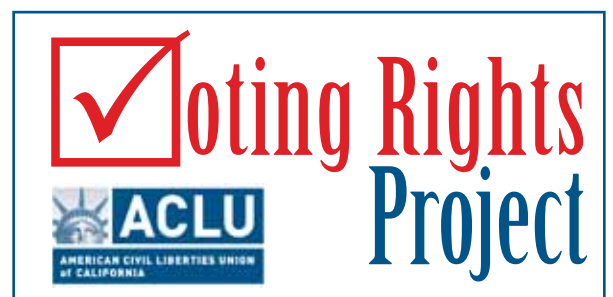


Voter Registration Services + California's Health Benefit Exchange: --- **A Toolkit for Easy, Effective Implementation**





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*The ACLU of California
NVRA Implementation Project
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TO: The California Health Benefit Exchange Board
FROM: Lori Shellenberger, Director
ACLU of California Voting Rights Project
RE: National Voter Registration Act Implementation
DATE: May 15, 2013

We understand the California Secretary of State has designated Covered California a mandatory voter registration agency under the National Voter Registration Act (NVRA). See *Appendix A*. This designation gives Covered California yet another opportunity to lead the nation in its innovative implementation of the Patient Protection and Affordable Care Act (ACA). As you may know, California ranks 45th in the nation in voter registration and nearly six million eligible Californians are not registered to vote. Offering voter registration opportunities to consumers who will seek healthcare coverage through Covered California will reach those eligible voters who repeatedly slip through the cracks of our voter registration system due to lack of access and opportunity.

We understand the enormous responsibilities the Board has undertaken and we congratulate the Board on all that it has already accomplished. The designation of Covered California as an NVRA agency comes at a critical time as the Board prepares its final plans on crucial elements of ACA implementation: designing its application, developing a plan to train and certify thousands of navigators and assisters, opening service centers, drafting regulations, and launching its online web portal. Incorporating voter registration services into Covered California's processes and protocols as they are being developed – rather than attempting to incorporate them after these processes and protocols are in place – will hopefully conserve valuable resources in the long term and will ensure that voter registration is a seamless part of Covered California's services from the beginning.

Fortunately, much of what Covered California needs to do in order to comply with its responsibilities under the NVRA is straightforward. The Secretary of State and the ACLU of California have been working together to develop NVRA resources for voter registration agencies that make NVRA implementation as streamlined as possible. The enclosed toolkit is designed to give you an overview of how to provide voter registration services in compliance with both the NVRA and SB 35, a state law passed in California in 2012. The goal is to ensure that Covered California meets the requirements of a voter registration agency from the first day of its historic launch on October 1, 2013. The ACLU, through its NVRA Implementation Project, is available to provide technical assistance, trainings, and customized materials that will facilitate effective implementation.

Please do not hesitate to contact us with any questions that may arise.

What is the National Voter Registration Act and How Does it Impact State Agencies?

The NVRA and Its Requirements

The National Voter Registration Act (NVRA) was signed into law and took effect in most states in 1995. To reduce barriers to and expand opportunities for voter registration, Section 7 of the NVRA requires public assistance offices and state-funded programs primarily engaged in providing services to persons with disabilities to offer voter registration services to applicants and clients at every agency and office in each state. Armed forces recruitment offices and additional agencies designated at the discretion of each state (a minimum of two) are also required to offer voter registration services.

Pursuant to the NVRA, voter registration agencies are required to provide voter registration services each time a person:

- applies for services or assistance;
- requests renewal or recertification; or
- requests a change of address

Voter registration services include:

- providing a voter preference form that asks the applicant if they would like to register to vote and explaining that voter registration is not a condition of receiving benefits;
- providing a voter registration card;
- assisting applicants that request help with completing a voter registration card; and
- sending completed voter registration cards to the appropriate elections official.

Finally, under the NVRA every state is required to report to the U.S. Elections Assistance Commission the number of voter registrations received through designated voter registration agencies. Tracking is key to implementation and accountability. Thus, elections officials in every county in the state are required to track the registration cards provided to voter registration agencies in their counties. Likewise, the Secretary of State is required to track voter registrations received through the state's new online voter registration system.

NVRA Implementation in California

The agencies designated under the NVRA to provide voter registration services in California are:

- **Public assistance agencies**, which includes county welfare department offices that accept applications and administer benefits for the CalFresh program, the California Work Opportunity and Responsibility to Kids (CalWORKs) program, the Medi-Cal program, and In-Home Supportive Services program, as well as county welfare department offices and community based non-profit organizations under contract with the Department of Public Health to accept applications and administer benefits for the Women, Infants and Children (WIC) nutrition program.



- **State-Funded Agencies Primarily Serving Persons with Disabilities**, which includes Offices of the State Department of Rehabilitation that provide vocational rehabilitation services, Independent Living Centers, Department of Developmental Services Regional Centers, state and county mental health providers, and offices that contract with the Department of Social Services, Office of Deaf Access, to provide services to the deaf.
- **Armed Forces Recruitment Offices.**
- The **Franchise Tax Board** and the **State Board of Equalization** district offices, both of which were designated as voter registration agencies by Governor Pete Wilson when the NVRA was implemented in California.



SB 35 Codifies NVRA Best Practices in California

To ensure full compliance with the NVRA, the California legislature recently passed **Senate Bill 35** (Padilla, 2012), which codified NVRA best practices and is making the state a leader in NVRA implementation.

Under SB 35, voter registration agencies in California must:

- notify county elections offices of each office or site in the county so that voter registration forms can be provided to those sites and properly tracked;
- designate state and local NVRA/SB35 coordinators;
- provide an annual training for every employee who provides voter registration services;
- offer minority language forms as required by Section 203 of the federal Voting Rights Act; and
- offer applicants an online voter preference form and a link to California Online Voter Registration if the agency offers enrollment, renewal, or change of address transactions online.

STEPS FOR COVERED CALIFORNIA NVRA IMPLEMENTATION

Covered California can incorporate voter registration services by taking a few easy steps. Because the NVRA has been in effect for nearly two decades, we already have a good idea how to successfully incorporate voter registration services at voter registration agencies. The Secretary of State and the *ACLU's NVRA Implementation Project* have already identified and outlined best practices and

recommended policies for designated voter registration agencies in California, and most of these materials can be found on the Secretary of State's website. In addition, the Secretary of State has an NVRA coordinator who is available to provide technical assistance, and the ACLU is available to customize materials and trainings that will fit the unique needs of Covered California.

While Covered California still has to make some fundamental decisions about its applications and its network of assisters, we can make some **recommendations** on steps and policies for Covered California to incorporate over the next few months:

Online Applications: Most Consumers Can Receive Voter Registration Services Online

1 An estimated 60% of consumers will be submitting their applications through the Covered California web portal. That means that Covered California can meet the bulk of its NVRA responsibilities by simply making sure that:

1. Consumers are offered an online voter preference form, and that the answer to that form is recorded.
2. Consumers who indicate they would like to register to vote are transferred to the Secretary of State's online voter registration tool (known and referred to as COVR).

The following are some protocols to consider as Covered California makes this addition to its online applications, renewals, and change of address applications. These practices were developed through the ACLU's consultation with advocates for public assistance recipients and people with disabilities, the Secretary of State's office, and experts in website user-experience:

- Consumers should be offered the online voter preference form after they have completed and submitted their Covered California applications. This way the online voter preference form will not interfere with the opportunity to apply for or renew benefits. If a consumer needs to select and/or pay for a health plan, those tasks should be completed before the voter preference form is offered. See *Appendix B* for a mock-up of how a voter preference form might be incorporated into a Medi-Cal eligible application; see *Appendix C* to see how a voter preference form can be incorporated into an exchange eligible application.

- The online voter preference form should be placed on the landing page at the end of the application and/or payment process. In other words, the consumer should be able to read the voter preference form without clicking ahead to a new page. However, the voter preference form should appear beneath any information the applicant needs from the agency.
- The NVRA requires voter preference forms to include certain statements explaining that voter registration is not a condition of the application for benefits. See *Appendix D* for a sample voter preference form that includes the statutorily mandated disclosure language.
- If a consumer answers the online voter preference form, that answer must be recorded and saved for two years.
- If a consumer does not answer the online voter preference form, the consumer must be mailed a voter registration card.
- Before transferring consumers to the COVR website, make sure to warn them that this transfer is about to occur. This warning will help prevent confusion on the part of the consumer and avoid transfer to another website before the consumer is ready.
- Avoid popups or new tabs when transferring consumers to the COVR tool as these can cause confusion, can be blocked, and may not function on tablets or smart phones. In addition, popups may not function with screen readers, which consumers with disabilities may use. Thus, a best practice is to transfer a consumer from the confirmation page directly to the COVR page once the consumer has indicated he or she wants to register to vote.

By maximizing the number of users who complete their voter preference form and voter registration online, Covered California can both automate its voter registration responsibilities and increase the likelihood that consumers register to vote.

COVR is presently unable to accept pre-populated voter registration cards. The system is currently being redesigned so that the voter registration interview form can be pre-populated with the information a consumer

has already entered into the online application. This technology is expected to be completed sometime in 2014. Once the pre-population tool is available, Covered California may wish to take advantage of the tool in order to make the voter registration process even more convenient for consumers.

2 Paper Applications: Adding Two Additional Forms to the Packet

Paper applications are expected to make up only a small percentage of applications to Covered California, but all paper applications for initial benefits, renewals or changes of address should include a paper voter preference form and a voter registration card. Offices providing Covered California paper applications to consumers, such as Covered California call centers and assister enrollment entities, need to do the following:

- Contact the NVRA coordinator at the county elections office to request voter registration cards. County elections officials are required to track each site in their counties that are providing voter registration services under the NVRA and to provide voter registration cards to those agencies.
- Find out from county elections officials if their county is covered by Section 203 of the Voting Rights Act, and if so, for what languages. Section 203 of the Voting Rights Act requires that voting materials be provided in certain covered languages depending upon the number of limited English proficient speakers in a county. Thus, the county elections office will have voter registration cards available in the required languages. See *Appendix E* for a current list of the counties in California that are required to offer voting materials in covered languages.
- Obtain voter preference forms in all required Section 203 languages. Translated voter preference forms are available on the Secretary of State's website for easy downloading and printing.
- Include both the voter preference form and voter registration card in all of the paper application packets that are distributed to consumers.



3 Phone Transactions: Support Centers Can Provide Voter Registration Cards by Mail

The NVRA requires that voter registration agencies provide voter registration services when a consumer applies for services, renewal of benefits, or notifies an agency of a change of address by phone. Since Covered California's support centers will handle these transactions by phone, they will need to incorporate voter registration services into the transactions. Support centers can satisfy NVRA requirements for phone transactions by:

1. **Asking consumers if they would like to register to vote.** A voter registration question should be included in any scripts that support centers use for covered transactions.
2. **Recording the consumer's response.** The response can be recorded and saved electronically or on paper, and needs to be saved for two years.
3. **Mailing a voter registration card to consumers that want to register to vote.** The voter registration card can be included with other paperwork that Covered California is mailing to the consumer.

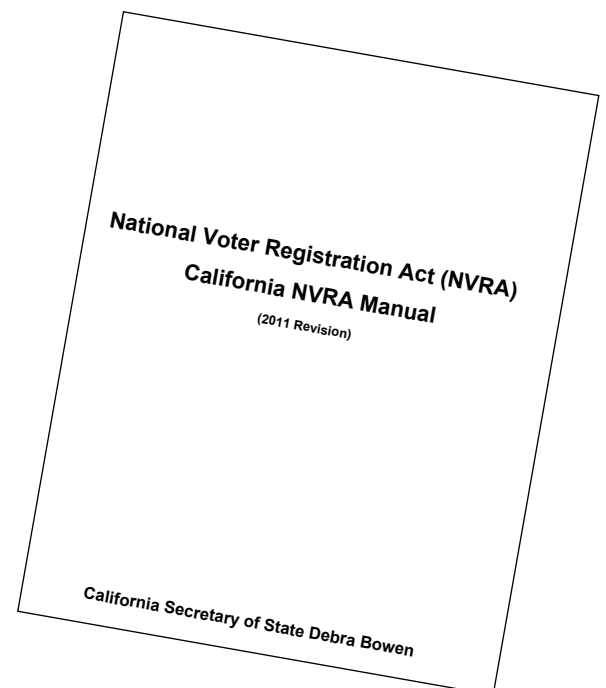
When Covered California directs a consumer to a county social service office to complete a transaction, the county social service office is responsible for providing the voter registration services.

4 Written Protocols: Ensuring Full and Uniform NVRA Implementation

Voting rights experts around the country agree that it is a best practice for voter registration agencies to establish written NVRA policies. By putting policies in writing, state offices signal to local offices that voter registration services are an important part of their responsibilities, and it encourages consistent implementation around the state. We strongly encourage Covered California to follow suit and establish written NVRA policies.

Fortunately, the Secretary of State has already written and recently updated an NVRA Manual, and Chapter Four of the manual outlines the duties of voter registration agencies. See *Appendix F*. The NVRA Manual was developed in consultation with voter registration agencies, voting rights advocates, and county elections officials. The manual can serve as a helpful guide as Covered California establishes procedures for transactions that trigger voter registration services. For example, the manual:

- Includes best practices for handling voter registration services for phone transactions. This can be the starting point for Covered California to establish procedures at its Call Centers.
- Covers the voter registration responsibilities for in-person transactions that can be the basis for the responsibilities of certified navigators and assistants.



5 Training: The Key to Providing Effective Voter Registration Services

Once Covered California has established its protocols for voter registration services, it will need to develop trainings for those on the front lines of enrolling and renewing consumers in the exchange, like navigators and assisters, and support center employees. Trainings on NVRA requirements generally take no more than 20 minutes and can be easily incorporated into an agency's existing trainings. Trainings must be conducted annually and should incorporate two main elements:

- 1. The basics of the NVRA and SB 35.** Voter registration agencies have been providing NVRA trainings for years so the ACLU can provide Covered California with examples from local voter registration offices, other states, and our own trainings to use as guidance. The Secretary of State also has training materials.
- 2. How to provide assistance with filling out a voter registration card.** A key element of the NVRA is that voter registration agencies provide assistance with filling out a voter registration card to the same degree as they provide with their own forms. In order to make sure Covered California consumers get this level of assistance, instructions on filling out a voter registration card should be part of the training. County elections officials and the Secretary of State regularly provide this type of training and are ideal resources as Covered California develops its own procedure.

As Covered California develops its trainings, voter registration can be incorporated into in-person or video trainings. The ACLU is also available to develop a short, separate and interactive video training for persons providing services to consumers. For example of helpful materials and checklists that the ACLU has developed for voter registration agencies, see *Appendix G*.

Additional Resources

Below are links to additional information and resources about the NVRA.

Text of the NVRA (42 U.S.C. §1973gg et seq):
http://www.justice.gov/crt/about/vot/42usc/subch_ih.php#anchor_1973gg

Text of SB 35 (Chapter 505, Statutes of 2012):
http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0001-0050/sb_35_bill_20120924_chaptered.pdf

Voter Preference Forms:

<http://www.sos.ca.gov/elections/nvra/training/voter-preference-forms.htm>

California NVRA Manual, Chapter 4:

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

SB 35 Implementation Workshop Materials:

<http://www.sos.ca.gov/elections/nvra/sb35/>

California Secretary of State Training Materials:

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

Department of Justice NVRA Guidelines:

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

Appendix A

Secretary of State's HBEX Designation Letter



Secretary of State
DEBRA BOWEN
State of California

May 15, 2013

Mr. Peter V. Lee
Executive Director
California Health Benefit Exchange
560 J Street, Suite 290
Sacramento, CA 95814

Dear Mr. Lee:

As California's chief elections official, I am required by federal law to coordinate the state's National Voter Registration Act of 1993 (NVRA) activities to help ensure California is compliant with the NVRA.

The NVRA is best known for its "motor voter" provisions that provide voter registration services to citizens when they come in contact with their state's motor vehicle department. Another important NVRA provision requires that voter registration be made as easy and convenient as possible by offering it to citizens when they are applying for public services. Section 7 of the NVRA, 42 U.S.C. § 1973gg-5(a)(2)(A), mandates that "each state shall designate as voter registration agencies... **all** offices in the state that provide public assistance" (emphasis added).

This is why today, I am officially designating the California Health Benefit Exchange (Exchange) as California's newest NVRA voter registration agency.

California has a duty to designate the Exchange as an NVRA voter registration agency, because the Exchange will provide a single, streamlined application process to screen applicants for eligibility in public assistance programs such as Medi-Cal, as well as other publicly-subsidized health insurance programs, and help them enroll in programs for which they are eligible.

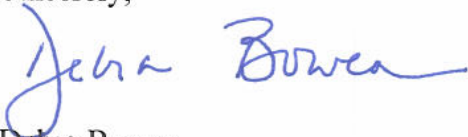
The enclosed declaration formally designates the California Health Benefit Exchange as an NVRA voter registration agency. As an NVRA agency, the Exchange will help millions of Californians not only receive health care, but also fill out and submit a voter registration application, which will help them to exercise the most fundamental right of citizenship in our democracy.

Thank you in advance for your assistance in helping to make California a national leader in making certain those who apply for health benefits established through the California Health Benefit Exchange are given the opportunity to register to vote. As I do with all NVRA voter registration agencies in California, I look forward to coordinating with your office as you work toward offering NVRA voter registration services to Californians who apply for health insurance coverage with the Exchange.

Mr. Peter V. Lee
May 15, 2013
Page 2

Please feel free to contact me or Jennie Bretschneider, Assistant Chief Deputy Secretary of State and Counsel, at (916) 653-7244, to discuss how my office may be of assistance to you.

Sincerely,



Debra Bowen
Secretary of State

DB:elg:jb:lf:op

cc: Kimberly Belshé, Board Member, California Health Benefit Exchange
Diana S. Dooley, Ex-Officio Board Member, California Health Benefit Exchange
Paul Fearer, Board Member, California Health Benefit Exchange
Susan Kennedy, Board Member, California Health Benefit Exchange
Robert Ross, M.D., Board Member, California Health Benefit Exchange



SECRETARY OF STATE

DECLARATION

DESIGNATION OF THE CALIFORNIA HEALTH BENEFIT EXCHANGE AS A NATIONAL VOTER REGISTRATION ACT VOTER REGISTRATION AGENCY

Whereas, as chief elections official of California, I have a duty under section 10 of the National Voter Registration Act of 1993 (NVRA), 42 U.S.C. § 1973gg-8, to coordinate NVRA activities in the State of California; and

Whereas, during my tenure, I have made implementation of the NVRA a high priority and have undertaken major steps to coordinate with state and local agencies to ensure NVRA compliance, including developing NVRA materials and forms for NVRA agencies, providing training for NVRA agency staff, coordinating communication among state and local NVRA agencies and elections officials, regularly reporting NVRA voter registration data to the public and to the United States Election Assistance Commission, designating specific federal agencies as voter registration agencies, maintaining an up-to-date list of California NVRA agencies, and other NVRA compliance activities; and

Whereas, in 2010, President Barack Obama signed into law the Affordable Care Act (ACA), which provides new health insurance options for uninsured Americans. The ACA requires each state to establish and operate a Health Benefit Exchange, unless the state elects to have the federal government operate its Exchange. The Health Benefit Exchanges will allow millions of people who do not have health insurance to apply and be screened for eligibility for public assistance programs, such as government health insurance subsidies and Medicaid; and

Whereas, the California Health Benefit Exchange was established under the ACA and is required to offer – through one streamlined application process – eligibility screening and enrollment in public assistance programs such as MediCal, as well as government health insurance subsidies to be offered for the first time under the ACA; and

Whereas, Section 7 of the NVRA, 42 U.S.C. § 1973gg-5 (a)(2)(A), requires that “each state shall designate as voter registration agencies... **all** offices in the state that provide public assistance” (emphasis added); and

Whereas, the California Health Benefit Exchange is a new state agency providing access to and enrollment in public assistance programs, and as such must be designated, pursuant to 42 U.S.C. § 1973gg-5(a)(2)(A), as an NVRA voter registration agency; now

Therefore I, Debra Bowen, Secretary of State of the State of California, do hereby declare, pursuant to Section 7 of the NVRA, 42 U.S.C. § 1973gg-5 (a)(2)(A), as follows:

For the reasons set forth above, the California Health Benefit Exchange is designated as an NVRA voter registration agency, effective immediately.



IN WITNESS WHEREOF, I hereunto set my hand and affix the Great Seal of the State of California, this 15th day of May, 2013.

Debra Bowen

DEBRA BOWEN
Secretary of State

Appendix B

**Covered California Confirmation Page
Medi-Cal Eligible**

Covered California confirmation page for a Medi-Cal eligible consumer. This mock-up is based on the Enroll UX 2014 Prototype.

COVERED CALIFORNIA Apply for Coverage Find a Plan Learn More Get Assistance

Gustav Hermansson View Account (3) Sign Out Saved

Apply for Coverage

- Start Your Application
- Build Your Household
- Your Household Income
- Additional Questions
- Review, Declare & File

Congratulations, your application is approved.

Your confirmation number is 123456X.
An email confirmation has been sent to g.hermansson@gmail.com.

Your eligibility determination is described below. If you do not agree with this determination, you have the right to an appeal. [Find out more about the appeal process](#) or [Get Assistance](#) to connect with us directly.

Your Eligibility Determination

Submit an Appeal Download Print

Gustav Hermansson	
Premium Tax Credit	Not eligible
Cost Sharing Reduction (for applicable plans)	Not eligible
Medi-Cal	Eligible 10/01/2013–10/31/2014

Your County Social Services office will contact you in the next 30 days regarding your application. Please print a copy of this page and keep for your records.

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

Registering is easy and takes only a few minutes!

- Already registered. I am registered to vote at my current residence address.
- Yes. I would like to register to vote.
- No. I do not want to register to vote.

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

Important Notices

- Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.
- If you would like help 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 form in private.
- 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 St, Sacramento, CA, 95814. For more information on elections and voting. Please visit the Secretary of State's website at www.sos.ca.gov.

If you chose "Yes," by clicking "Next" below you will leave this website and be taken to the Secretary of State's website to register to vote. **Please print your receipt, and/or write down your application number before clicking Next.**

Next

Annotations:

- Consumers are offered a voter preference form **after** they have completed their Covered California application
- Consumers that are Medi-Cal eligible do not need to select an insurance plan
- Consumers decide whether or not to register
- Notices required by statute
- Consumers click **Next** to submit the voter preference form. Consumers that have chosen to register are taken to the SOS online registration website.
- Voter preference form

Appendix C

**Covered California Confirmation Page
Exchange Eligible**

Covered California confirmation page for an Exchange eligible consumer. This mock-up is based on the Enroll UX 2014 Prototype.

COVERED CALIFORNIA Apply for Coverage **Find a Plan** Learn More Get Assistance

Gustav Hermansson View Account (3) Sign Out Saved

Checkout

- ✓ Cart
- ✓ Payment Details
- ✓ Review
- ✓ Purchase & Enroll

Thank you for Enrolling!

Your confirmation number is 123456X.
Your credit card has been charged and payment has been processed.
An email confirmation has been emailed to g.hermansson@gmail.com

Your Plan

Gustav Hermansson

Carrier 3 Plan Name B HMO MONTHLY PREMIUM \$200 (-\$50/month PTC) \$150/month

POLICY NUMBER	PROVIDER CONTACT	PAYMENT DETAILS
A 0000 Z	Customer Service (800) 555-1212 www.Carrier3Site.com Print Temporary Cards Order New Cards	Auto Pay On CC on File Visa ending in XXXX
ENROLLMENT PERIOD 01/01/2014-12/31/2014		Next Payment Due 01/15/2014 Edit Payment Details

Making Changes to Your Plans

Your coverage with Carrier 3 will begin January 1, 2014. You have until February 28, 2014 to select a different plan. After that date, you must wait until the next open enrollment period in October 2014 to change plans, unless there is a special circumstance.

If you are not registered to vote where you live now, would you like to apply to register to vote today? Registering is easy and takes only a few minutes!

- Already registered. I am registered to vote at my current residence address.
- Yes. I would like to register to vote.
- No. I do not want to register to vote.

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

Important Notices

- Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.
- If you would like help 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 form in private.
- 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 St, Sacramento, CA, 95814. For more information on elections and voting. Please visit the Secretary of State's website at www.sos.ca.gov.

If you chose "Yes," by clicking "Next" below you will leave this website and be taken to the Secretary of State's website to register to vote. **Please print your receipt, and/or write down your application number before clicking Next.**

Next

Consumers are offered a voter preference form **after** they have completed their Covered California application and enrolled in a plan

Consumers have already paid for insurance plan

Voter preference form

Consumers decide whether or not to register

Notices required by statute

Consumers click **Next** to submit the voter preference form. Consumers that have chosen to register are taken to the SOS online registration website.

Appendix D

Sample 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

Appendix E

Counties Covered Under Section 203 of the Federal Voting Rights Act

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 110921596–1557–01]

Voting Rights Act Amendments of 2006, Determinations Under Section 203

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of determination.

SUMMARY: As required by Section 203 of the Voting Rights Act of 1965, as amended, this notice publishes the Bureau of the Census (Census Bureau) Director's determinations as to which political subdivisions are subject to the minority language assistance provisions of the Act. As of this date, those jurisdictions that are listed as covered by Section 203 have a legal obligation to provide the minority language assistance prescribed by the Act.

DATES: *Effective Date:* This notice is effective on October 13, 2011.

FOR FURTHER INFORMATION CONTACT: For information regarding this notice, please contact Ms. Catherine M. McCully, Chief, Census Redistricting Data Office, Bureau of the Census, United States Department of Commerce, Room DIR 8H019, 4600 Silver Hill Rd, Washington DC 20233, by telephone at 301–763–4039, or visit the Redistricting Data Office Internet site at <http://www.census.gov/rdo/>.

For information regarding the applicable provisions of the Act, please contact T. Christian Herren, Jr., Chief, Voting Section, Civil Rights Division, United States Department of Justice, Room 7254–NWB, 950 Pennsylvania Avenue, NW., Washington, DC 20530, by telephone at (800) 253–3931 or visit the Voting Section Internet site at <http://www.justice.gov/crt/about/vot/>.

SUPPLEMENTARY INFORMATION: In July 2006, Congress amended the Voting Rights Act of 1965, Title 42, United States Code (U.S.C.), 1973 *et seq.* (See Pub. L. 109–246, 120 Stat. 577 (2006)).

Among other changes, the sunset date for minority language assistance provisions set forth in Section 203 of the Act was extended to August 5, 2032.

Section 203 mandates that a state or political subdivision must provide language assistance to voters if more than five (5) percent of voting age citizens are members of a single-language minority group and do not “speak or understand English adequately enough to participate in the electoral process” and if the rate of those citizens who have not completed the fifth grade is higher than the national rate of voting age citizens who have not completed the fifth grade. When a state is covered for a particular language minority group, an exception is made for any political subdivision in which less than five (5) percent of the voting age citizens are members of the minority group and are limited in English proficiency, unless the political subdivision is covered independently. A political subdivision is also covered if more than 10,000 of the voting age citizens are members of a single-language minority group, do not “speak or understand English adequately enough to participate in the electoral process,” and the rate of those citizens who have not completed the fifth grade is higher than the national rate of voting age citizens who have not completed the fifth grade.

Finally, if more than five (5) percent of the American Indian or Alaska Native voting age citizens residing within an American Indian Reservations (and off-reservation trust lands) are members of a single language minority group, do not “speak or understand English adequately enough to participate in the electoral process,” and the rate of those citizens who have not completed the fifth grade is higher than the national rate of voting age citizens who have not completed the fifth grade, any political subdivision, such as a county, which contains all or any part of that Indian reservation, is covered by the minority language assistance provision set forth in Section 203. An American Indian

Reservation is defined as any area that is an American Indian or Alaska Native area identified for purposes of the decennial census. For the 2010 Census, these areas were identified by the federally recognized tribal governments, Bureau of Indian Affairs, and state governments. The Census Bureau worked with American Indian tribes and Alaska Natives to identify statistical areas, such as Oklahoma Tribal Statistical Areas (OTSA), State Designated Tribal Statistical Areas (SDTSA), and Alaska Native Village Statistical Areas (ANVSA).

Pursuant to Section 203, the Census Bureau Director has the responsibility to determine which states and political subdivisions are subject to the minority language assistance provisions of Section 203. The state and political subdivisions obligated to comply with the requirements are listed in the attachment to this Notice.

Section 203 also provides that the “determinations of the Director of the Census under this subsection shall be effective upon publication in the **Federal Register** and shall not be subject to review in any court.” Therefore, as of this date, those jurisdictions that are listed as covered by Section 203 have legal obligation to provide the minority language assistance prescribed in Section 203 of the Act. In the cases, where a state is covered, those counties or county equivalents not displayed in the attachment are exempt from the obligation. Those jurisdictions subject to Section 203 of the Act previously, but not included on the list below, are no longer obligated to comply with Section 203. The previous determinations under Section 4(f)(4) of the Voting Rights Act remain in effect and are unaffected by this determination. (See Title 28, Code of Federal Regulations, part 55, Appendix (2010)).

Dated: October 5, 2011.

Robert M. Groves,
Director, Bureau of the Census.

COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2010

State and political subdivision	Language minority group
Alaska:	
Aleutians East Borough	Asian (Filipino).
Aleutians East Borough	Hispanic.
Aleutians West Census Area	Asian (Filipino).
Bethel Census Area	Alaska Native (Inupiat).
Bethel Census Area	Alaska Native (Yup'ik).
Dillingham Census Area	Alaska Native (Yup'ik).
Nome Census Area	Alaska Native (Inupiat).
Nome Census Area	Alaska Native (Yup'ik).
North Slope Borough	Alaska Native Tribe—Tribe not Specified.
North Slope Borough	Alaska Native (Inupiat).

COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2010—Continued

State and political subdivision	Language minority group
California:	
State Coverage	Hispanic.
Alameda County	Asian (Chinese).
Alameda County	Asian (Filipino).
Alameda County	Hispanic.
Alameda County	Asian (Vietnamese).
Colusa County	Hispanic.
Contra Costa County	Hispanic.
Fresno County	Hispanic.
Glenn County	Hispanic.
Imperial County	Hispanic.
Kern County	Hispanic.
Kings County	Hispanic.
Los Angeles County	Asian (Asian Indian).
Los Angeles County	Asian (Chinese).
Los Angeles County	Asian (Filipino).
Los Angeles County	Hispanic.
Los Angeles County	Asian (Japanese).
Los Angeles County	Asian (Korean).
Los Angeles County	Asian (Other Asian—Not specified).
Los Angeles County	Asian (Vietnamese).
Madera County	Hispanic.
Merced County	Hispanic.
Monterey County	Hispanic.
Napa County	Hispanic.
Orange County	Asian (Chinese).
Orange County	Hispanic.
Orange County	Asian (Korean).
Orange County	Asian (Vietnamese).
Riverside County	Hispanic.
Sacramento County	Asian (Chinese).
Sacramento County	Hispanic.
San Benito County	Hispanic.
San Bernardino County	Hispanic.
San Diego County	Asian (Chinese).
San Diego County	Asian (Filipino).
San Diego County	Hispanic.
San Diego County	Asian (Vietnamese).
San Francisco County	Asian (Chinese).
San Francisco County	Hispanic.
San Joaquin County	Hispanic.
San Mateo County	Asian (Chinese).
San Mateo County	Hispanic.
Santa Barbara County	Hispanic.
Santa Clara County	Asian (Chinese).
Santa Clara County	Asian (Filipino).
Santa Clara County	Hispanic.
Santa Clara County	Asian (Vietnamese).
Stanislaus County	Hispanic.
Tulare County	Hispanic.
Ventura County	Hispanic.

Appendix F

**Secretary of State's
NVRA Manual, Chapter 4**

Chapter Four

NVRA Implementation

at

Public Assistance Agencies,
Agencies Serving People with Disabilities,
and Other Designated Agencies

CHAPTER FOUR

NVRA Implementation at Public Assistance Agencies, Agencies Serving People with Disabilities, and Other Designated Agencies

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I. Section 7 of the National Voter Registration Act (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 and state-funded programs primarily engaged in providing services to persons with disabilities. 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:

NVRA Voter Registration Agencies

Department of Motor Vehicles (DMV) Field Offices

Public Assistance Agencies

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

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

County welfare department 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 welfare departments which accept applications and administer benefits for In-Home Supportive Services Program.

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 assistance;
- 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 a Voter Preference Form (Preference Form);
- Assist applicants who ask for help with completing the VRC;
- Accept and send completed VRCs to elections officials; and
- Keep the 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.

C. Equal Assistance

The NVRA requires voter registration agencies to assist applicants with filling out the VRC. Section 7 specifically requires that agencies 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.

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.

Agencies may 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.

The applicant has the right to complete the VRC without assistance, but equal assistance also entails reviewing the VRC and Preference Form for completeness, just as the agency would review its own forms for completeness.

D. Forwarding the VRC and Retaining the Voter Preference Form

The NVRA requires agencies to forward completed VRCs to elections offices within 10 days of receipt (within 5 days, if received within 5 days of the voter registration deadline). As a practical matter, agencies should forward VRCs on a daily basis. VRCs are pre-addressed to the county elections office and contain postagepaid stamp.

The NVRA requires agencies to keep completed Preference Forms on file at the NVRA agency for two years. 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.

E. 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 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.

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

SB 35 (Padilla), Chapter 505, Statutes of 2012, effective January 1, 2013, codifies portions of the National Voter Registration Act (NVRA) into state law and places new requirements on NVRA agencies, county elections officials, and the Secretary of State.

A. SB 35 Overview

SB 35 requires **NVRA agencies** to do the following:

- Notify the county elections office of each office or site in the county;
- Designate an NVRA/SB 35 coordinator;
- Train employees annually;
- Order voter registration cards exclusively from the county elections office;
- Offer minority language forms as required by federal Voting Rights Act; and
- Offer an online voter preference form and link to California Online Voter Registration (<http://RegisterToVote.ca.gov/>) if the agency offers enrollment, renewal, or change of address transactions online.

SB 35 requires **county elections officials** to begin reporting the number of voter registrations generated by each NVRA agency office or site in the county. The Secretary of State has developed a reporting template for the 58 county elections offices. The county elections office reporting template contains a list of the known NVRA agency offices and sites in each county. County elections officials must maintain an up-to-date list of the NVRA agency offices and sites in the county and add new offices and sites to the list as appropriate.

SB 35 requires the **Secretary of State** to prepare training materials, post county NVRA reports on the Secretary of State's NVRA website, and coordinate NVRA compliance throughout the state.

B. Tracking NVRA Voter Registrations

In order to properly track NVRA registrations, SB 35 requires NVRA agencies to order all supplies of blank voter registration cards (VRCs) from county elections officials, and county elections officials must record the serial numbers of the VRCs supplied to each NVRA office or site. NVRA agencies with multiple sites in a county must

coordinate distribution of the VRCs with county elections officials to ensure proper tracking.

C. NVRA Training

SB 35 requires NVRA agencies to train employees annually on NVRA requirements and on how to assist applicants with voter registration. SB 35 requires county elections officials to assist with training, if requested by an NVRA agency. The Secretary of State's NVRA/SB 35 training materials, including an easy-to-use PowerPoint training presentation and handouts, are available on the Secretary of State's NVRA website: sos.ca.gov/elections/nvra/training/

In order to ensure uniform compliance, NVRA agencies should develop scripts for agency staff to use when providing voter registration services under the NVRA.

D. Designating an NVRA Coordinator

Under SB 35, NVRA agencies must 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.

E. California Department of Social Services ACIN

Following the passage of SB 35, the California Department of Social Services issued an All County Information Notice (ACIN) to county welfare directors on the implementation of the NVRA and SB 35 at a local county welfare offices. To review California Department of Social Services ACIN 1-04-13 please visit: dss.cahwnet.gov/lettersnotices/EntRes/getinfo/acin/2013/I-04_13.pdf

III. Voter Registration Services under the NVRA

A. How the NVRA Works in Practice

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. If the applicant returns the packet without the Preference Form or VRC, the agency must follow up with the applicant once to attempt to gather the missing form(s).

Agencies must offer voter registration services to the person who is filling out the agency’s forms. This includes a parent or guardian completing forms for a child. Agencies must offer assistance with completing the Preference Form and the VRC.

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 Voter Preference form and if the applicant says “yes” the agency must provide an opportunity to register to vote by sending a VRC to the applicant by mail.

Email and Internet Transactions: SB 35 requires that voter registration agencies that offer the opportunity to apply online for service, assistance, or to submit a recertification, renewal, or change of address form online must allow the applicant to electronically submit a voter preference form and connect the applicant to the Secretary of State’s online voter registration form. Agencies must record the applicant’s electronic voter preference form decision. Agencies must send applicants a voter preference form and voter registration form if the applicant does not answer the electronic voter preference form.

Agencies which connect applicants to the online voter registration form must coordinate with the Secretary of State 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 Secretary of State's online voter registration form at:

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

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. 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 Office at (916) 657-2166 or email www.nvra@sos.ca.gov.

Technology Upgrades: When upgrading technology related to the application, renewal or recertification, or change of address process, NVRA agencies must ensure that voter registration services, as required by the NVRA, are integrated.

For example, if the agency offers online enrollment in services or benefits, the website enrollment interview should include an electronic preference form and a link to California Online Voter Registration (COVR) website, where the applicant can register to vote online.

B. The NVRA Preference Form and Voter Registration Card (VRC)

The NVRA requires voter registration agencies to give applicants for services or assistance **both** an NVRA Voter Preference Form (Preference Form) **and** a Voter Registration Card (VRC).

NVRA Voter Preference Form

The 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.

If an agency chooses to create its own Preference 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, address, telephone number, e-mail address, and website of Secretary of State.)

As noted above, both the Preference Form and the VRC must be provided to each applicant along with agency’s own forms routinely distributed to applicants during intake, renewal, recertification, and a change of address procedures.

Completing the Voter Preference Form

For in-person transactions, the voter registration agency should ask the applicant to complete the Preference Form and VRC. For remote transactions, if an applicant does not complete and return a 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 may include a blank Preference Form with the applicant’s name in their records and write “no response” on the form.

NVRA Voter Preference Form (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

California Voter Registration Card (VRC)

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.

In California, the Secretary of State prints and supplies VRCs to county elections officials. In turn, county elections officials distribute supplies of VRCs to voter registration agencies within the county.

County elections officials record the serial number ranges of VRCs distributed to voter registration agencies in order to be able to track the number of completed VRCs returned and attribute new registration data to the voter registration agency office or site that distributed the form.

Voter registration agencies must 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 each public assistance agency generates.

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.

California Voter Registration Card (VRC)

California Voter Registration Card (VRC)

CALIFORNIA VOTER REGISTRATION FORM
505

Fill out this form if you are a new voter, have moved or changed your name, or want to change your political party preference.
You must be a U.S. citizen and at least 18 years old by the next election to use this form. Use blue or black ink. Print clearly.

Your legal name: First name _____ Middle name _____

① Last name _____ (Optional) Mr. Ms. Mx. Miss

② Home address - not a P.O. Box or business address - (Street, Street, Ave., Drive, etc. include R, S, E, W) _____ Apt or unit # _____

③ City _____ State _____ Zip _____ California county _____

④ If you do not have a street address, describe where you live (Close streets, Route, R, S, E, W) _____

⑤ Mailing address - if different from above, or P.O. Box _____

⑥ City _____ State _____ Zip _____ Foreign country _____

⑦ Date of birth _____ U.S. state or foreign country of birth _____

⑧ CA driver's license or CA ID card # _____ If you do not have a CA driver's license or ID card, list the last 4 numbers of your Social Security Number, if you have one. * - - - - SSN (last 4 numbers) _____ (These numbers are printed at polling places on election day)

⑨ Email (optional) _____ Phone number (optional) _____

⑩ Do you want to choose a political party preference?
 No Party Preference. No, I do not want to choose a political party preference. If you check this box, you may not be able to vote for some parties' candidates at a primary election for U.S. President or party committee.
 Yes, my political party preference is (check 1 box):
 American Independent Party Democratic Party Green Party
 Libertarian Party Peace and Freedom Party Republican Party
 Other (specify) _____

⑪ To receive a vote-by-mail ballot in all elections, initial here _____

⑫ If you were registered to vote before, fill out below:
 First name _____ Middle initial _____ Last name _____
 Previous address when you were registered _____ City _____
 State _____ Zip _____ Previous county _____ Previous political party preference (if any) _____

⑬ Are you a U.S. citizen? Yes No No
 Will you be 18 or older by the next election? Yes No No
A "No" answer to either question means you CANNOT register to vote.

⑭ **Read and sign below.**
 I am a U.S. citizen and will be at least 18 years old on election day. I am not in prison or on parole for a felony. I understand that it is a crime to intentionally provide incorrect information on this form. I declare under penalty of perjury under the laws of the State of California that the information on this form is true and correct.

⑮ **Signature:** _____ Month _____ Day _____ Year _____
 59 BS 140001

Important! To vote in the next election, you must mail or deliver this card at least 15 days before the next election. New voters who register by mail may have to show their ID at the polling place the first time they vote.

⑯ You have and list. Mark the edge to seal. Do not staple or tape. The bottom part is your receipt. Keep it until you receive a Voter Notification Card in the mail.

Optional
 A. Check here if you can be a poll worker. (If selected, indicate language: _____)
 Check here if you can provide a polling place on election day.
 B. Your ethnicity/race: _____
 C. Check your language preference: English Spanish (Español)
 Chinese Vietnamese Korean Tagalog Japanese (日本語)
 Hindi Urdu Persian Vietnamese (Vietnamese)
 Other (specify) _____

Did someone help you fill out or deliver this form?
 If yes, the person who helped you must fill out and sign both parts of this green box.
 Signature: _____ Month _____ Day _____ Year _____
 Name, address, and tel.: _____
 (This part is the voter's receipt.)
 Signature: _____ Month _____ Day _____ Year _____
 Name, address, and tel.: _____

As a registered voter, you may vote for any candidate for state or congressional office, regardless of the party preference or lack of party preference chosen by you or the candidate.

C. Getting 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 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, including voter preference forms, 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 assigning specific blocks of VRC affidavit numbers to public assistance agencies and tracking those affidavit numbers as completed VRCs are returned to elections offices.

E. Providing NVRA Materials in Other Languages

Section 203 of the Voting Rights Act (VRA) requires that, in covered jurisdictions, all election information available in English be made available in certain minority languages. Covered jurisdictions are determined by the Census Bureau based upon a formula in the VRA. Under the most recent US Census Bureau determination, the state of California is covered for Spanish language assistance. Additionally, eight counties are covered for one or more Asian languages. The NVRA requires that voter registration agencies in counties covered by Section 203 of the VRA provide election materials in covered languages.

Agencies with offices in counties covered by Section 203 of the VRA should contact their county elections offices for materials, including VRCs in covered languages.

County elections offices have supplies of Voter Registration Cards (VRCs) in every language required by the federal Voting Rights Act in that county.

The Preference Form is available in 10 languages: Spanish, Chinese, Hindi, Japanese, Khmer, Korean, Tagalog, Thai, and Vietnamese. All versions of the Preference Form may be downloaded and printed from the Secretary of State's NVRA website:

sos.ca.gov/elections/nvra/training/voter-preference-forms.htm

IV. Transmittal Deadlines and Late Registrations

B. 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 is timely.

Elections officials should make every effort to transmit completed registration forms from agency offices daily 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. This will help minimize the number of provisional ballots used in a given election.

V. Resources

Secretary of State NVRA Website

sos.ca.gov/elections/nvra/

Training Materials for NVRA Agencies

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

SB 35 Implementation Workshop Materials

sos.ca.gov/elections/nvra/sb35/

Voter Hotlines

(800) 345-VOTE (8683) – English

(800) 232-VOTA (8682) - español / Spanish

(800) 339-2857 - 中文 / Chinese

(888) 345-2692 - हिन्दी / Hindi

(800) 339-2865 - 日本語 / Japanese

(888) 345-4917 - ខ្មែរ / Khmer

(866) 575-1558 - 한국어 / Korean

(800) 339-2957 - Tagalog

(855) 345-3933 - ÀÒÉÒä·Â / Thai

(800) 339-8163 - Việt ngữ / Vietnamese

(800) 833-8683 – TTY/TDD

County Elections Offices

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

U.S. Department of Justice Civil Rights Division Voting Section

justice.gov/crt/about/vot/nvra/activ_nvra.php

Secretary of State NVRA Coordinator

Phone: (916) 657-2166

Fax: (916) 653-3214

Email: nvra@sos.ca.gov

Appendix G

**ACLU of California
NVRA Sample Materials**

NATIONAL VOTER REGISTRATION ACT



Filling Out a Voter Registration Card

Under the National Voter Registration Act (NVRA), voter registration agencies are required to provide assistance with filling out a voter registration form to the same degree as it is offered in completing the agency's own application forms. For many applicants and beneficiaries the voter registration form will be self explanatory, but for others, particularly those registering for the first time, questions may arise. The following are some common questions and issues.

Who can register to vote?

Any Californian can register to vote if he or she is:

- A U.S. citizen;
- A resident of California;
- At least 18 years of age on or before the next election.

A person *cannot* register if he or she has been declared mentally incompetent or is serving a sentence for some felony convictions (see below).

Please note: There is no waiting period for residency. A person can immediately register to vote at his or her new address.

What if the registrant has been convicted of a crime?

A misdemeanor conviction *does not* affect a registrant's right to vote.

A person *cannot* register to vote if he or she is:

- Currently serving a state prison sentence or currently on parole for a felony conviction.
- Currently serving a term or is under state or county criminal justice supervision for a low-level felony as defined by the "Public Safety Realignment Act of 2011."

A person's right to vote is automatically reinstated when he or she has completed any of the above sentences, but he or she must re-register to vote.

When does a person who has already registered to vote need to re-register?

A person should re-register to vote if he or she:

- Recently moved.
- Would like to change his or her political party.
- Changed his or her name.
- Has not voted in the last several elections.
- Is not sure if he or she is registered or not.

If applicants or beneficiaries are not sure whether or not they need to register, you can help them check their registration status on the Registrar of Voters' website at:

http://www2.sdcounty.ca.gov/rov/Eng/Evoter_query.asp

If you cannot find the person's name, then he or she most likely needs to fill out the registration form in order to register to vote.

What if a registrant does not have a California identification card or Social Security number?

Question 11 on the voter registration form asks registrants for their California driver's license or ID card number, or alternatively for the last four digits of their Social Security number. **A person can still register to vote even if he or she does not have a California ID or Social Security number as long as they meet the other eligibility requirements.** If the registrant you are assisting does not have an ID or Social Security number but is otherwise eligible to vote, that person should fill out the rest of the voter registration form and submit it to the county.

Does a registrant have to choose a political party?

Question 14 on the voter registration form asks registrants if they would like to choose a party preference. A person does not have to choose to register with a political party. By choosing a party preference the registrant will be allowed to vote in that party's primary elections. If a person does not wish to register with a party, he or she should choose "No Party Preference." As a No Party Preference voter, a person can vote in open primaries and for any general election candidate. When assisting a person with a voter registration form, you must **be careful not to advise or influence that person regarding his or her political party preference.**



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What if the registrant is worried about his or her privacy?

Victims and survivors of domestic violence, stalking or sexual assault may be eligible to **complete a confidential voter registration form and become a confidential voter**. As a confidential voter, a person can vote by mail and have their voter registration information protected from campaigns, the media, and the general public. If the person you are assisting is concerned about privacy and would like to learn about enrolling as a confidential voter, he or she can call (877) 322-5227.

What is vote-by-mail?

Question 15 on the voter registration form asks registrants if they would like to receive a vote-by-mail ballot in all elections. Voting by mail is a **convenient way to vote and is available to all voters**. If a person chooses this option, he or she will become a permanent vote-by-mail voter. Permanent vote-by-mail voters receive their ballots in the mail ahead of elections and can then return it by mail. On Election Day if a person has not yet returned his or her vote by mail ballot, they can drop it off at any polling site. Permanent vote-by-mail voters can also still go to their polling site to vote if they have not mailed in their ballot but they will have to vote provisionally if they do not bring their vote-by-mail ballot with them. Registrants should be aware that if they move before the election they will still need to re-register, just like any other voter.

What if registrants do not know where they were previously registered to vote?

Question 16 on the voter registration form asks registrants for the address where they were previously registered to vote. If registrants know that address, they should answer the question. However, a registrant is not required to answer this question in order to register to vote.

When is the last day to register to vote?

The last day to register to vote is 15 days before the date of an election. If an applicant or beneficiary returns the registration to you by the 15th day before the election this is a timely registration. When the registration deadline nears, the voter registration forms should be mailed daily to the Registrar of Voters in an envelope. Be sure to **date-stamp each registration the day they are received** and include a cover letter or note in the envelope that identifies your agency and explains that these are timely registrations. If it is close to the voter registration deadline **please remind applicants and beneficiaries of the deadline** and the need to turn in their registration forms as soon as possible.

Will a registrant's voter registration form be recorded differently because it was received at an NVRA voter registration agency?

No. An applicant or beneficiary's decision whether or not to register to vote is confidential. If a person does decide to register to vote, the location where he or she received the voter registration form will be kept confidential. Nothing in the Registrar of Voters' public records will identify a voter as having registered at a voter registration agency.

How else can I assist an applicant or beneficiary with registering to vote?

If you meet with applicants or beneficiaries in person, you can point out the voter preference form and make sure that they are aware of the opportunity to register to vote. If a person chooses to register to vote you should review the registration form to make sure he or she has completed it correctly. If you filled out the voter registration form on behalf of the applicant, then you need to sign the form on the right side where it says, "Did someone help you fill out or deliver this form?" If you only checked the form to make sure it was completed or if you just answered questions for the registrant, then you do not need to sign the form.

If an applicant has mailed back his or her application and did not include the voter preference form, you can call that person to ask whether or not he or she wishes to register to vote, and offer to mail them another voter registration form.

Does an applicant or beneficiary have to fill out the voter registration form?

No. A person does not have to fill out a voter preference form or voter registration form as a condition for applying for or receiving benefits. You are not permitted to influence a person's decision to register with any particular party or to display any political preference or allegiance.

Where can I find more information?

San Diego County Registrar of Voters: <http://www.sdcounty.ca.gov/voters/Eng/Efaqs.shtml> or (858) 565-5800
California Secretary of State: http://www.sos.ca.gov/elections/elections_faqs.htm#vr

NATIONAL VOTER REGISTRATION ACT

Access to Translated Materials

Do election materials need to be available in minority languages?

Yes. In 1975, Congress enacted the language provisions of the Voting Rights Act (VRA), including Section 203, because it found that certain language minorities had been effectively excluded from participation in the electoral process. **Section 203 of the Voting Rights Act** requires that in covered jurisdictions all election information available in English must also be available in certain minority languages.¹ Covered jurisdictions are determined by the Census Bureau based upon a formula in the VRA. Under the most recent determination **San Diego must provide election information in Spanish, Chinese, Filipino, and Vietnamese.**²

Does Section 203 apply to the National Voter Registration Act?

Yes. State and federal law require voter registration agencies to keep supplies of voter registration and voter preference forms in applicable Section 203 language."³

What materials do voter registration agencies need to comply with Section 203 of the VRA?

- **Voter Preference Forms:** Voter registration agencies should ensure that every office has voter preference forms available in Spanish, Chinese, Filipino, and Vietnamese at all times.

The Secretary of State has translated the voter preference form into nine languages, including the four languages required under Section 203 to be offered in San Diego. These forms are available online at: <http://www.sos.ca.gov/elections/nvra/training/voter-preference-forms.htm>.

- **Voter Registration Forms:** Voter registration agencies should ensure that every office has voter registration forms available in Spanish, Chinese, Filipino, and Vietnamese at all times. A voter registration agency can **order these forms** from Barbara Carr at the San Diego Registrar of Voters office. Orders can be made by email to Barbara.Carr@sdcounty.ca.gov, or by phone at **(858) 571-4235**. It is important to order the forms directly from the Registrar of Voters office because this allows the Registrar to track the voter registration forms and to give credit to the voter registration agency when they receive the form.

When should voter registration agencies provide translated materials?

Voter registration agencies should include translated voter preference forms and voter registration forms **when an applicant or beneficiary requests services** in a Section 203 language. All voter registration offices, even those that do not normally receive applications from language minorities, should keep voter registration forms and voter preference forms for language minorities in stock. If an applicant requests assistance with filling out the voter preference form, assistance should be provided to the same degree as it is offered in completing the agency's own application forms.⁴

¹ Department of Justice, Civil Rights Division, Voting Section. "About Language Minority Voting Rights." Retrieved on July 30, 2012, from: http://www.justice.gov/crt/about/vot/sec_203/activ_203.php

² "Voting Rights Act Amendments of 2006, Determinations Under Section 203 (Notice of Determination)." Federal Register 76:198 (October 13, 2011) p. 63602.

³ California Elections Code § 2406(a)(4); and see Department of Justice, Civil Rights Division, Voting Section. "The National Voter Registration Act of 1993, Questions and Answers. Question 43."

Retrieved on July 30, 2012, from: http://www.justice.gov/crt/about/vot/nvra/nvra_faq.php

⁴ Id at Question 14



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NATIONAL VOTER REGISTRATION ACT

Steps to Follow When You Receive a Voter Registration Form

Is the form filled out correctly?

If a person returns a voter registration form while he or she is in the office, review the form to make sure it is complete. Ask the registrant if he or she has any questions.

Did the registrant answer question 15 on the registration form?

Question 15 gives all registrants the option of becoming a permanent vote-by-mail voter. Vote-by-mail voters receive their ballots in the mail ahead of elections and can then return them by mail any time before the election. This gives voters an opportunity to study the ballot ahead of time and to seek assistance with filling it out if they need it. If registrants do not want to vote by mail they should leave question 15 blank.

Did the registrant answer question 16 on the registration form?

If registrants know the address where they previously registered, they should answer this question. However, a registrant is not required to answer this question in order to register to vote.

Does the registrant have a language preference other than English?

In the "Optional" section of the form registrants can choose their language preference. If the registrant chooses one of the preferences he or she will receive a state voter guide in that language. The sample ballot is available in San Diego in English, Spanish, Chinese, Vietnamese, and Filipino.

Did the registrant sign the form?

Registrants must sign the voter registration form to finalize their registration.

Did the registrant detach the receipt?

The bottom third of the registration is a receipt for the registrant. Detach that portion of the form and return it to the registrant.

Did I fill out the form for the applicant?

If you filled out the voter registration form on behalf of the applicant then you need to sign the form on the right side where it says "Did someone help you fill out or deliver this form?" If you only checked the form to make sure it was complete or just answered questions from the registrant then you do not need to sign the form.

Has the form been date-stamped?

Once the voter registration form is complete it should be sealed and date-stamped. The date stamp should go on the back of the form under the postage indicia.

Has the form been placed in the mail?

The easiest way to ensure that forms are always returned on time is to place them in the mail on a daily basis.¹ Voter registration forms are self-addressed with prepaid postage and can be placed with your outgoing mail.

The voter registration deadline is 15 days before an election. When the registration deadline nears, the voter registration forms should be mailed daily in an envelope. Include a cover letter or note in the envelope that identifies your agency and explains that these are timely registrations. A registration is timely if it is received at a voter registration agency by the registration deadline.

¹ The NVRA requires that voter registration agencies transmit completed voter registration forms to the county elections office within 10 days. If it is within five days of the voter registration deadline, the voter registration form must be transmitted within five days. The California Secretary of State recommends transmitting the forms on a daily basis.



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