

Chapter 4

NVRA Implementation at Public Assistance and Other Voter Registration Agencies

Table of Contents

I.	Implementation of Section 7 of the National Voter Registration Act of 1993 (NVRA).....	21
A.	Designated Voter Registration Agencies.....	21
B.	Responsibilities of Voter Registration Agency Offices.....	22
II.	Registering Voters.....	29
A.	Part 1: The NVRA Voter Preference Form (Preference Form).....	29
B.	Part 2: The Voter Registration Card (VRC).....	32
C.	Obtaining Supplies of Voter Registration Cards.....	34
D.	Confidentiality.....	34
E.	Providing Materials and Assistance in Other Languages.....	35
III.	Transmittal Deadlines and Late Registrations.....	35
A.	Transmittal of Voter Registration Cards (VRCs) to County Elections Office.....	35
B.	Late Voter Registrations.....	36
IV.	Resources.....	37

I. Implementation of Section 7 of the National Voter Registration Act of 1993 (NVRA)

A. Designated Voter Registration Agencies

The NVRA requires states to offer voter registration services at all public assistance and disability service offices. Specifically, Section 7 of the NVRA required states to designate as voter registration agencies all offices that provide public assistance or state-funded programs primarily engaged in providing services to persons with disabilities. These offices are collectively referred to as public assistance agencies.

The NVRA also required states to designate Armed Forces recruitment offices and other offices in the state as voter registration agencies. In California, the following offices are designated as voter registration agencies under the NVRA:

Department of Motor Vehicles (DMV) Field Offices

Public Assistance Agencies (including County Human Service Agencies):

County offices which accept applications and administer benefits for CalFresh, formerly known as Food Stamps, and the California Work Opportunity and Responsibility to Kids (CalWORKs) program which replaced the Aid to Families with Dependent Children (AFDC) program.

County offices which accept applications and administer benefits for the Medi-Cal program.

County offices and community based non-profit organizations under contract with the Department of Public Health, formerly the Department of Health Services, which accept applications and administer benefits for the Women, Infants and Children (WIC) nutrition program.

County offices which accept applications and administer benefits for the In-Home Supportive Services Program (IHSS).

State-Funded Agencies Primarily Serving Persons with Disabilities

Offices of the State Department of Rehabilitation which provide vocational rehabilitation services.

Independent Living Centers

Department of Developmental Services Regional Centers

Offices of contractors with the Department of Social Services, Office of Deaf Access which provide services to the deaf.

State and County Mental Health Providers

Armed Forces Recruitment Offices

Other Agencies Designated by the State Under NVRA

Franchise Tax Board district offices which provide public access for income tax and Homeowner and Renter Assistance forms, instructions and assistance.

State Board of Equalization district offices which provide services to the public.

B. Responsibilities of Voter Registration Agency Offices

At a minimum, the NVRA requires voter registration agencies to provide voter registration services each time a person:

- Applies for services or benefits;
- Requests renewal or recertification; or
- Requests a change of address.

The NVRA requires voter registration agencies to provide the following voter registration services to each applicant:

- Distribute a voter registration card (VRC);
- Distribute an NVRA voter preference form (preference form);
- Assist with filling out the VRC;
- Accept and transmit completed VRCs to elections officials; and
- Accept and retain completed preference forms on file for two years.

These voter registration services must be provided whether the transaction is conducted in person or remotely, for example via phone, email or Internet (online).

Technology Upgrades and Remote Transactions: Integrating Voter Registration

When upgrading NVRA agency technology related to the application, renewal or recertification, or change of address process, public assistance agencies should ensure that such upgrades include the voter registration process.

Below are examples of how NVRA compliance can be accomplished when conducting NVRA-covered transactions in various settings: in person, by mail, over the phone, or via email or the Internet. Agencies have flexibility in determining the best methods to use to ensure NVRA compliance in each setting. Therefore, in the following descriptions, the term “must” indicates a specific practice is mandated under the NVRA, while the term

“should” indicates a recommended practice that can help ensure compliance but which is not expressly mandated under the NVRA.

The United States Department of Justice (USDOJ) has published guidance on complying with the NVRA that contains a number of the practices described below. For more information, please visit the USDOJ Civil Rights Division Voting Section website directly at: http://www.justice.gov/crt/about/vot/nvra/nvra_faq.php.

In-Person/Mail Transactions: Voter registration agencies must include a VRC and preference form in the agency’s standard packet of application materials handed or mailed to applicants who request services or benefits, renewal, recertification, or a change of name or address.

Phone Transactions: Agency staff must ask applicants who apply for services or benefits, renewal, recertification, or a change of name or address by phone:

“If you are not registered to vote where you live now, would you like to register today?”

Agency staff must note the applicant’s response on the preference form and if the applicant says “yes” the agency must provide an opportunity to register to vote either by sending a VRC to the applicant by mail or by sending a link to the online, fillable National Mail Voter Registration Form (National Form) (www.sos.ca.gov/nvrc/fedform/) on the Secretary of State’s website. Agencies which choose to provide a link to the online voter registration form rather than mail a VRC should coordinate with the Secretary of State and their county elections office to establish electronic tracking of the number of applicants who use the online form to register to vote.

Email and Internet Transactions: Voter registration agencies must provide a preference form and a VRC to each applicant. This may be accomplished by either mailing the forms after the online application is complete or by providing an electronic preference form that the applicant can fill out and submit electronically and by sending the applicant a link to the online, fillable National Mail Voter Registration Form (National Form) (www.sos.ca.gov/nvrc/fedform/). Agencies which choose to provide a link to this form rather than mail a VRC should coordinate with the Secretary of State and their county elections office to establish electronic tracking of the number of applicants who use this form to register to vote. In addition, voter registration agencies should include a link on the agency’s main webpage to the National Mail Voter Registration Form posted on the Secretary of State’s website at <https://www.sos.ca.gov/nvrc/fedform/>.

Voter Registration at Public Counters: Voter registration agencies should offer applicants an opportunity to register to vote in public areas and waiting rooms by keeping a supply of VRCs on public counters and displaying voter information. For tracking purposes, VRC supplies must be obtained from the county elections office where the agency is located. To obtain voter *educational* materials, such as posters, DVDs, and brochures, please call the Secretary of State's NVRA Coordinator at (916) 657-2166 or email nvra@sos.ca.gov.

Applicant Assistance

The NVRA requires voter registration agencies to assist applicants with filling out the VRC. Section 7 specifically requires that agencies must provide each person the same degree of assistance in completing the voter registration application as is provided by the office in completing its own agency forms, unless the person declines assistance. For example, if it is standard practice for caseworkers to review agency forms for completeness, caseworkers must also check the VRC for completeness.

When an agency provides services to a person with a disability at the person's home, the agency must also provide voter registration services at the person's home.

For remote transactions via phone, email and the Internet, agencies should provide the Secretary of State's Voter Hotline: (800) 345-8683 for applicants to use if they need help registering or have questions about their voting rights.

For in-person transactions, voter registration agencies must make review of the VRC and preference form part of the agency's regular process for helping applicants apply for benefits enrollment, renewal, recertification, and change of address. Agency staff must advise each applicant that assistance with filling out the VRC will be provided if the applicant wishes, but that the applicant has the right to complete the VRC without assistance.

Completing the NVRA Voter Preference Form

For in-person transactions, the voter registration agency should ask the applicant to complete the preference form. If the applicant chooses not to register at the agency but still takes a blank VRC home, the agency staff should ask the applicant to complete the preference form and check the "No" box, since the applicant is choosing not to register at that time.

For remote transactions, such as mail, phone, email, and the Internet, if an applicant fails to complete and return the preference form, agency staff

should attempt to follow up once with the applicant to find out whether the applicant would like to register to vote or needs assistance.

Agencies are not required to complete preference forms on behalf of applicants who choose not to return the preference form in a transaction. In such instances, after following up with the person, agencies should include a blank preference form with the applicant's name in their records.

Retaining the NVRA Voter Preference Form

Agencies must retain completed preference forms for two years, while completed VRCs must be forwarded to the county elections office. Preference forms should be stored in a central, chronological file, so that the agency can easily determine how many preference forms are received in a given month, which can help demonstrate NVRA compliance.

Restrictions on Influencing Applicants

The NVRA places restrictions on how agency staff may interact with applicants when providing the opportunity to register to vote. Voter registration agency staff must not:

- Seek to influence an applicant's political party preference or party registration;
- Display any political preference or party allegiance;
- Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or,
- Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

Written Procedures and Training Protocols

In order to ensure uniform compliance with the NVRA, public assistance agencies and other agencies designated as voter registration agencies under the NVRA should consider developing scripts for agency staff to use when providing voter registration services under the NVRA.

Annual Training

Agencies must ensure staff are trained on NVRA requirements and on how to assist applicants with voter registration. Refer to the Secretary of State's NVRA training webpage for materials and an easy-to-use training presentation, which can be downloaded from the Secretary of State's

NVRA Training webpage: www.sos.ca.gov/elections/nvra/pdf/ca-nvra-voter-registration-training-for-public-assistance-agencies.pdf. The Secretary of State encourages county elections offices to provide annual training sessions for public assistance agency staff on how to assist applicants with filling out the VRC.

NVRA Coordinator:

Voter registration agencies should appoint one staff person at each agency office to be in charge of NVRA compliance, including 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.

Monitoring NVRA Compliance:

In some counties, voter registration agencies monitor NVRA compliance by tracking on a monthly basis the following:

- Total number of completed VRCs accepted and transmitted to county elections officials.
- Total number of preference forms collected and responses (yes/no/already registered).

To ensure complete tracking and reporting of voter registrations, public assistance agencies should consider tracking and reporting to their county elections office the number of VRCs and preference forms received and preference form responses.

For example, if a person submits a voter registration on a paper copy of the National Form, the agency must accept the form and forward it to the county elections office. Agencies that track and report NVRA registrations will be able to capture this registration as an agency registration, while public assistance agencies that rely on their county elections office to track the serial numbers on state VRCs will not be credited with the registration.

As public assistance agencies continue to upgrade the technology they use for enrollment, renewal and change of address transactions, they should coordinate with their county elections office to explore automating the tracking and reporting of NVRA data. For example, public assistance agencies in a given county may find that tracking and reporting voter registrations and voter preference forms can be done effectively and efficiently on a quarterly basis. If so, the county elections office may note in its monthly NVRA report to the Secretary of State that its public assistance agency NVRA data will be included on a quarterly basis. This

alternative to month-by-month reporting is permissible as long as the NVRA data (registrations and voter preferences) is accurately tracked by the public assistance agency and reported to the county elections office.

The Secretary of State has developed an easy-to-use reporting form for public assistance agencies, which may be downloaded at: www.sos.ca.gov/elections/nvra/pdf/nvra-reporting-form-to-county-from-agency.pdf (see illustration on page 28).

**Public Assistance Agency
National Voter Registration Act (NVRA)
Monthly Reporting Form**

**National Voter Registration Act (NVRA)
Reporting Form Template***

Agency _____
 Address _____
 Contact Name and Phone _____

Month/Year (xx/xxxx)	Total VRCs** Sent to County Elections Office	Total Voter Preference Forms*** Received	Response Totals from Voter Preference Forms Received
			Already Registered:
			Yes:
			No:

**The Secretary of State recommends that agencies track and report NVRA data to the county elections office as a supplement to the voter registration card (VRC) serial number tracking system currently in place.*

***Order all supplies of VRCs from the county elections office. Forward completed VRCs to the county elections office as soon as possible, but no later than 10 days after receipt.*

**** The NVRA voter preference form (formerly called a "declination" form) and a VRC should be provided to each person who contacts your agency to apply for new benefits or services, renewal or recertification, or a change of address. Agencies must retain voter preference forms on file for two years. Do not forward voter preference forms to your county elections office.*

II. Registering Voters

A. Part 1: The NVRA Voter Preference Form (Preference Form)

The NVRA requires voter registration agencies to give applicants for services or assistance a form asking the applicant if he or she wishes to register to vote. The form, called the “NVRA voter preference form” or “preference form,” must contain certain statutory language, as specified by Section 7 of the NVRA.

The Secretary of State has developed a uniform preference form for California voter registration agencies to use (see illustration on page 31). The Secretary of State’s office has translated the uniform preference form into Spanish, Chinese, Vietnamese, Japanese, Korean and Tagalog.

All versions of the preference form may be downloaded and printed from the Secretary of State’s NVRA website at:

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

If an agency chooses to create its own form, the form must include the following NVRA statutory language:

- The question: “If you are not registered to vote where you live now, would you like to apply to register to vote here today?”;
- If the agency provides public assistance, the statement: “Applying to register or declining to register to vote will not affect the amount of assistance you will be provided by this agency.”;
- Boxes for the applicant to check to indicate whether the applicant would like to register to vote or declines to register to vote (failure to check either box is interpreted as declining to register), together with the statement (in close proximity to the boxes and in prominent type), “IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.”;
- The statement: “If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek help is yours. You may fill out the application form in private.”; and
- The statement, “If you believe that someone has interfered with your right to register or decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with _____.” The blank should be filled with the name, and official address,

telephone number, and e-mail address of the appropriate official to whom such a complaint should be addressed.

As noted above, the preference form and VRC must be provided along with agency forms routinely distributed to each applicant during the intake procedure for new applicants, and along with agency forms provided for applicants seeking renewal, recertification or a change of address.

NVRA Voter Preference Form (Preference Form)

Would You Like to Register to Vote?

You may register to vote in California if:

1. You are a United States citizen.
2. You are a resident of California.
3. You are at least 18 years of age (or will be by the date of the next election).
4. You are not in prison or on parole for a felony conviction.
5. You have not been judged by a court to be mentally incompetent.

Important Notices

1. Applying to register or declining to register to vote will **not** affect the amount of assistance that you will be provided by this agency.
2. If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.
3. If you decline to register to vote here today, that information is confidential and may not be used for any purpose other than voter registration. If you register to vote here today, the agency or office at which you are registering is confidential.
4. If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party preference or other political preference, you may file a complaint with the Secretary of State by calling toll-free (800) 345-VOTE (8683) or you may write to: Secretary of State, 1500 - 11th Street, Sacramento, CA, 95814. For more information on elections and voting, please visit the Secretary of State's website at www.sos.ca.gov.
5. If you move to a new address, or if you change your name or want to change your political party preference, you must fill out a new voter registration card.
6. We will retain this Voter Preference Form with this agency. If you choose to register today, we will send your completed voter registration card to the county elections office.

If you are not registered to vote where you live now, would you like to apply to register to vote here today? (Check One)

- Already registered. I am registered to vote at my current residence address.
- Yes. I would like to register to vote. (Please fill out the attached voter registration card.)
- No. I do not want to register to vote.

NOTE: IF YOU DO NOT CHECK A BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.

Applicant Name

Date

B. Part 2: The Voter Registration Card (VRC)

The NVRA requires voter registration agencies to give applicants for services or assistance a California Voter Registration Card (VRC) so that the applicant may register to vote.

In California, the Secretary of State supplies VRCs to county elections officials. In turn, county elections officials distribute supplies of VRCs to public assistance agencies within the county. In doing so, county elections officials record the serial number ranges of VRCs distributed to public assistance agencies in order to be able to track the number of completed VRCs returned and attribute new registration data 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, public assistance agencies must either obtain supplies of VRCs exclusively from their county elections office or coordinate with the Secretary of State's office to obtain bulk supplies of VRCs and ensure the Secretary of State's office reports the serial number ranges on the VRCs supplied to the appropriate county elections office.

The NVRA 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 elections officials can properly track and report the number of registrations coming from public assistance agencies.

In 2008, the Secretary of State re-designed the California VRC using the services of a language readability expert to make the form easier to read and complete (see illustration on page 33).

C. Obtaining Supplies of Voter Registration Cards

The Secretary of State prints county-specific postage-paid Voter Registration Cards (VRCs), which include the address of the county elections office, for each of California's 58 counties. Public assistance service and other voter registration agencies must obtain supplies of VRCs from the county elections office in the county where the agency office is located. This will ensure proper tracking and reporting of completed registrations and help attribute new registrations to the correct voter registration agency.

As noted above, while the National Mail Voter Registration Form is valid and accepted in California, voter registration agencies should avoid distributing copies of the national form and instead obtain and distribute supplies of the state VRC from their county elections office (or from the Secretary of State in coordination with their county elections office). The national form contains no serial number and gives county elections officials no method of tracking whether a new registration came from a voter registration agency.

Using the California VRC helps ensure: 1) completed VRCs will be returned to the county elections office where the voter lives, because the VRC is self-addressed and postage paid; and 2) the county elections office can properly track and report the number of voter registrations coming from local voter registration agency offices.

The Secretary of State, the federal Election Assistance Commission, and the United States Department of Justice review reports of the number of voter registrations coming from voter registration agencies in order to determine whether agencies are providing the opportunity to register to vote in compliance with the NVRA. To ensure public assistance agencies are recognized for their compliance with the NVRA, all supplies of VRCs must be obtained from the county elections office in which the agency is located.

D. Confidentiality

The NVRA requires a voter's decision to register or decline to register to vote to be kept confidential. The NVRA also requires the location (e.g., public assistance agency) where an applicant registers to be kept confidential. One of the primary goals of the NVRA's confidentiality provisions is to protect the privacy of applicants who receive public assistance or disability services.

In California, voter registration agencies and elections offices must keep information regarding an applicant's choice to register or decline to

register as well as the identity of the agency through which a particular voter registered confidential.

In order to protect privacy and accurately report on voter registration at public assistance agencies, county elections officials should distribute VRCs by noting the serial number ranges of the VRCs supplied to public assistance agencies and by tracking those VRC numbers as completed when they are submitted to elections offices by applicants.

E. Providing Materials and Assistance in Other Languages

The NVRA requires that agencies provide the same level of service to persons wishing to register to vote as they provide to applicants completing applications for the services provided by that agency. This includes providing voter registration materials in languages other than English at agency offices where services or assistance is provided in other languages.

In conformance with the Federal Voting Rights Act, the Secretary of State provides voter registration forms in the following languages (in combination with English): Spanish, Chinese, Vietnamese, Japanese, Korean and Tagalog/Filipino. NVRA voter registration agencies that need the preference forms and VRCs in languages other than English or Spanish should contact their local elections officials or the Secretary of State.

The NVRA voter preference form is available in all of the above languages and may be downloaded from the Secretary of State's website at: www.sos.ca.gov/elections/nvra/declination-forms.htm.

III. Transmittal Deadlines and Late Registrations

A. Transmittal of Voter Registration Cards (VRCs) to County Elections Office

The NVRA requires that voter registration agency offices transmit completed voter registration cards to the county elections office within 10 days. 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.

In order to meet these transmittal deadlines, each NVRA voter registration agency office must establish procedures for ensuring timely transmittal of accepted forms to the appropriate local elections official. These

procedures should be developed in consultation with the local elections official to whom the forms will be transmitted.

Daily transmittal of completed VRCs

Since the California VRC is a self-addressed and postage-paid form, voter registration agencies should make it part of their daily routine to drop completed VRCs in the mail. If the voter registration agency is located in the same facility as the county elections office, the agency may hand deliver or use inter-office mail on a daily basis to transmit completed VRCs to the county elections office.

B. Late Voter Registrations

The voter registration deadline in California is the 15th day prior to each election. Under the NVRA, if a person completes and submits a VRC to an NVRA voter registration agency on or before the voter registration deadline, the registration meets the voter registration deadline as long as the voter registration agency forwards the registration to the county elections office by the end of the official canvass.

Elections officials should make every effort to facilitate the transmittal of completed registration forms from agency offices in order to minimize the number of registrations that arrive at the elections office after the deadline to register. Elections officials should notify NVRA agency offices of upcoming election dates and voter registration deadlines and should remind NVRA agencies of the need to transmit VRCs on a daily basis beginning 10 days before each Election Day. This will help minimize the number of provisional ballots used in a given election.

IV. Resources

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

Email: nvra@sos.ca.gov

NVRA Voter Preference Forms:

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

NVRA Monthly Reporting Form for NVRA Voter Registration Agencies:

<http://www.sos.ca.gov/elections/nvra/pdf/nvra-reporting-form-to-county-from-agency.pdf>

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

<http://www.sos.ca.gov/elections/nvra/training-for-agencies-that-provide-public-assistance.htm>

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

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

Voter Information: www.sos.ca.gov

Secretary of State Voter Hotlines:

- (800) 345-VOTE (8683) - English
- (800) 232-VOTA (8682) - Spanish
- (800) 339-2857 - Chinese
- (800) 339-2865 - Japanese
- (866) 575-1558 - Korean
- (800) 339-2957 - Tagalog
- (800) 339-8163 - Vietnamese
- (800) 833-VOTE (8683) - TDD

Secretary of State's brochure, "A Guide to Voting in California":

<http://www.sos.ca.gov/elections/Outreach/a-guide-to-voting.pdf>

County Elections Offices Roster:

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