

Motor Voter act - Frequently Asked Questions

NVRA/SB 35 (Sometimes referred to as the Motor Voter act) Implementation

The National Voter Registration Act of 1993 (NVRA) was designed to increase the number of registered voters in the United States by requiring many government offices to offer people the opportunity to register to vote. The NVRA required each state to offer voter registration services at motor vehicle agency offices and, in addition, to designate voter registration agencies:

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

In California, that includes State and County mental health providers.

Upon reviewing the presentations presented by the Secretary of State including slides and handouts, state and federal legislation, discussions with the Orange County Voters Registrar representative and discussions with representatives from the Secretary of State office, some questions regarding proper implementation and compliance arose. This FAQ answers some of those questions and will be added to as questions from staff come up.

The screenshot shows the California Secretary of State's website for the Voter Registration Form. The header includes the state seal and the text "All people speak without discrimination". The navigation menu includes "Secretary of State", "Administration", "Elections", "Business Programs", "Political Reform", "Archives", "Registries", and "Other Services". The main content area is titled "Voter Registration Form" and includes a "New" button. Below the title, there are instructions to begin registration and a list of options: "I am a California resident living in the United States" and "I am one of the following: 1) an absent military/uniformed citizen, 2) a military spouse or dependent citizen, or 3) a non-military citizen living overseas." There is also a "Next" button. On the right side, there are "Important Notices" with three items: "1. You are only permitted to submit an application for yourself.", "2. Your information is protected.", and "3. Have questions or want to report fraud?". At the bottom, there is a note about printing a blank form and a list of languages: Chinese, English, Japanese, Korean, Spanish, Tagalog, Vietnamese, and Vietnamese.

1. What are the guidelines for designating which programs/sites are required to participate?

For BHS, it is generally those programs that register clients for services. This is based on the regulations which indicate participation is required for programs that determine eligibility for benefits (including government funded health care) and that treat persons with disabilities.

2. Do we offer voter registration services to all we come in contact with during outreach services?

No, only those we are screening and registering for services. This would not include, for example, those we contact only as part of outreach or educational activities. The Secretary of State's office indicates, "The agency's duty is to hand out the VRC and preference form to all clients who enroll, re-enroll, or request an address change."

3. Are we required to offer voter registration services to current clients?

No. Current clients need not be offered voter registration. At the time of start-up of this activity we will be offering services only to new clients and to those reporting a change of address.

4. Do we have to offer the chance to register at the time of the annual update of the treatment plan?

No. Treatment plan updates are not considered to constitute new services or re-enrollment.

5. Do contractors have to do this, too?

Yes. Regulations and the Secretary of State's office indicate that those organizations providing Services under contract to an included agency are also included.

6. Are we responsible for instituting and/or monitoring voter registration services at our contractors?

At the time of implementation of the regulation we are notifying contract agencies of our understanding regarding how this requirement relates to them. At the time of implementation we do not plan on instituting ongoing monitoring.

7. The Registrar of Voters does not offer forms in Farsi which is one of Orange County's threshold languages.....is that a problem?

No. The language requirements for voter registration are different from the Medi-Cal threshold languages. At the time of implementation of the regulation we are required to provide forms in English, Spanish, Chinese, Vietnamese and Korean.

8. Do we mail the VRCs daily or can we use the County PONY system?

The PONY system can be used. Placing VRCs in the PONY system daily should ensure compliance with legislative timeframes for delivery. Simply address the PONY envelope to Registrar of Voters. There is no building number required.

9. What if a consumer declines to cooperate with the process i.e., won't state preference or sign the form?

The staff person will write on the Preference form "declined to respond", print the person's name on the Preference form, and turn in the Preference form just like those that are completed.

10. Are we obligated to track if a consumer has already been registered through us? What if a consumer completes multiple registrations?

No, we do not have to track. We are not required **or permitted** to determine whether a person has completed multiple registrations. That is the responsibility of the Registrar of Voters. We are simply required to help the person fill out the form if they choose to do so, and we are required to turn it in, even if we believe that person has already done so.

11. Are we to offer assistance or wait for request from consumer?

County policy will be to offer the assistance up front.

12. Are we obligated to screen the registrations for accurate information?

No, we are not required to screen the registrations and the Secretary of State's office firmly states that **we are not to do so.**

13. If forms are given for later completion, are we obligated to follow up?

No. While the client is permitted to take the form if they choose to do so, we do not have to follow up if we have already offered to help them complete it.

14. How should homeless registrants complete the address section?

The person should describe where he/she lives (cross streets, bridge location, etc.) The person may not list drop in centers or clinics. If they do so, inform them of the proper way to complete it, but if they choose to turn it in with a clinic address anyway, simply process the form.

15. What if the registrant does not have or know his CDL/SSN?

Leave that spot blank and Secretary of State will assign a number.

16. Will we have voter registration information on the HCA website?

We will add a "register to vote" button on the main HCA page and the main BHS page and these will link to the Registrar of Voters office.

17. Are we obligated to screen for eligibility requirements?

The Secretary of State's office indicates that "the answer is an emphatic NO. NVRA agencies are not allowed to screen a client for voting eligibility before handing out a VRC and preference form. The agency's duty is to hand out the VRC and preference form to all clients who enroll, re-enroll, or request an address change. The client reads the eligibility criteria on the VRC and checks the boxes "yes" if they are eligible and signs under penalty of perjury that they are eligible to register to vote.

Even if the agency knows that the consumer is not eligible, the agency has a duty to hand out the forms with every enrollment, renewal or change of address. If the client asks for help the staff person could walk them through the eligibility provisions, but it's ultimately the applicant's duty to decide whether to apply to register to vote."

18. If staff sign that they assisted with completion are they responsible for any false information?

The Registrar of Voters office indicates that only the person signing the attestation statement is responsible for content on form. This is consistent with responses from the Secretary of State and county counsel.

19. Can we destroy VCRs that have been damaged, used for other purposes, half completed etc.?

Yes, they can be shredded or returned to the Registrar for voiding if appropriate. This would be forms that have been scribbled on, colored on, made into paper airplanes, used for shopping lists, etc.

20. Can homeless consumers use the clinic address?

No. Homeless individuals should describe where he/she lives (cross streets, bridge location, etc.) The person may not list drop in centers or clinics. If they do so, inform them of the proper way to complete it, but if they choose to turn it in with a clinic address anyway, simply process the form.

21. Is the ADAS division included in the requirements?

Yes.

22. Is staff responsible for any content on the VRC by signing the section specifying they provided assistance?

The Registrar of Voters office, the Secretary of State, and county counsel all state that only the person signing the attestation statement is responsible for the accuracy of content.

23. May we combine sites that are co-located?

If they are different programs, they must be treated separately so each clinic will be listed individually. For example a co-located children's clinic and adult clinic should be listed separately.

24. The area for staff to sign after giving assistance asks for an address, may we use the clinic's address?

Yes, we may use the clinics.