



State of California—Health and Human Services Agency
Department of Health Care Services



EDMUND G. BROWN JR.
Governor

January 26, 2012

Medi-Cal Eligibility Division Information Letter No.: I 12-02

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY MEDI-CAL PROGRAM SPECIALISTS/LIAISONS

SUBJECT: THE SECRETARY OF STATE'S CHANGES TO THE CALIFORNIA
NATIONAL VOTER REGISTRATION ACT (NVRA) MANUAL (2011
REVISION)

References: Medi-Cal All County Welfare Director's Letter (ACWDL) No. 94-85, 95-36, 95-78, 96-01, California Department of Social Services (CDSS) All County Information Notice (ACIN) No. I-01-12, and Public Law 103-31 Section 7, May 20, 1993

The purpose of this letter is to notify County Welfare Departments (CWDs) of the Secretary of State's (SOS) most recent changes to the California NVRA Manual, specifically Chapter 4, for public assistance and other voter registration agencies. The public assistance programs include: CalFresh, California Work Opportunity and Responsibility to Kids (CalWORKs), Medi-Cal, Women, Infants and Children (WIC) nutrition program, and In-Home Supportive Services (IHSS). In addition to the changes made to the California NVRA manual, the SOS has also made changes to the California Voter Registration Card (VRC), the NVRA Voter Preference Form, formerly entitled Voter Registration Interest/Declination Form, and has eliminated the "flagging" policy used by CWDs when reviewing questionable voter registration forms.

Under federal law, the NVRA requires states to provide voter registration opportunities at all offices that provide public assistance and all offices that provide state-funded programs primarily engaged in providing services to person(s) with disabilities. All applicants and continuing clients must be given a VRC and a NVRA Voter Preference Form, regardless of whether they indicate they want to register to vote or not. This policy replaces the policy in ACIN I-09-09 to "offer" voter registration materials. If CWDs fail to comply with the NVRA, the county and state can be subject to a civil action by the United States Department of Justice or a private party.

Under federal law, CWDs **must** provide the following services to clients at initial application, recertification, and changes of address:

- Provide and collect a VRC;
- Provide and collect a NVRA Voter Preference Form;
- Provide assistance in completing these forms, if requested;
- Accept and transmit completed VRCs to the appropriate county elections officials within 10 days; however, if a voter registration agency receives a completed VRC within five days of the voter registration deadline (the 15th day prior to an election), the agency must transmit the VRC to the county elections office within five days;
- Obtain VRCs from the county elections office to ensure proper tracking of NVRA VRCs;
- Provide the same degree of assistance to all applicants, including persons with disabilities, when completing VRCs either in their home or in person as offered when completing the agency's own application forms;
- Inform clients that receipt of benefits is not linked in any way to the client's decision to register or not register to vote;
- Ensure that CWD employees do not seek to influence the client's decision to register or not register to vote, or the client's political party preference;
- If a client declines to indicate whether they wish to register or that he/she will complete the VRC at a later time, the Voter Preference Form should still be completed;
- CWDs must retain the Voter Preference Form for 24 months. Counties may determine the manner for filing and retaining the forms (e.g., with the client's case file or filed separately). An electronic record of the form or the individual's response (Yes/No/Already registered) may be kept in lieu of retaining paper forms; and
- Provide staff training annually on the NVRA requirements and how to assist clients with voter registration.

Note: Please understand that the aforementioned responsibilities of CWDs must be provided whether the client transaction occurs in-person, through internet, over the telephone, e-mail, or through the mail.

VRC

The NVRA requires CWDs to give applicants applying for benefits, renewal, or a change of address a Voter Preference Form and a VRC so that the applicant may register to vote. The NVRA also requires all states to accept the National Mail Voter Registration Form, but allows each state to develop its own voter registration form, as long as it is equivalent to the federal form. Public assistance agencies should make every effort to distribute the California VRC, rather than the National Mail Voter Registration Form, in order to ensure county election officials can properly track and report the number of registrations coming from public assistance agencies. Below are procedures for obtaining California VRCs.

Procedures for CWDs when ordering VRCs

In California, the SOS supplies VRCs to county elections officials. The SOS prints county-specific VRCs including a postage-paid envelope and the county elections office address in the county where the agency office is located. In turn, county elections officials distribute supplies of VRCs to public assistance agencies within the county. County election officials record the serial number ranges of VRCs distributed to public assistance agencies in order to track the number of completed VRCs returned and attribute new registrations to the public assistance agencies providing voter registration services under the NVRA. Therefore, in order to ensure proper tracking and reporting of NVRA voter registrations, CWDs must obtain supplies of VRCs exclusively from their county elections office. When ordering VRCs, it is important that CWD staff identify themselves as a NVRA public assistance agency.

NVRA Voter Preference Form

The NVRA Voter Preference Form has been redesigned and simplified: 1) to allow clients and agency staff to complete the form more quickly; and 2) to allow agencies to use an electronic form and encourage online voter registration whenever possible. Below are examples of ways to assist clients with the Voter Preference Form, either in person or remotely. If the CWD chooses to create its own form, the form must include the NVRA statutory language as specified by Section 7 of the NVRA.

In-person transactions- CWDs must ask the client to complete the Voter Preference Form. If the client chooses not to register at the agency, but still takes a blank VRC home, the CWD should ask the client to complete the Voter Preference Form and check the “No” box, since the applicant is choosing not to register at that time.

Remote transactions- For mail, telephone, e-mail, and internet transactions, if the client fails to complete and return the Voter Preference Form, CWD staff should attempt to follow up once with the client to find out whether the client would like to register to vote or if assistance is needed. CWDs are not required to complete Voter Preference Forms on behalf of clients who choose not to return the Voter Preference Form in a transaction. In such instances, after following up with the client, CWDs should include a blank Voter Preference Form with the client's name in their records.

Retention of the Voter Preference Form

CWDs must retain the completed Voter Preference Form for two years. However, federal and state laws do not state the manner in which the forms are to be filed within the agency. The SOS office recommends CWDs store the Voter Preference Form in a central, chronological file (e.g. case file), so that CWD staff can easily determine how many Voter Preference Forms are received in a given month, which can help demonstrate NVRA compliance. Voter Preference Forms and responses may be stored electronically.

California Department of Social Services (CDSS): NVRA Monitoring

CDSS will continue to monitor counties to ensure NVRA compliance with the above instructions during county Management Evaluations (ME). An example of such monitoring will include a check of the informational packets provided to applicants/clients to ensure they include the VRCs and NVRA Voter Preference Forms.

SOS and CDSS Quarterly NVRA Meetings

Quarterly NVRA meetings will be arranged for CWDs who are identified as potentially out of compliance under the NVRA. The identified county/counties director(s), SOS, CDSS, and County Welfare Director's Association (CWDA) representatives will be invited to these quarterly meetings to identify and resolve any issues regarding NVRA compliance. CWDs that are identified as fully complying with the NVRA requirements will also be invited to attend to share best practices in regard to NVRA compliance.

NVRA Reporting

The SOS has eliminated the "Voluntary Reporting Requirement" policy previously indicated in ACIN I-09-09. Effective the date of this letter, CWDs are no longer being asked to voluntarily report the total number of completed VRCs and NVRA Voter Preference Forms received. However, CWDs must continue to coordinate with their county elections office to obtain supplies of VRCs to ensure NVRA compliance.

NVRA Coordinator

CWDs should appoint one staff person at each agency office to be in charge of NVRA compliance, which includes arranging staff training, ordering supplies of VRCs from the county elections office, and ensuring VRCs are submitted in a timely manner to the county elections office.

Annual Training

CWDs must ensure that staff are trained on the NVRA requirements and on how to assist applicants with voter registration. CWDs must provide training annually. Refer to the SOS' NVRA training webpage for the public assistance agencies presentation, which can be accessed at the SOS' NVRA Training webpage link:

www.sos.ca.gov/elections/nvra/pdf/ca-nvra-voter-registration-training-for-public-assistance-agencies.pdf.

Repeal of CDSS ACIN I-56-95 and Department of Health Care Services (DHCS) ACWDL 95-78

CDSS and Department of Health Care Services (DHCS) adopted and implemented the “flagging” policy of questionable voter registration forms in December of 1995. CWDs were instructed to “flag” questionable voter registration forms when the employee had specific knowledge that the applicant did not meet the voter registration requirements as indicated in the CDSS ACIN I-56-95 and DHCS ACWDL 95-78.

Federal and state laws do not require the use of the “flagging” policy for CWDs and a determination was made by the SOS office to eliminate this requirement. Therefore, ACIN I-56-95 and ACWDL 95-78 is repealed. Effective the date of this letter, the “flagging” policy used by CWDs is no longer in effect.

For additional information regarding the NVRA Manual, NVRA Forms, NVRA Training for Counties website, and the SOS contacts, see the Useful NVRA Resource Links attachment provided at the end of this letter.

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If you have any questions regarding this letter, please contact Shanee Clark, Program Consultant for CDSS at (916) 653-7973 and for DHCS contact Debora Wong-Kochi of the Medi-Cal Eligibility Division at (916) 552-8429.

Sincerely,

Original signed by Robert Sugawara
for

Rene Mollow, MSN,RN, Chief
Medi-Cal Eligibility Division
Department of Health Care Services

Original signed by Brian Tam
for

Linda Patterson, Chief
CalFresh Branch
Department of Social Services

Useful NVRA Resource Links

Secretary of State's NVRA Webpage:

<http://www.sos.ca.gov/elections/nvra/>

Secretary of State NVRA Coordinator:

Phone: (916) 657-2166

Fax: (916) 653-3214

E-mail: nvra@sos.ca.gov

Secretary of State California NVRA Manual (2011):

<http://www.sos.ca.gov/elections/nvra/nvra-manual.htm>

Secretary of State California NVRA Manual (2011) Chapter Four:

<http://www.sos.ca.gov/elections/nvra/pdf/chapter-four.pdf>

NVRA Voter Preference Forms:

<http://www.sos.ca.gov/elections/nvra/declination-forms.htm>

Secretary of State's NVRA Training Webpage for Public Assistance Agencies:

<http://www.sos.ca.gov/elections/nvra/pdf/ca-nvra-voter-registration-training-for-public-assistance-agencies.pdf>

United States Department of Justice Civil Rights Division Voting Section Website:

http://www.justice.gov/crt/about/vot/nvra/activ_nvra.php

Voter Information:

<http://www.sos.ca.gov>

Call (800) 345-VOTE (8683)

TDD Only: (800) 833-8683

County Elections Office Roster:

http://www.sos.ca.gov/elections/elections_d.htm