

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_faq.htm#vr

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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. According to the Department of Justice “each State or jurisdiction covered by the language minority requirements of the VRA should consider how to ensure that National Voter Registration Act (NVRA) voter registration opportunities are conducted so as to provide language access to covered limited-English proficient language minority citizens so that they have equal access to the voter registration process.”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 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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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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