle messages delivered by e-mail and a computer-based training module on NVRA compliance practices can modestly boost the number of voter registrations the local officials submit. However, the treatments we investigated were less than universally effective and were insufficient to bring registration levels at agencies to new heights, leaving the potential of the NVRA unfulfilled.

Specifically, for the agencies that were least compliant prior to the interventions—including agencies that registered no applicants over many consecutive months—the interventions had no effect. However, offices that had performed better in the recent past did improve performance. Moreover, our results related to the performance e-mail in state B suggest that drawing agency managers' attention to monitoring from afar is insufficient on its own to bring about significant increases in voter registration activity, regardless of past performance.

Ensuring compliance with the NVRA is of interest not only to Congress and federal officials charged with enforcement but also to state election officials who have special supervisory responsibilities under the NVRA. In addition, this research is relevant to state health and human services agencies that must implement provisions of the NVRA and risk litigation when local agencies do not. Moreover, the issue is of interest to advocacy groups that argue that millions of low-income citizens are denied eased access to voter registration applications when the NVRA is not implemented in these agencies.

Our article offers several possible lessons for practitioners and researchers regarding bureaucratic compliance, performance management, or policy reform. First, changing the behavior of offices that are not fully cooperating with a mandate requires stronger interventions than training and communications, which assume a baseline level of policy support, awareness, or capacity. Such interventions may modestly boost the performance of offices already complying with mandates, but they have little effect on the worst offenders (see also Kroll and Moynihan 2015 regarding when training staff members for "implementation reform" may not be successful).

Second, our studies highlight the implementation problems that can occur when complex, multilevel principal-agent relationships are relied on for accountability but not structured properly. For instance, the state election offices are required to coordinate state NVRA activity, but they have no authority over local social service offices. When passing the original law, Congress may have put too much faith in voluntary enforcement actions by many of the parties involved in the multifaceted chain of principals and agents: the DOJ, state and local election officials, and state and local social service agency employees. More explicit monitoring instructions and situating the monitoring within the agency tasked with registration may have improved performance. Future legislation should consider improving authority and monitoring by providing for a clearer hierarchy and process of control over implementation.

Third, for the reasons discussed in this article, it seems unlikely that states will initiate more aggressive tactics. Thus, agencies tasked with monitoring bureaucratic compliance should be willing to craft and test interventions that will increase compliance without rocking the boat, so to speak, of relationships between levels of government.

Finally, the experiments reported here offer examples that partnerships between government actors and academics are not only feasible but also can yield useful results. The officials we partnered with were responsible and dutiful public servants who earnestly wanted to improve compliance with the dictates of the NVRA. In state A, the trainings had been implemented for several years, and the feedback from social service workers was generally positive. In state B, the election office had considered implementing regular personal communication with the county social service offices but was reluctant to engage in it because they were uncertain of its value. By conducting the experiments with academic partners, government officials estimated the effectiveness of these tactics, and these estimates could then be used to calculate return on investment from the activities.

The real value of such partnerships, however, would be unlocked by engaging in a longer-term research agenda, in which many strategies to improve government performance could be rigorously tested. Our hope is that experiments like these, and partnerships between academic researchers and government officials or advocates, regarding bureaucratic compliance with civil rights laws, become more common.

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Subtle messages delivered by e-mail and a computer-based training module on NVRA compliance practices can modestly boost the number of voter registrations the local officials submit.

Notes

1. North Dakota is the only state without a voter registration requirement.
2. Six states are exempt from some provisions of the NVRA, including the public assistance agency provisions: Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming. For a general review of various requirements in the NVRA, see Rogers (2009).
3. Comparing the bottom three deciles and top three deciles, the difference is still large, with registration rates of 62 percent on the low end and 83 percent on the high end.
4. For the purposes of the NVRA, “public assistance agencies” include those administering Medicaid, the Supplemental Nutrition Assistance Program (formerly the food stamp program), Temporary Assistance for Needy Families, and the Special Supplemental Nutrition Program for Women, Infants, and Children (commonly known as WIC).
5. See, for instance, *Association for Community Organizations for Reform Now v. Miller* (129 F.3d 833 [1997]).
6. States that resisted implementation and failed to comply in the first year or more included California, Illinois, Michigan, and Pennsylvania, among others.
7. Additional evidence of compliance problems comes from the wide variance within many states in output by county agencies (Herman and Hess 2008; Hess 2007). In some investigations, local offices with large client populations were found to have registered no citizens for many consecutive months or longer.
8. For a review of implementation problems, see Hill and Hupe (2009). For implementation problems with civil rights laws in particular, see Bullock and Lamb (1984).
9. This is just a partial listing of factors that may explain variation in how bureaucratic agents comply with or implement policies and programs. For a thorough review of several decades of implementation theory see Hill and Hupe (2009).
10. Initially this was done in motor vehicle departments with non-carbon-copy paper. Forms for voter registration were underneath the application for a driver’s license, and the name and address of the applicant were copied to it. Applicants would then only need to provide additional information that was pertinent for elections (such as party) and sign any state-required statements regarding citizenship, age, nonfelon status, and so on. This was not required of social service agencies.
11. Indeed, for these reasons, it was the policy of the National Association of WIC Directors to oppose WIC agencies registering voters, and that organization worked with Senator Mitch McConnell in attempts to remove WIC from the NVRA (Congressional Record-Senate August 12, 1994, 22103–22104).
12. Some jurisdictions share offices and jointly report information on applications for services. These were combined for all analyses.
13. According to log-in information, agency staff in 70 percent of the jurisdictions took the training in August or September 2010, with nearly 90 percent of the activity taking place between August 10 and August 31. Unfortunately, we do not have additional information on the number of staff who should have taken the training. Because we cannot measure who received the treatment, it is best to view our results as intent to treat effects.
14. SNAP (food stamp) applications are a conservative proxy for office traffic, as they do not account for other types of services. However, using this number alone prevents double counting applicants for more than one program.
15. Several counties were excluded from the study because at least one of the following applied to them: (1) received a letter from the DOJ encouraging compliance with the NVRA in the recent past; (2) shifted to an electronic client interface in which the interaction was scripted and set by a program; (3) too large to have a good match with a third county.
16. It is not possible to know the number of clients served during these months. The closest thing we have to a denominator is the number of people the office asked to register. If the office did not ask the question, then they would not appear in the data.

17. January to July, omitting June. June was omitted because the data do not correlate highly with any of the other months and are likely compromised in some way. Including June in this average does not appreciably change our results.

References

- Bardach, Eugene. 1998. *Getting Agencies to Work Together: The Practice and Theory of Managerial Craftsmanship*. Washington, DC: Brookings Institution Press.
- Bartels, Larry M. 2008. *Unequal Democracy: The Political Economy of the New Gilded Age*. Princeton, NJ: Princeton University Press.
- Bertrand, Marianne, and Sendhil Mullainathan. 2003. Are Emily and Greg More Employable than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination. Working Paper no. 9873, National Bureau of Economic Research. <http://www.nber.org/papers/w9873> [accessed September 28, 2015].
- Bullock, Charles S., and Charles M. Lamb. 1984. *Implementation of Civil Rights Policy*. Monterey, CA: Brooks/Cole.
- Danetz, Lisa J. 2013. Testimony of Lisa J. Danetz, Senior Counsel, Demos to the United States Commission on Civil Rights Increasing Compliance with Section 7 of the NVRA. April 19. <http://www.demos.org/sites/default/files/publications/Final%20USCCR%20Testimony.pdf> [accessed September 28, 2015].
- Davis, Jonathan E. 1997. The National Voter Registration Act of 1993: Debunking State’s Rights Resistance and the Pretense of Voter Fraud. *Temple Political and Civil Rights Law Review* 6: 117–37.
- Demos. 2010. Court Rules That New Mexico Is in Violation of Federal Voter Registration Law. News release, December 22. <http://www.demos.org/press-release/court-rules-new-mexico-violation-federal-voter-registration-law> [accessed September 28, 2015].
- Demos, and Project Vote. 2004. Demos, Project Vote Criticize DOJ after Meeting about NVRA Enforcement. News release, September 28. <http://www.demos.org/press-release/demos-project-vote-criticize-doj-after-meeting-about-nvra-enforcement> [accessed September 28, 2015].
- Edelman, Lauren B. 1992. Legal Ambiguity and Symbolic Structures: Organizational Mediation of Civil Rights Law. *American Journal of Sociology* 97(6): 1531–76.
- Ewald, Alec C. 2009. *The Way We Vote: The Local Dimension of American Suffrage*. Nashville, TN: Vanderbilt University Press.
- Federal Election Commission (FEC). 1997. The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 1995–1996. <http://www.eac.gov/assets/1/AssetManager/The%20Impact%20of%20the%20National%20Voter%20Registration%20Act%20on%20Federal%20Elections%201995-1996.pdf> [accessed September 28, 2015].
- Griffin, John D., and Brian Newman. 2005. Are Voters Better Represented? *Journal of Politics* 67(4): 1206–27.
- Groarke, Margaret M. 2000. Expanding Access to the Vote: An Analysis of Voter Registration Reform in the United States, 1970–93. PhD diss., City University of New York.
- Grodzins, Morton. 1966. *The American System: A New View of Government in the United States*. Chicago: Rand McNally.
- Hanmer, Michael J. 2009. *Discount Voting: Voter Registration Reforms and Their Effects*. New York: Cambridge University Press.
- Herman, Jody. 2008. NVRA Public Agency Registration (Section 7) Field Research Results. http://projectvote.org/images/publications/NVRA/NVRA_Field_Research_Results_Memo_5-1-08.pdf [accessed October 30, 2014].
- Herman, Jody, and Douglas R. Hess. 2008. Investigating Voting Rights in Colorado: An Assessment of Compliance with the National Voter Registration Act in Public Assistance Agencies. http://www.issueab.org/resource/investigating_voting_rights_in_colorado_an_assessment_of_compliance_with_the_national_voter_registration_act_in_public_assistance_agencies [accessed September 28, 2015].
- Herman, Jody, Douglas R. Hess, and Margaret Groarke. 2008. A Review of Academic Literature on the Effectiveness of the National Voter Registration Act. <http://www.projectvote.org/wp-content/uploads/2009/07/NVRA-Literature-Review-FINAL.pdf> [accessed September 28, 2015].

- Hess, Douglas R. 2007. Investigating Voting Rights in Missouri: An Assessment of Compliance with the National Voter Registration Act in Public Assistance Agencies. http://www.issuelab.org/resource/investigating_voting_rights_in_missouri_an_assessment_of_compliance_with_the_national_voter_registration_act_in_public_assistance_agencies [accessed September 28, 2015].
- Hess, Douglas R., and Scott Novakowski. 2008. Unequal Access: Neglecting the National Voter Registration Act, 1995–2007. [http://www.demos.org/sites/default/files/publications/UnequalAccessReport-web\(2\).pdf](http://www.demos.org/sites/default/files/publications/UnequalAccessReport-web(2).pdf) [accessed September 28, 2015].
- Hess, Douglas R., Joanne B. Wright, and Lance T. Uradomo. 1995. *Cheating Democracy: Discrimination in the Implementation of Motor Voter Laws*. Washington, DC: Project Vote.
- Hill, Michael, and Peter Hupe. 2009. *Implementing Public Policy*. Thousand Oaks, CA: Sage Publications.
- Keyssar, Alexander. 2000. *The Right to Vote: The Contested History of Democracy in the United States*. New York: Basic Books.
- Kroll, Alexander, and Donald P. Moynihan. 2015. Does Training Matter? Evidence from Performance Management Reforms. *Public Administration Review* 75(3): 411–20.
- Lipsky, Michael. 1980. *Street-Level Bureaucracy: Dilemma of the Individual in Public Services*. New York: Russell Sage Foundation.
- Mann, Christopher B. 2014. Mail Ballots in the United States: Policy Choice and Administrative Challenges. In *The Measure of American Elections*, edited by Barry C. Burden and Charles Stewart III, 113–40. New York: Cambridge University Press.
- Massicotte, Louis, André Blais, and Antoine Yoshinaka. 2004. *Establishing the Rules of the Game: Election Laws in Democracies*. Toronto: University of Toronto Press.
- Matland, Richard E. 1995. Synthesizing the Implementation Literature: The Ambiguity-Conflict Model of Policy Implementation. *Journal of Public Administration Research and Theory* 5(2): 145–74.
- Mazmanian, Daniel A., and Paul A. Sabatier. 1989. *Implementation and Public Policy: With a New Postscript*. Lanham, MD: University Press of America.
- McCubbins, Mathew D., Roger G. Noll, and Barry R. Weingast. 1987. Administrative Procedures as Instruments of Political Control. *Journal of Law, Economics, and Organization* 3(2): 243–77.
- McCubbins, Mathew D., and Thomas Schwartz. 1984. Congressional Oversight Overlooked: Police Patrols versus Fire Alarms. *American Journal of Political Science* 28(1): 165–79.
- Nickerson, David. 2005. Scalable Protocols Offer Efficient Design for Field Experiments. *Political Analysis* 13(3): 233–52.
- Pager, Devah, and Lincoln Quillian. 2005. Walking the Talk? What Employers Say versus What They Do. *American Sociological Review* 70(3): 355–80.
- Piven, Frances Fox, and Richard A. Cloward. 2000. *Why Americans Still Don't Vote: And Why Politicians Want It That Way*. Boston: Beacon Press.
- Piven, Frances Fox, Lorraine C. Minnite, and Margaret Groarke. 2009. *Keeping Down the Black Vote: Race and the Demobilization of American Voters*. New York: New Press.
- Presidential Commission on Election Administration. 2014. The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration. <https://www.supportthevoter.gov/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf> [accessed September 28, 2015].
- Pressman, Jeffrey L., and Aaron Wildavsky. 1984. *Implementation: How Great Expectations in Washington Are Dashed in Oakland*. Berkeley: University of California Press.
- Project Vote. 2010. Voter Registration Services at Public Assistance Agencies: Complying with Federal Voting Law. <http://www.projectvote.org/wp-content/uploads/2010/04/Public-Agency-Legislative-Brief-April2010.pdf> [accessed September 28, 2015].
- Rigby, Elizabeth, and Melanie J. Springer. 2011. Does Electoral Reform Increase (or Decrease) Political Equality? *Political Research Quarterly* 64(2): 420–34.
- Rogers, Estelle H. 2009. The National Voter Registration Act: Fifteen Years On. Issue brief, American Constitution Society for Law and Policy. https://www.acslaw.org/sites/default/files/Rogers_-_NVRA_at_15.pdf [accessed September 28, 2015].
- Ross, Stephen L., and Margery Austin Turner. 2005. Housing Discrimination in Metropolitan America: Explaining Changes between 1989 and 2000. *Social Problems* 52(2): 152–80.
- Rugeley, Cynthia, and Robert A. Jackson. 2009. Getting on the Rolls: Analyzing the Effects of Lowered Barriers on Voter Registration. *State Politics and Policy Quarterly* 9(1): 56–78.
- Schneider, Anne, and Helen Ingram. 1990. Behavioral Assumptions of Policy Tools. *Journal of Politics* 52(2): 510–29.
- Schumer, Charles E. 2009. Schumer Urges DOJ: Sue States That Flout Voter Registration Law. News release, April 8. http://schumer.senate.gov/new_website/record.cfm?id=311271 [accessed March 23, 2011].
- Shafir, Eldar, ed. 2013. *The Behavioral Foundations of Public Policy*. Princeton, NJ: Princeton University Press.
- Springer, Melanie J. 2014. *How the States Shaped the Nation: American Electoral Institutions and Voter Turnout, 1920–2000*. Chicago: University of Chicago Press.
- Stanton, Jeffrey M. 2000. Reactions to Employee Performance Monitoring: Framework, Review, and Research Directions. *Human Performance* 13(1): 85–113.
- Thaler, Richard H., and Cass R. Sunstein. 2008. *Nudge: Improving Decisions about Health, Wealth, and Happiness*. New Haven, CT: Yale University Press.
- U.S. Congress. Committee on House Administration, Subcommittee on Elections. 2008. Hearing on the National Voter Registration Act, Section 7: The Challenges That Public Assistance Agencies Face. 110th Congress, 2nd Session, April 1.

Supporting Information

A supplemental appendix may be found in the online version of this article at <http://onlinelibrary.wiley.com/journal/10.1111/ISSN1540-6210>.