

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION

ASSOCIATION OF COMMUNITY )  
ORGANIZATIONS FOR REFORM NOW, )  
et al., )

Plaintiff, )

v. )

Case No. 08-4084-CV-C-NKL

DEBORAH E. SCOTT, et al., )

Defendant. )

**DEFENDANT LUCK AND SCOTTS' RESPONSE TO PLAINTIFFS FIRST REQUEST  
FOR PRODUCTION OF DOCUMENTS**

Director Deborah Scott does not have sufficient personal knowledge or information with which to answer these requests for production, except to the extent that she has produced the attached documents. The Director of the Missouri Department of Social Services ("DSS") is responsible for the overall administration of the Department of Social Services and not the day-to-day operations of specific programs. The Department is responsible for the administration of many complex programs, including: the MO Healthnet Program (also known as "Medicaid" or "Medical Assistance"), the food stamp program, TANF, the blind pension system, the foster care system, rehabilitation of youth who have committed criminal offenses and the child welfare system. The DSS Director, in compliance with state and federal law, has delegated responsibility for the administration of the National Voter Registration Act ("NVRA") to the Family Support Division (formerly known as the Division of Family Services), which is the agency responsible for the administration of the public assistance programs. DSS Director Scott does not have personal, specific knowledge of the details of the implementation of the NVRA by the Family Support Division. Director Scott is therefore not personally familiar with the details of the specific

**Exhibit B**

Without waiving these objections, see the two attached CD-ROMs containing training materials and policies which relate to or discuss the NVRA program which are prepared by DSS/FSD training personnel. Also attached are copies of a list of which trainings each FSD each eligibility specialist and supervisor up to the Program Manager level has attended from January 1, 2005 to the present. These are the employees who are primarily responsible for distributing voter registration materials.

**REQUEST NO. 16: All documents reflecting rules, instructions, directives, advisories, operating manuals or procedural manuals concerning the NVRA or voter registration, for the period January 1, 1995, until the date of production of responsive documents.**

**ANSWER:**

Objection, the request for "all documents reflecting rules, instructions, directives, advisories, operating manuals or procedural manuals concerning the NVRA or voter registration" for the past thirteen years is vague, overly broad, and unduly burdensome. The request is insufficiently defined and encompasses documents irrelevant to this lawsuit and not reasonably calculated to lead to the discovery of admissible evidence. A universal search for and identification of "all" documents that reflect directives, instructions, or procedures concerning the NVRA or voter registration since January 1995 would also be quite burdensome, expensive, and rapidly lead to diminishing or no return for the effort expended. Defendants incorporate by reference their objections and responses to Req. Nos. 3, 4, 5, and 15.

Without waiving these objections, see attached, and see documents attached in response to Req. No. 15.

**0105.026.00 VOTER REGISTRATION REQUIREMENTS**IM-72 December 22, 1994

The National Voter Registration Act of 1993 requires that individuals be given the opportunity to register to vote (or change their voter registration data) in elections for federal office when applying for or receiving public assistance or services. This opportunity must also be extended to those individuals coming to Family Support Division offices not seeking public assistance but requesting voter registration services only.

House Bill 1411, passed in 1994, placed into Section 115.162 of the Revised Statutes of Missouri the public assistance voter registration provisions in Section 7 of the National Voter Registration Act of 1993 (Public Law 103-31, 103d Congress).

As a result of the Act, each public assistance office is required to:

- Distribute Voter Registration forms;
- Provide assistance completing the Voter Registration forms; and
- Accept and forward completed Voter Registration forms.

**0105.026.05 DISTRIBUTION OF VOTER REGISTRATION FORMS**

Voter registration services must be made available to all public assistance applicants and recipients. This includes all members who could register to vote in a household. Voter registration services are to be made available at in-person interviews (including home visits) for:

- application for any IM program;
- recertifications;
- reinvestigations; and
- a change of address report.

NOTE: Offer to send Voter Registration forms with the applicant or recipient for other individuals listed in the household who may want to register to vote but are not physically present in the office.

Voter Registration services must also be made available for non-applicants who come into the office. Refer to Section 0105.026.05.15 for special procedures for out of state residents.

**0105.026.05.05 INTERVIEW PROCEDURE**

A worker must present an applicant or recipient with an original Missouri Voter Registration Application form at the time of the in-person interview. Copies of this form may not be used as there are required specifications of weight of paper.

Have the individual mark a response to the question on the form that asks: "If you are not registered to vote where you live now, would you like to apply to register to vote here today?"

- If the individual marks "NO," or declines to mark a box, refer to Section 0105.026.05.10.
- If the individual marks "YES," have the individual complete the Voter Registration

application by filling out the requested information on the other side. Assistance in completion of the application must be offered. Refer to Section 0105.026.10.

**The voter registration services must be offered even if the individual has previously declined to register to vote or they are already registered to vote.**

NOTE: DO NOT detach the top portion of the Missouri Voter Registration form. The entire form must be forwarded to the election official upon completion. Refer to Section 0105.026.20 for transmission of completed forms. Indicate in the individual's case record that form has been filled out.

Date stamp the completed card above the "Code 02" line on the Voter Registration form. The date stamp determines when a person becomes eligible to vote. If a date stamp is unavailable, write the date by hand.

IMPORTANT: There is to be nothing on the Voter Registration card portion of this form to indicate it came from Family Support Division.

### **0105.026.05.10 VOTER REGISTRATION SERVICES DECLINED**

An individual may decline voter registration services. The following procedures apply for declination of services.

- In response to the question on the form that states: "If you are not registered to vote where you live now, would you like to apply to register to vote here today?" the individual checks the box marked "NO." Ask the individual to please sign the form on the space indicated below the question if they have not already done so.
- If the individual declines to mark any box, they are considered to have declined voter registration services. The worker will record on the form the individual's name, the fact that they declined voter registration services, the date, and the worker's signature.

EXAMPLE: "Ms Jane Smith refused voter registration services on December 20, 2003. Jane Doe, Caseworker."

All declinations must be kept in the case record for two years.

### **0105.026.05.15 OUT OF STATE RESIDENTS**

Individuals from another state who are planning to return to that state must also be offered voter registration assistance. National Mail Voter Registration forms may be available at the local offices, or may be downloaded from the Federal Election Commission web site at <http://www.fec.gov/votregis/vr.htm>.

Follow the instructions for the state of residence provided with the form. Mail within five business days to the address for the state provided on the web site. If the individual has a case record, record that a National Mail Voter Registration form has been filled out or declined. A form providing verification of declined services is not required.

### **0105.026.10 FORM COMPLETION ASSISTANCE**

Offer the same degree of assistance to individuals in completing a Voter Registration form as offered to individuals in completing agency forms, unless the individual refuses such assistance.

Workers providing assistance in completing Voter Registration forms are prohibited from:

- seeking to influence an individual's party preference or party registration;
- displaying any political preference or party allegiance;
- making any statement or taking any action whose purpose of effect is to discourage the individual from registering to vote; or
- making any statement or taking any action whose purpose or effect is to lead the individual to believe that a decision whether or not to register has any bearing on the availability of services or benefits.

If an individual believes that someone has interfered with their voter registration rights, they may file a complaint with the Secretary of State.

NOTE: If a worker has a reason to believe the individual does not meet eligibility requirements for voting, DO NOT deny the right to fill out and submit the form. The election official will determine if eligibility requirements are met.

#### **0105.026.20 TRANSMISSION OF COMPLETED FORMS**

Completed Voter Registration forms must be sent to the appropriate County Clerk's office (or nearest election authority within the county) within five business days after receipt. DO NOT detach the top portion of the Missouri Voter Registration form. The entire form must be forwarded to the election official upon completion.

County Clerk's office information may be accessed through the Secretary of State's web site at <http://www.sos.mo.gov/elections/countyclerks.asp>.

NOTE: While the individual registering to vote may choose to transmit the form themselves, it is important to note that Family Support Division is held accountable for effective procedures in conjunction with Voter Registration Services, including timely transmittal.

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<http://www.dss.mo.gov/fsd/iman/fstamps/fstoc.html>, beginning at Section 1120.000.00. Links to the Food stamp recertification portions of the Income Maintenance Manual are located on the same webpage, beginning at Section 1130.015.00. Portions of the Income Maintenance Manual pertaining to application processing for programs other than Food Stamps are available on-line at <http://www.dss.mo.gov/fsd/iman/applproc/appltoc.html>.

Respectfully submitted,

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