

National Voter Registration Act (NVRA) & SB 35 Training

Hosted by: **CALIFORNIA ASSOCIATION OF CLERKS
AND ELECTION OFFICIALS**

Panelists

Neal Kelley

*Registrar of Voters,
Orange County
President, CACEO*

Jonathan Stein

*Voting Rights Attorney
ACLU of California Voting
Rights Project*

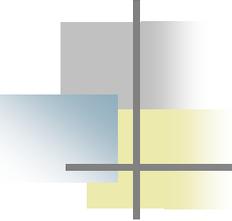
Jennie

Bretschneider

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Secretary of State's Office*

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Disability Rights California*



National Voter Registration Act (NVRA)

Helping People Participate in Our Democracy

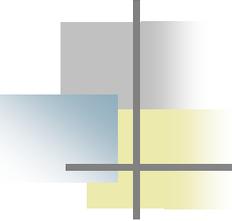
CACEO Webinar August
2014



privacy *All people* *Liberty* *Speak*
without discrimination *common good*

California Secretary of State Debra Bowen

acquiring *protecting* *preserving*



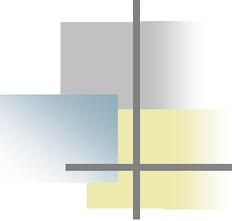
When & Why Did Congress Pass the NVRA?

- When:

- 1993
- 2014 is the 20-Year Anniversary

- Why:

- Increase opportunities to register to vote
- ~ 90% "Motor Voter" Register at Any DMV in the U.S.
- ~ 10% Public Assistance and Disability Services Agencies
 - "All" public assistance agencies
 - Agencies that primarily serve people with disabilities



Who Must Offer Voter Registration?

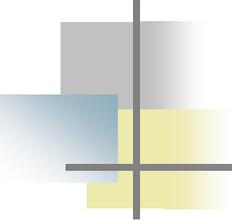
- **DMV Offices**

- **Public Assistance Agencies**
 - County Health/Human Services Offices/In-Home Support Services (i.e., C-IV, CalWINN, LEADER)
 - WIC Offices
 - California Health Benefit Exchange

- **Disability Service Agencies**
 - Dept. of Rehabilitation Vocational Services
 - Independent Living Centers
 - Dept. of Developmental Services Regional Centers
 - Dept. of Social Services Office of Deaf Access Contractors
 - State and County Mental Health Providers

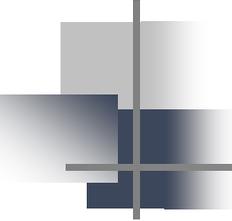
- **Armed Forces Recruitment Offices**

- **“Other”**
 - Board of Equalization District Offices
 - Franchise Tax Board District Offices



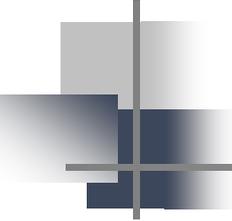
When Do Agencies Offer Voter Registration?

- NVRA requires agencies to offer voter registration when a person applies for:
 - New services or benefits
 - Renewal or recertification
 - A change of name or address



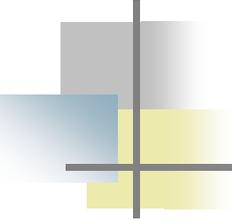
How Do Agencies Offer Voter Registration?

- Hand out a voter registration card (VRC)
- Hand out an NVRA “voter preference form”
- Help the applicant register, if asked
- Forward voter registration forms daily
- Keep preference forms for 2 years



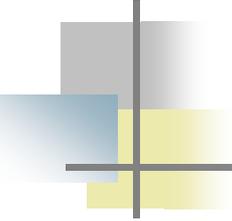
What is SB 35?

- In 2012, the Legislature passed SB 35 (Padilla), which went into effect January 1, 2013.
 - Bill Text: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB35
 - CC/ROV: <http://www.sos.ca.gov/elections/ccrov/pdf/2014/may/14134jb.pdf>
- SB 35:
 - Modernizes the NVRA
 - Codifies existing county best practices
 - Clarifies roles between SOS, counties, and NVRA agencies



What Does California Law Require of the SOS?

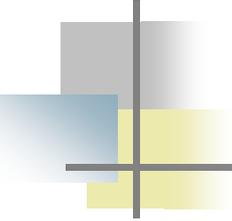
- SOS
 - Coordinate with ROVs and NVRA Agencies
 - Create Training Materials
 - Monitor and Assist with Implementation
 - Publish NVRA voter registration reports monthly, biannually



What Does California Law Require of ROVs?

- ROVs :

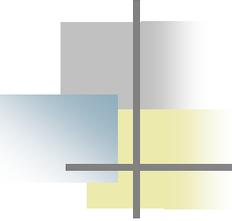
- Coordinate with the SOS and local NVRA agencies
- Provide VRC supplies to NVRA agencies upon request
- Track and report NVRA registrations monthly
 - C-IV, HBEX Tracking – Use Serial Number Ranges from SOS
- Assist local NVRA agencies in conducting trainings (upon request)



What Does California Law Require of NVRA Agencies?

■ NVRA Agencies

- **Notify ROV** of the NVRA agency offices or sites in the county
- Designate an **NVRA coordinator**
- Get **VRC supplies** from ROV and make sure all offices and sites have sufficient VRC supplies
- Make sure NVRA agency front line employees get an **annual NVRA training** session
- **Update NVRA agency website** to offer voter registration online IF the agency offers new, renewal, or change of address transactions online.
- May partner with the SOS to **pre-populate California Online Voter Registration application** for its clients/consumers. (e.g., C-IV, CalWIN, LEADER)
- Must have **VRCs in all languages required under the federal Voting Rights Act** in the county.

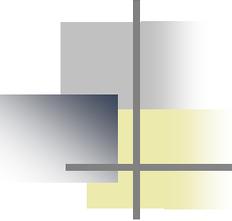


Who Tracks Online NVRA Voter Registrations?

Paper Tracking: ROV Monthly Reports/EAC
Biennial

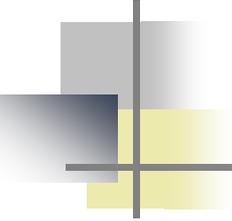
Online Tracking: SOS Monthly Report

- Overall by Category
(DMV/PA/Disability/Military/Other)
- County-by-County By Category
- Overall by Agency (HHS, HBEX, WIC, ILC, RC, FTB, etc.)



SOS NVRA Website Resources

- SOS NVRA Resource Website
- SB 35 link
- County Reporting Responsibilities
 - <http://www.sos.ca.gov/elections/nvra/counties/>
- Monthly Reports by County
 - <http://www.sos.ca.gov/elections/nvra/reports/>
- Training Materials
 - <http://www.sos.ca.gov/elections/nvra/training/>
- Voter Preference form in 10 languages:
 - <http://www.sos.ca.gov/elections/nvra/training/voter-preference-forms.htm>



California Secretary of State

- SOS NVRA ROV Liaison: Jennie Bretschneider
- SOS NVRA Coordinator: Rhonda Pascual
- Secretary of State
Elections Division - NVRA Coordinator
1500 11th Street, 5th Floor
Sacramento, CA 95814
(916) 657-2166
nvra@sos.ca.gov
www.sos.ca.gov/elections/nvra



National Voter Registration Act

Presented by Jonathan Stein

Voting Rights Attorney, ACLU of California

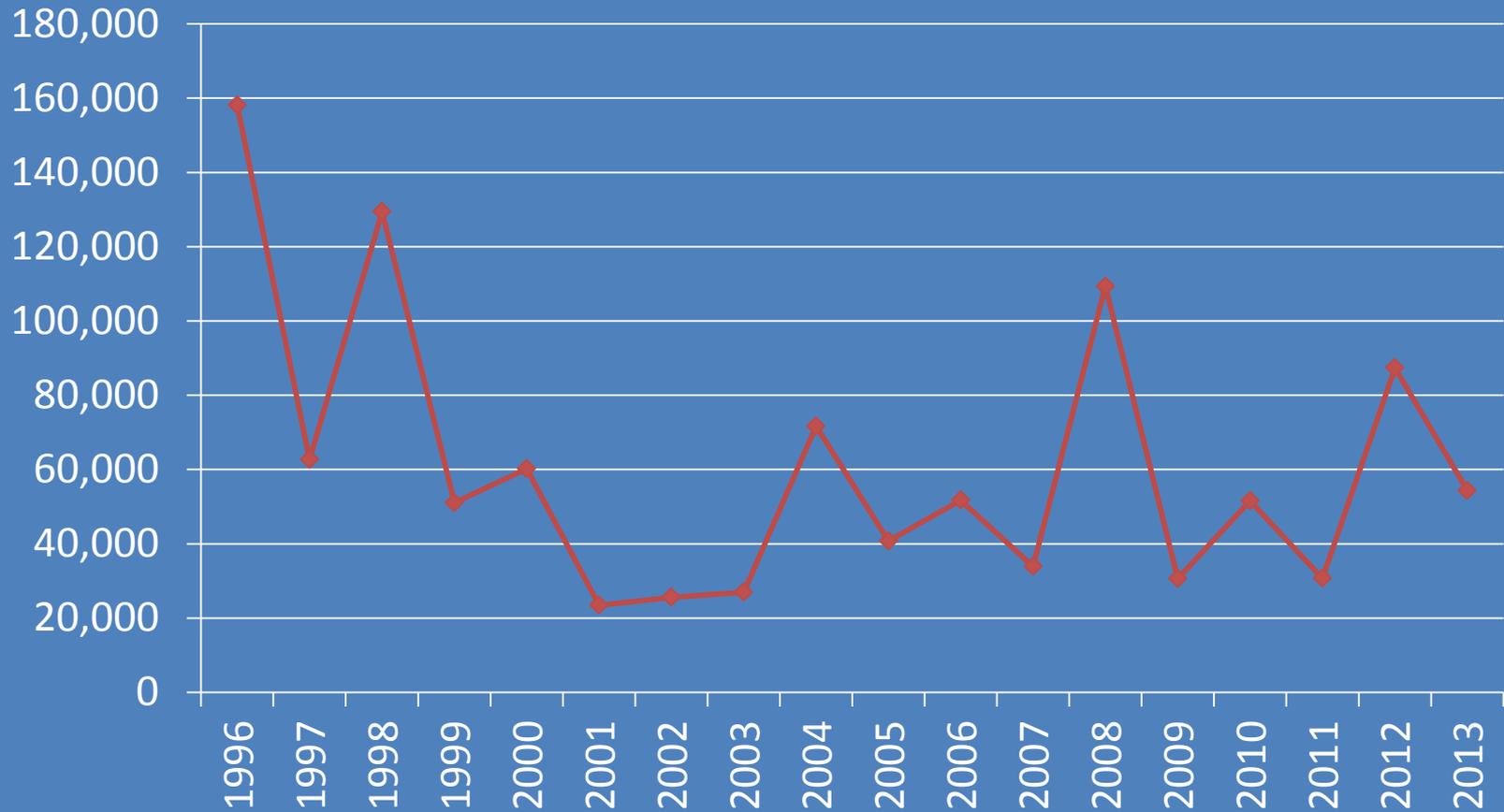
August 7, 2014

The ACLU & the NVRA

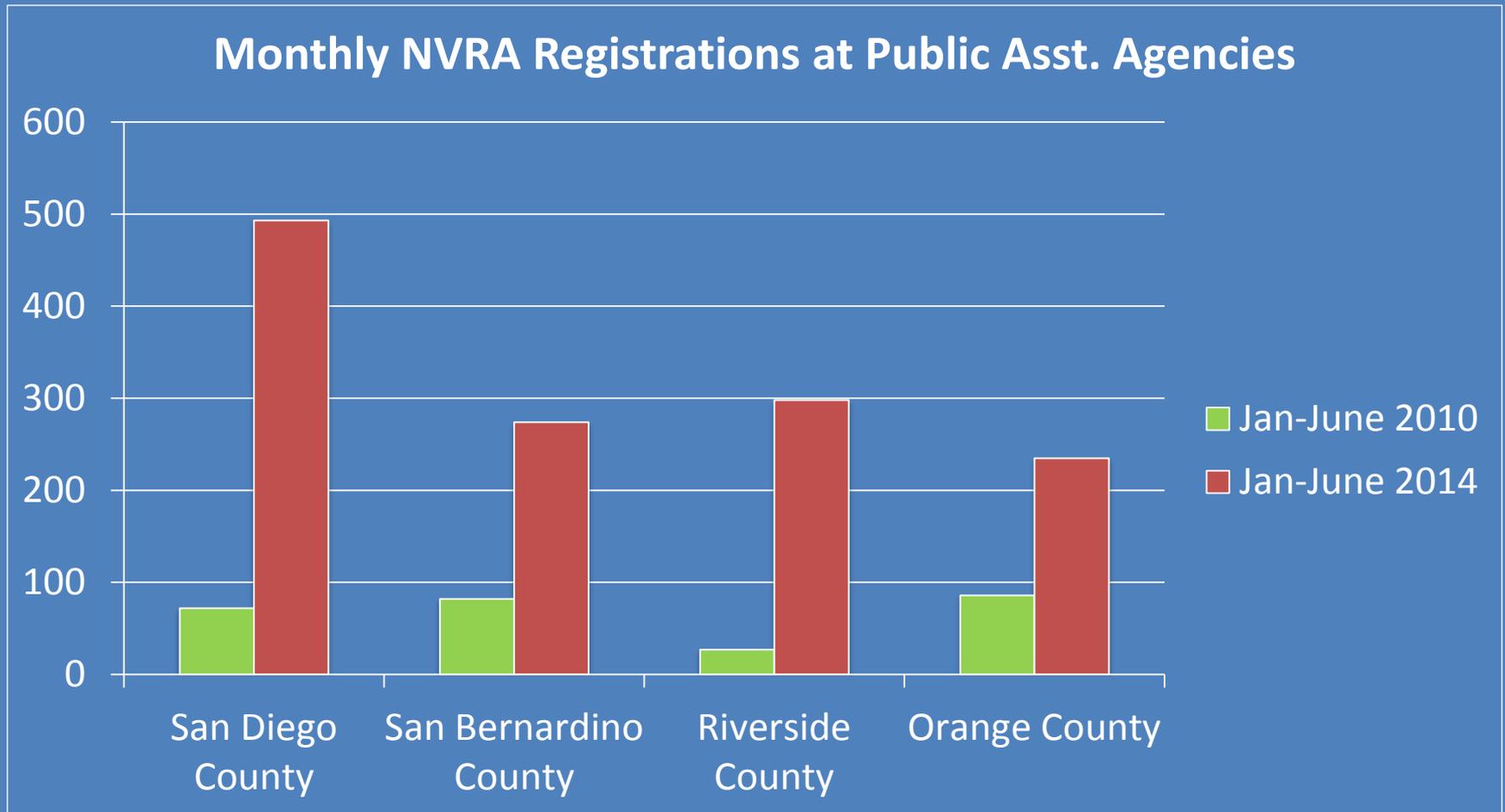
- **ACLU of California Voting Rights Project** works to make NVRA implementation **as easy as possible**.
- We work **collaboratively** with:
 - County elections offices
 - Secretary of State
 - Public agencies with NVRA responsibilities
- We offer trainings, technical assistance, resources, and other support
 - We hope you have a copy of our **NVRA Toolkit!**
 - www.aclusandiego.org/NVRA-toolkit/

California NVRA Performance

Voter Registrations at PA & Disability Agencies in CA



ACLU Partner Counties Over Time



Voter Registration Rate at NVRA Agencies

- **Highest Performing States in US:** **7-31%**
(2011-12)
- **Highest Performing Small Counties:** **7-12%**
Mariposa, Mendocino, Nevada, Placer
(6-month ave. ending 03/14)
- **Highest Performing Large Counties:** **3-6%**
San Diego, Orange, San Luis Obispo
(6-month ave. ending 03/14)
- **California:** **2.1%**
(6-month ave. ending 03/14)

The NVRA's Potential in California

- If statewide performance matched our highest performing large counties, California would register **62,000 more people each year** at NVRA agencies.
- If statewide performance matched New York State (7.5%), California would register **140,000 more people each year** at NVRA agencies.

To find the statewide NVRA
report each month, visit:

[http://www.sos.ca.gov/elections/
nvra/reports/sb35-nvra-monthly-
reports.htm](http://www.sos.ca.gov/elections/nvra/reports/sb35-nvra-monthly-reports.htm)

We Can Do Better

What Elections Offices Must Do (SB35)

- Identify one person who is your **“NVRA coordinator”** – your point person on NVRA.
 - ACLU has trained NVRA coordinators before. Please reach out for assistance.
- Submit monthly reports to SOS.
- Track all agencies in your county in those reports. **Each site in each agency gets its own line in your report.**

Tracking By Site Is Not Happening

- **Tracking by site** is mandated by SB 35 and is the only way to ensure **accountability and transparency**.
- Example: WIC. Has 650 sites in CA. In June 2014, **only 161 sites** appeared in NVRA reports.
- Very few counties (5) of the counties that DO report WIC actually report the WIC sites in their counties correctly.

How to Ensure Tracking by Site

- Three ways:

1. NVRA coordinator at each site. Order individually.
2. NVRA coordinator orders at central location. Distributes to sites as necessary. Informs county elections office.
3. NVRA coordinators orders at central location. Distributes to sites as necessary. Sites inform county elections office.

Get Tracking Help from Colleagues

- **DFM**

- Orange County
- Kay Cotton, Kay.Cotton@rov.ocgov.com

- **DIMS**

- San Bernardino County
- Terry Kouba, tkouba@rov.sbcounty.gov

How Can We Do Better?

- **Find the NVRA agencies in your county.**
 - Reach out. See if they are aware of the NVRA.
 - Make sure agencies only order cards from you.
 - Make sure you know all of their site locations.
 - Survey the serial numbers on VRCs at each site.
- Host a **countywide training** on the NVRA.
 - Train all agencies at once! We will partner with you.
- On-site training (or webinar) for social services.

We Know You Get Questions

- **You get questions from NVRA agencies in your county.** We want to help you provide answers.
- The **NVRA Toolkit** created by ACLU is a comprehensive reference guide. You should feel free to send it to NVRA agencies.
- We will create an **FAQ**. Please email **ME** the most common questions you get from agencies.

Who Are These **NVRA Agencies**?

How Do I Find Them?

NVRA Agencies – Public Assistance

- **County social services departments,** administering:
 - CalFresh (aka food stamps)
 - CalWORKs (aka TANF or welfare)
 - Medi-Cal (subsidized health care coverage for low-income Californians)
- **Directory:**
<http://www.cdss.ca.gov/foodstamps/pg839.htm>

NVRA Agencies – Public Assistance

- **In-Home Supportive Services (IHSS)**

- Provides services for elderly individuals, blind individuals, and individuals with disabilities who are low-income and need services in the home.

- **Directory:**

- <http://www.cdss.ca.gov/agedblinddisabled/P1785.htm>

NVRA Agencies – Public Assistance

- **Women, Infants, and Children (WIC)**
 - Provides nutrition education & food assistance for pregnant women and families w/ young children.
 - Administered by county depts and nonprofits.
 - **Directory:**
<http://www.cdph.ca.gov/programs/wicworks/Pages/CAMD-WICNetworkDirectory.aspx>
- **Covered California (aka HBEX)**
 - State health benefit exchange, also known as California's implementation of Obamacare.
 - Serial number ranges sent by Secretary of State.

NVRA Agencies – Disability Offices

- Offices of the State **Department of Rehabilitation** that offer vocational rehabilitation services
 - Providing job training for people with disabilities.
 - **Directory:** <http://www.rehab.cahwnet.gov/DOR-Locations/index.asp>
- **Independent Living Centers**
 - Provide services that maximize the ability of people with disabilities to live independently in the environment of their own choosing.
 - **Directory:** <http://www.rehab.cahwnet.gov/ILS/ILC-List.html>

NVRA Agencies – Disability Offices

- **Regional Centers**

- Provide a variety of services to people with developmental disabilities.

- **Directory:** <http://www.dds.ca.gov/RC/RCList.cfm>

- Contractors with the **Office of Deaf Access**

- Provide a variety of services to the deaf.

- **Directory:**

- <http://www.cdss.ca.gov/cdssweb/entres/pdf/ODA/DeafAccessProgram.pdf>

NVRA Agencies – Disability Offices

- State and county **mental health providers** and their contractors
 - Provide services to individuals with a variety of mental health needs.
 - Includes county depts, nonprofits organizations, and practitioners in private practice.
 - **Directory:**
<http://www.dhcs.ca.gov/services/mh/Documents/CMHDA.pdf>

Contact Us

Southern California counties

Jonathan Stein

Voting Rights Attorney, ACLU of California

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Northern California counties

Raul Macias

Voting Rights Attorney, ACLU of California

rmacias@acluca.org / 916-442-1036 x305

Rights of People with Disabilities to Register and Vote

August 7, 2014

Presented by:

Tho Vinh Banh, Attorney



Tel: 800.776.5746

<http://www.disabilityrightsca.org>

Registrants with Disabilities

(US Census Bureau, Current Population Survey, Nov. 2012)

Reported registered: 19 million people with disabilities

Registration rate: People w/disabilities registered at 69.2% vs. 71.5% w/o disabilities (2.3% points lower for people w/disabilities)

Registrants with Disabilities

(US Census Bureau, Current Population Survey, Nov. 2012)

Registration Rates Lower for Certain Groups:

- Cognitive difficulty: 59.3% (-12.2%)
- Ambulatory difficulty: 69.5% (-2%)
- Self-care difficulty: 62.1% (-9.4%)

Registrants with Disabilities

(Disability, Voter Turnout, and Voting Difficulties in the 2012 Elections. Lisa Schur, Meera Adya, Douglas Kruse <http://smlr.rutgers.edu/research-centers/disability-and-voter-turnout>)

How Individuals w/Disabilities Registered to Vote:

Town hall/county/gov. registration office: 31.5%

DMV: 21.9%

By mail: 15.8%

Public assistance agency: 2.7%

Registrants with Disabilities

(Disability, Voter Turnout, and Voting Difficulties in the 2012 Elections. Lisa Schur, Meera Adya, Douglas Kruse <http://smlr.rutgers.edu/research-centers/disability-and-voter-turnout>)

Why Individuals Did Not Register:

Most common reason for not registering to vote:

Lack of interest in the election or politics:
(disability: 32.1%; no disability: 45.2%)

Specific reasons for not registering to vote:

Permanent illness or disability:
(disability: 24.5%; no disability: 1.2%)

Registrants with Disabilities

Important Reminders to NVRA agencies:

- Assist with filling VRC and Preference Form when requested
- Provide the same level of assistance completing the VRC as in completing the agency's own form
- Provide assistance in the person's home if agency provides services in the person's home

Registrants with Disabilities

Common Misconceptions Why People with Disabilities Cannot Register or Vote:

- If the person has a disability: physical, psychiatric, intellectual disability, developmental disability, etc.
- If the person is not able to read
- If the person is not able to write
- If the person uses a wheelchair (access concerns)
- If the person is under conservatorship

Registrants with Disabilities

(California Elections Code Sec. 2208)

Inform NVRA agencies when they call/contact:

Only a court can disqualify a person from voting.

VRAs determine service eligibility, not voting eligibility.

Leave to County Elections Office to verify voting status.

Don't make assumptions about a person's ability to register and to vote based on the person's disability.

Registrants with Disabilities

**Inform NVRA agencies when they
call/contact:**

- Do not make statements or take actions that give the impression that registering to vote has bearing on whether they get services
- Do not take any action with the purpose or effect of discouraging voter registration (OK to encourage)
- Do not seek to influence political party preference or party registration

Barriers for Voters w/Disabilities

As more individuals with disabilities register to vote, there is greater urgency and importance in ensuring an accessible voting experience.

Barriers for Voters w/Disabilities

Common Concerns/Barriers:

- Parking
- Signage
- Entrance/stairs
- Door/doorways

Barriers for Voters w/Disabilities

Common Concerns/Barriers:

- Accessible voting machine
- Privacy: placement of accessible voting machine
- Poll worker interaction
- Disability etiquette

Disability Etiquette

Basic Guidelines

- Make references to the person first then the disability: Say “a person with a disability” rather than “a disabled person.”
- Do not use the term “handicapped” when referring to a person with a disability.
- Offer assistance, but wait until your offer is accepted before you help.
- Listen to any instructions the person may give.

Disability Etiquette

Common Courtesies

- Share the same social courtesies. If you shake hands with people you meet, offer your hand to everyone you meet, regardless of their disabilities.
- When offering assistance to a person with a visual impairment, allow that person to take your arm. Guide, rather than propel or lead the person. Use specific directions when directing a person with a visual impairment.

Disability Etiquette

Conversation

- Speak directly to the person with a disability, not to the person accompanying them. The same principle applies for people who communicate through sign language.
- When greeting a person with a severe loss of vision, always identify yourself and others. For example say, “On my right is John Smith.”

Disability Etiquette

Conversation (cont'd)

- Speak in a normal tone of voice and indicate when the conversation is over. Let them know when you move from one place to another.

For more information on disability etiquette:

<http://www.unitedspinal.org/pdf/DisabilityEtiquette.pdf>

For more information about voting rights of individuals with disabilities:

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

Thank you!

Please send the most common questions you receive from NVRA agencies to:

Jonathan Stein
Voting Rights Attorney, ACLU of California
jstein@acluca.org