

Draft state legislation for Public Assistance Voter Registration

1. Chief election official

The [specify state officer] is hereby designated as the chief election official responsible for the coordination of this state's responsibilities under both the National Voter Registration Act of 1993, 42 U.S.C. § 1973gg, et seq., and the provisions of these sections, entitled [enter title].

2. Definitions

"Voter registration agency" refers to all offices in the state that provide public assistance, including but not limited to Food Stamps (Supplemental Nutrition Assistance Program), Medicaid, TANF (Temporary Assistance to Needy Families), WIC (Women, Infants and Children), and State Children's Health Insurance Program; all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities; additional agencies or programs designated by the chief election official as required by the NVRA at 42 U.S.C. § 1973gg-5(a)(3)(A), (B); and any other department or office so designated by the chief election official.

"Director" refers to the head of each voter registration agency.

"Chief election official" refers to the [name officer].

"Voter registration application" refers to the form issued by [name office or department] pursuant to section [include section]."

"Voter notice form" refers to the form required by 42 U.S.C. § 1973gg(7)(a)(g)(B) and includes the following:

i. "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

ii. "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency;"

iii. boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote (failure to check either box being deemed to constitute a declination 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.";

iv. the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and

v. the statement, "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 or other political preference, you may file a complaint with [**insert contact information for election official**].", the blank being filled by the name, address, and telephone number of the appropriate official to whom such a complaint should be addressed.

3. General Rule

The director of each voter registration agency and the chief election official shall jointly establish a program to provide voter registration services to individuals applying for or receiving assistance or services, as described in this section. The director shall ensure that personnel at each location where such assistance or services are provided to clients and/ or applicants meet the following responsibilities:

- a. Incorporate a voter registration application and a voter notice form into each benefits application, recertification, and/or change of address notification , whether the contact is made in person, by telephone, through mail, over the Internet, or during a home visit;
- b. Orally ask individuals if they want to register to vote during caseworker interviews/ meetings;
- c. Provide assistance in completing voter registration application forms;
- d. Accept completed voter registration applications and forward, within ten days of acceptance by agency, completed registration applications to the appropriate local election authority.

4. Forms

a. Voter registration agencies shall incorporate into each benefits application and reapplication a voter registration application and a voter notice form, both of which shall be prescribed by the chief election official, pursuant to [enter code section regarding voter registration forms].

b. The [state/local] election authority shall provide voter registration agencies with voter notice forms and voter registration applications that are coded to identify such agencies as the sources of the information forms and applications, provided that such codes shall be identifiable only by state/local elections authorities.

- c. No information relating to a declination to register to vote in

connection with an application made at an office described in section 3 may be used for any purpose other than voter registration.

d. Voter registration agency employees shall review the voter notice form with all individuals, whether in-person or by telephone, and assist in completion of the form if requested. If the individual refuses to complete the form, the employee shall initialize and date the form.

e. Voter registration agencies shall retain completed voter notice forms for a period of twenty-two (22) months following the first federal election occurring after the form's completion.

5. Voter registration assistance

Voter registration agency employees shall provide to each individual the same degree of assistance in providing voter registration services as is provided by the office with regard to the completion of its forms relating to benefits applications, unless the applicant refuses such assistance.

6. Voter registration application transmission

Voter registration agencies shall forward all completed voter registration applications to the appropriate State election official within 10 days of the date of receipt. If a voter registration application is received within five (5) days before the registration deadline, the agency shall transmit that application to the appropriate State election official not later than five (5) days after the date of acceptance by the agency.

7. NVRA Agency Coordinator

a. The director of each voter registration agency shall appoint an NVRA Agency Coordinator who shall oversee such agency's implementation of these provisions, provided that the appointment of such NVRA agency Coordinator shall not relieve such director of responsibility for implementation of these provisions.

b. The Director shall appoint a new NVRA Coordinator within 30 days of such position becoming vacant.

c. Each NVRA Agency Coordinator's oversight responsibilities over agency implementation of these provisions shall include the following:

(1) Coordinate and oversee compliance with these provisions at each location where agency services are provided;

(2) Compile and maintain a current list of NVRA Site Coordinators for all offices, as provided for in section 8;

(3) Provide timely response to questions raised by agency personnel on compliance with these provisions;

- (4) Collect and analyze data on the agency's compliance with these provisions;
- (5) Oversee remedial agency actions necessary to bring the agency into compliance with these provisions, where necessary;
- (6) Create, with the assistance of the chief election official, a voter registration training program for all agency personnel on compliance with these provisions;
- (7) Create, with the assistance of the chief election official, a voter registration manual for all agency personnel on the implementation of these provisions at each location where agency services are provided;
- (8) Ensure that all NVRA Site Coordinators are trained on the compliance with these provisions, upon their appointment and on an annual basis thereafter;
- (9) Act as liaison to the state's chief election officer and local election authorities regarding compliance with these provisions;
- (10) Ensure that each location where agency services are provided maintains an adequate supply of combined voter registration/ voter notice forms; and
- (11) Annually review and report to the director and the chief election official on the agency's compliance with these provisions. Such report shall include recommendations for agency actions to improve compliance with these provisions, as necessary.

d. The Director shall incorporate an assessment of the NVRA Coordinator's compliance with the oversight provisions of this section into that individual's performance evaluation.

8. NVRA Site Coordinators

a. Each agency Director shall designate a local NVRA Site Coordinator for each location where agency services are provided.

b. The NVRA agency Coordinator shall appoint a new NVRA Site Coordinator within 30 days of such position becoming vacant.

c. Each NVRA Site Coordinator's oversight responsibilities over the agency implementation of these provisions at the site shall include the following:

- (1) Ensure that all personnel at such site who have contact with clients/ applicants in the performance of their duties comply with the voter registration duties outlined in these provisions:
 - (3) Coordinate and ensure that all site personnel successfully complete voter registration training programs on compliance with these provisions;
 - (4) Ensure compliance with the record-keeping, reporting and voter registration transmission requirements in sections 6 and 10;
 - (5) Act as the site's liaison to the NVRA Agency Coordinator and local elections authorities regarding all voter registration issues and questions;

(6) Ensure that posters informing agency clients and applicants of their rights to apply to register to vote at the sites are prominently displayed in reception areas;

(7) Provide for the timely forwarding of completed voter registration applications to State election officers; and

(8) Ensure that completed voter notice forms are stored in a central file for a period of twenty-two (22) following the first federal election after the completion of the form.

d. The Director shall incorporate an assessment of the NVRA Site Coordinator's compliance with the oversight provisions of this section into the regular performance evaluation of that individual.

9. NVRA Training

a. The NVRA Agency Coordinator shall, with the assistance of the chief election officer, provide a voter registration training program and materials for all voter registration agency office personnel.

b. The NVRA Agency Coordinator shall ensure that all agency personnel whose job responsibilities include regular interaction with agency clients and applicants receive training on compliance with these provisions on an annual basis.

c. All agency personnel whose job responsibilities include regular interaction with agency clients and applicants shall successfully complete training on compliance with these provisions within one month of hire or first interaction with agency clients or applicants, whichever comes first.

d. The NVRA Site Coordinator shall maintain a list of all employees who have completed the training, along with the date on which the training occurred. This list shall be provided to the NVRA Agency Coordinator annually.

e. The chief election official shall provide ongoing guidance to the NVRA Agency Coordinator and Site Coordinators. This shall include maintenance of a toll free telephone help line dedicated to voter registration questions. The phone number shall be provided to the NVRA agency Coordinator and Site Coordinators for their use, and for the use of other agency personnel, when questions regarding the NVRA or voter registration arise.

10. Reporting and Monitoring

a. Each NVRA Site Coordinator shall report monthly to the NVRA Agency Coordinator on the number of voter registration transactions conducted at the site.

b. Each NVRA Site Coordinator shall report the following data listed in one (1) through six (6) below to the NVRA Agency Coordinator on a monthly basis. The NVRA Agency Coordinator shall collect this data submitted by the NVRA Site Coordinators and transmit it to the agency director and to the chief elections official on a monthly basis:

- (1) The number of applications, recertifications/renewals, and changes of address processed by the agency, whether in-person or via remote interaction;
- (2) The number of voter notice forms marked “yes”;
- (3) The number of voter notice forms marked “no”;
- (4) The number of voter notice forms left blank by the client or applicant;
- (5) The number of voter registration applications mailed to clients or applicants applying, recertifying, or changing an address by telephone, mail, internet, or other means; and
- (6) The number of completed voter registration application forms submitted to the appropriate State election officer.

c. The NVRA Agency Coordinator shall report to the director the failure of any NVRA Site Coordinator to timely report voter registration data, pursuant to section 10(a) and (b).

d. The director and the chief elections official shall on a monthly basis evaluate the data collected and transmitted pursuant to section 10(a) and (b). If a voter registration agency, or an office of such voter registration agency, fails to submit data or submits incomplete data, the director and the chief election official shall take corrective action within 30 days and further require that complete data be provided within 30 days of any notice concerning incomplete data. The director and the chief election official shall further investigate and take corrective action where a voter registration agency, or an office of such voter registration agency, reports an unusually low ratio of registrations to office traffic [or voter notice forms] as compared to previous periods or as compared to other offices in the state for the previous two consecutive reporting periods. Additionally, the director and the chief election official shall review the data listed above in 10(b)(1) through 10(b)(6); non-compliance is evident if the number of applications, recertifications/renewals, and changes of address processed by the agency, as referenced in section 10(b)(1) does not approximate the sum of the voter notice forms and voter registration applications, pursuant to sections 10(b)(2) through 10(b)(4).

11. Posters

Each voter registration agency office shall prominently display in the reception and/ or waiting room(s) at each location where services are provided posters announcing the right to register to vote at that location.

12. Prohibitions

Personnel at voter registration agencies shall not:

- a. Seek to influence an applicant’s political preference or party registration;
- b. Display any such political preference or party allegiance;

c. 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

d. 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.

13. Evaluation

The NVRA Agency Coordinator shall evaluate and report to the Director on agency compliance with these provisions.

14. Remedial mailings

If the chief election official, NVRA Agency Coordinator, and/ or any NVRA Site Coordinator finds that an individual was not given the opportunity to register to vote, the NVRA Site Coordinator, for the office at which the failure occurred, shall immediately send a letter, a voter registration application, and a voter notice form to the individual, offering him/her the opportunity to register to vote. This mailing shall include instructions to the individual (1) advising the individual that s/he may receive assistance in filling out the voter registration form by calling or visiting a voter registration agency office; (2) advising the individual that s/he may return the completed form to the local office or to the local election authority, and providing addresses for each; (3) advising the individual that s/he is receiving the mailing because the office has determined that the individual may not have been offered the opportunity to register to vote, and that the mailing does not affect the individual's registration status if the individual is already registered to vote at the individual's current address, and (4) advising the individual that receipt of this mailing does not indicate any information about the individual's eligibility to register to vote. A copy of the letter/form shall be maintained by the local site.

15. Policy

Voter registration agencies must ensure that their internal policies and procedures reflect the provisions of these sections and the requirements of the NVRA.

16. Compliance by private contractors

All provisions of these sections apply to private and/or government entities that contract with voter registration agencies to provide benefits and/ or services.

17. Annual report to the legislature

Each voter registration agency must prepare a report for the legislature that includes a general summary of the efforts taken by the agency to implement the provisions of these sections. The report shall include, but is not limited to, details on the following:

- a. frequency of trainings and a list of attendees;

- b. copies of all monthly reports, as described in sec. 10 above;
 - c. problems with compliance, corrective action plans instituted in response, and results of such plans;
 - d. any change in the identity of the NVRA Agency Coordinator and/ or site coordinators; and
 - e. a list of all site coordinators;
18. [Effective date]