

National Voter Registration Act NVRA/SB 35

Compliance & Implementation by Health and Human Services Agencies

Training Workshop

2013

Prepared by:

County of San Diego

Behavioral Health Services Agency



National Voter Registration Act (NVRA)

- The National Voter Registration Act of 1993 (NVRA) was designed to increase the number of registered voters in the United States by requiring many government offices to offer people the opportunity to register to vote.

Goals:

- Enhance voting opportunities.
- Remove the vestiges of discrimination.
- Increase voter registration in underserved communities.

Voter registration agencies include:

- All offices that provide public assistance.
- All offices that provide state-funded programs primarily engaged in providing services to persons with disabilities.
- Other state and local agencies.

Important Note:

- Mental health agencies have been required, since 1995, to be compliant with NVRA per DMH Notice Nos. 95-19 and 96-03.
- While no special notice was ever issued to Alcohol and Drug (AOD) service providers, **the Secretary of State and County Counsel currently agree that San Diego County AOD providers should also comply with NVRA** since that target population is also considered disabled.

Secretary of State's Role

Secretary of State (SOS) Debra Bowen is the “Chief Elections Official,” and coordinates NVRA activities statewide. Her office:

- Develops NVRA training & education materials
- Collaborates with State oversight agencies
- Posts monthly NVRA data by county
- Ensures that VRA languages are added to the California Online Voter Registration (COVR) form
- Posts Results of SB 35 Reviews on SOS Website:
<http://www.sos.ca.gov/elections/elections-pub-res.htm>
- Assists NVRA Agencies with Compliance
- The SOS may also review an NVRA agency or county elections office for NVRA/SB 35 compliance.
- **Important: Failure to implement the NVRA may subject an agency to legal liability.**

NVRA Provisions

The NVRA requires agencies to offer voter registration services at **intake** and each time a person requests an **address or name change**.

“Voter Registration Services” means:

- Providing a **Voter Registration Card (VRC)** and a **voter preference form**;
- Assisting with completion of the VRC and voter preference form;
- Accepting and transmitting completed VRCs to elections officials; and
- Accepting and retaining completed preference forms on file for two years.

IMPORTANT: Assistance with the voter registration card must be provided to an equal extent as any other provider forms.

★ Restrictions on Influencing Applicants

In providing assistance, staff must not:

- Seek to influence an applicant's political preference or party registration
- Discourage an applicant from registering to vote
- Make an applicant believe registering to vote affects availability of benefits or services

Where Can I Get Voter Registration Information?

Voter Registration Cards and Voter Preference Forms are available from Barbara Carr at the County of San Diego Registrar of Voters:

Barbara.Carr@sdcounty.ca.gov

Phone: 858-571-4235



NVRA/SB 35

Voter Preference Form

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 form.)
- 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. YOU MAY TAKE THE ATTACHED VOTER REGISTRATION FORM TO REGISTER AT YOUR CONVENIENCE.

Applicant Name _____

Date _____

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 form, we will help you. The decision whether to seek or accept help is yours. You may fill out the voter registration form in private.
3. 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.

01/13 NVRA Voter Preference Form

Decision Whether to Register is Confidential

- Voter preference forms must be kept confidential
- Do not identify your agency's name on the voter registration card unless you have physically completed the card for the registrant

SB 35 (Padilla), Chapter 505, Statutes of 2012

SB 35 codifies NVRA into State law, and requires agencies to:

- Notify the County elections office of each provider's site in the County
- Designate an NVRA Coordinator;
- Train employees annually;
- Offer minority language VRCs as required by federal Voting Rights Act.
 - San Diego includes Spanish, Chinese, Filipino, and Vietnamese.
- VRCs (available at the ROV), and preference forms (available online), must be available in each language at each office.

The NVRA Coordinator:

- Is responsible for ongoing implementation of the NVRA and SB 35 (such as ordering forms, trainings, and mailing voter registration cards to the County elections office, etc.)
- May be an existing employee – Program Managers or designees are the designated NVRA Coordinators.
- If your office has multiple sites, consider a coordinator at each site

Notification

- Voter registration agencies must notify County elections officials where each of its offices or sites are located within the County
- County elections officials will be tracking the voter registration forms that they mail to each site

Annual Training

- Each employee providing voter registration services must complete an annual training on NVRA and SB 35 requirements
- Training can be incorporated into an existing training
- Training must be based on the Secretary of State's materials
- County election offices are available to assist with trainings

Voter Preference Forms

- A new form is available on the Secretary of State website:
<http://www.sos.ca.gov/elections/nvra/training/voter-preference-forms.htm>
- If an applicant does not return the form he/she is still provided a voter registration card
- Per NVRA and DMH requirements, all voter preference forms must be kept for a minimum of two years.
- These documents may be kept in:
 - The client's record,
 - Stored in a separate folder where all voter preference cards are accumulated by calendar year,
 - Or any other method used consistently across each program.
- At the end of two years, all voter registration materials must be destroyed.

Voter Registration Eligibility Requirements

Qualifications:

You may register to vote in California if:

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

*The law changed in 2012

Completing the Voter Registration Card

Personal Information:

- **Name:** Legal name required
- **Home Address:** This must be the address of residence.
 - No business addresses or P.O. Boxes.
 - If homeless, the applicant must provide a description (e.g. cross-streets) and mailing address in order to receive election materials.
- **Mailing Address:** Provide only if different from residence address.
- **Date of Birth**
- **U.S. State or Foreign Country of Birth**
- **Driver License/Identification or last four digits of the Social Security number**

Completing the Voter Registration Card

Political Party Preference:

Check only one political party (or none)

- If the applicant does not mark any box under #14 and it is left blank, they will automatically be given a “No Party Preference” status.

Vote by Mail (Optional)

Previously Registered: If previously registered and changing personal information, complete section #16 in addition to the personal information section, including name change.

Completing the Voter Registration Card

Sign and Date the Form:

- Unsigned forms will be returned to the applicant by the San Diego Registrar of Voters.
- If a person is unable to sign:
 - Voter must make a mark; a witness 18 or over must write the voter's name next to the mark and write his/her own name in the appropriate box.
 - If a signature stamp is used, the voter must stamp and submit the VRC in front of an elections official.
- A power of attorney **CANNOT** be used for voter registration.

Processing Completed VR Cards

Agency staff should:

- Review each card to ensure it is complete and legible
- Give the applicant the VRC receipt.

Review:

- That applicant has answered Yes or No to the questions:
 - Are you a U.S. citizen?
 - Will you be 18 or older by the next election?
- Name and address of applicant
- Date of birth
- U.S. state or foreign country of birth
- Applicant completed Driver License/Identification or last four-digits of Social Security number
- Applicant signed and dated the registration card

Processing Completed VR Cards

Date Stamping VRCs:

- Agency should date stamp completed VRCs the same day.
- Stamp (or write) the date on the card below the postage area on the addressed side of the card.
- VRCs submitted to an agency on the last day to register (15th day before an election) are timely under the NVRA, even if the San Diego Registrar of Voters receives the VRCs after the deadline.

Voter Registration Card

- Voter registration agencies must accept the card if clients wish to return them to your office
- Always forward all completed VRCs to the San Diego Registrar of Voters
 - Do **NOT** destroy any completed cards;
 - Do **NOT** “flag” or mark completed VRCs
- Forms must be returned within 10 days, or 5 days if within 5 days of the voter registration deadline for an election.

TIP: Voter registration cards are self addressed with prepaid postage. It is recommended that you mail them every day!

Voter Registration Verification

How does a client know if the registration was accepted?

A Voter Notification Card (VNC):

- Will be mailed by the San Diego Registrar of Voters (ROV)
- Should be received within approximately 30 days of submitting the voter registration card.
 - If the client does not receive a VNC in the mail, the client should contact the San Diego ROV.
 - Applicants are able to verify their voter registration status through the San Diego County Registrar of Voters website: www.sdvote.com

Voter Registration Services

- Voter registration services must be provided whether a transaction is in person, by phone, or through the internet. Consider developing protocols for each type of transaction.
- If an agency offers the opportunity to **apply online** for services, assistance, or to submit a change of address form online, the agency must allow the applicant to **submit a voter preference form electronically** and connect the applicant to the Secretary of State's online voter registration tool. Contact the SOS for assistance.

Link to California Online Voter Registration:

<http://RegisterToVote.ca.gov/>

County providers may record in **Anasazi**, on the **Demographic form**, if the client has been offered the National Voter's Registration Form.

Demographic Form

Employ Status Living Arrangement

Currently Pregnant? Yes No Unknown

Number of children less than 18 years of age that the client cares for at least 50% of the time:

Number of adults 18 years or older that the client cares for at least 50% of the time:

Education Religion:

Military Service? Yes No Decline Unable to Answer Branch

If 18, has client been offered the National Voter's Registration form? Yes No Declined

Mother's First Name

Alias(es)

Last	First	MI
There are no items to show.		

LEGAL INFORMATION

Registrants with Disabilities (California Elections Code Sec. 2208)

Who May Register:

- Any person who has not been judged by a court to be mentally incompetent **and** additionally found “not capable of completing an affidavit of voter registration.”
- Conservatorship alone does not make a person ineligible.
- A social worker or service coordinator should not make assumptions about a person’s ability to register and vote based on the person’s disability.

Registrants with Disabilities

(42 USC 1973gg-5(a)(4)(B))

Assistance to Applicants

- State funded programs primarily engaged in providing services to people with disabilities at the person's home must also provide voter registration services at their home.

Beyond the NVRA Minimum:

- Add a “**Register to Vote**” button to the agency’s homepage.
- Keep a supply of VRCs on public counters
- Display voter educational materials
- Order DVDs from the Secretary of State
- Seek assistance with staff training
 - ACLU is available for trainings
 - Registrar of Voters is available to assist
- Check SOS monthly reports to see results

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County of San Diego Registrar of Voters Contact Information:

County of San Diego Registrar of Voters

Phone: (858) 565-8500 - Website: <http://www.sdvote.com>

Voter Outreach:

Barbara Carr, Phone: (858) 571-4235

Email: barbara.carr@sdcounty.ca.gov

Registration Contact Information:

Cindy Wilder, Phone: (858) 495-5889

Email: cynthia.wilder@sdcounty.ca.gov

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Secretary of State Contact Information:

Secretary of State NVRA Website: <http://www.sos.ca.gov/elections/nvra/>

Voter Information: www.sos.ca.gov

Call (800) 345-VOTE (8683)

TDD Only: (800) 833-8683

NVRA Contact Information:

Phone: (916) 657-2166 - Fax: (916) 653-3214

Email: nvra@sos.ca.gov

Contact Information for persons with disabilities:

<http://www.disabilityrightsca.org/pubs/PublicationsVoting.htm>