

**National Voter Registration Act (NVRA)**

# **California NVRA Manual**

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**Updated August 2015**

# California NVRA Manual (2015)

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# Chapter 1

## Executive Summary

### The NVRA

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 as voter registration agencies:

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

In California, the following state and local offices are NVRA voter registration agencies:

- Department of Motor Vehicles (DMV);
- County welfare department offices;
- Community-based non-profit organizations under contract with the Department of Public Health to administer the Women, Infants, and Children (WIC) program;
- California Health Benefit Exchange [CoveredCA.com](http://CoveredCA.com);
- Department of Rehabilitation offices offering vocational rehabilitation services;
- Independent Living Centers;
- Department of Developmental Services Regional Centers;
- Offices under contract with the Department of Social Services Office of Deaf Access to provide services to the deaf;
- State and county mental health providers;
- Armed Forces recruitment offices;
- Franchise Tax Board offices offering forms, instructions, and assistance to the public for income tax and the Homeowner and Renter Assistance program; and
- Board of Equalization offices serving the public.

Beyond expanding opportunities to register to vote, the NVRA also protects the integrity of elections by requiring states to maintain accurate and current voter registration rolls. The NVRA specifically prevents states from removing voters from the rolls unless certain conditions are met and requires states to offer “fail safe” voting to registered voters who have moved within their county. California’s provisional voting laws meet NVRA requirements.

The United States Election Assistance Commission (EAC) reports to Congress every two years on the impact of the NVRA. The EAC gathers data on the NVRA from states

by including questions about NVRA voter registrations and provisional voting in its biennial Election Day Survey of all 50 states. In California, the Secretary of State responds to the EAC survey by gathering and compiling data from each of the 58 county elections offices.

### **Voter Registration at the Department of Motor Vehicles**

Chapters Two and Three cover NVRA voter registration services at the Department of Motor Vehicles (DMV). Under the NVRA, state motor vehicle departments must offer voter registration with each new, renewal, or change of address application for a state driver license or identification card (DL/ID). Under the NVRA, DMV change of address requests serve as notice of a change of address for voter registration purposes, unless the voter chooses otherwise.

In California, every person who visits a DMV office to apply for or renew a DL/ID or to change an address receives a California Voter Registration Card (VRC). Every person who receives a DL/ID renewal form by mail also receives a VRC. The VRC can be used to register to vote or to re-register after a change in name, address, or party preference. When voters update their address with a DMV office in California, the new address is sent electronically to the Secretary of State's statewide voter registration database, which then shares the information with county elections officials who update voter registration records. When voters move to a new county, the DMV instructs them to complete a new VRC. The DMV accepts completed VRCs and forwards them to the Secretary of State or the county where the voter lives.

### **Voter Registration at Public Assistance Agencies and Other Voter Registration Agencies in California**

Chapter Four covers voter registration services at public assistance agencies and other agencies designated by the Governor under the NVRA. The NVRA requires each state to designate as "voter registration agencies" all agencies and offices that provide public assistance or are funded by the state primarily to serve people with disabilities. In California, the Governor designated all local public assistance and disability service agencies and offices, as well as local offices of the Franchise Tax Board and Board of Equalization as NVRA voter registration agencies.

Designated agencies must provide both an NVRA voter preference form, which asks "Would you like to register to vote?" and a VRC to each person who applies for new services or benefits, requests renewal or recertification, or requests a change of address. The NVRA requires designated agencies to ask the applicant to complete the preference form and to keep all completed preference forms on file for two years. If an applicant asks for assistance, the NVRA requires designated agencies to assist with filling out the VRC in the same manner it assists with filling out the agency's own forms. Finally, designated agencies must accept and forward completed VRCs to elections officials.

## **Registered Voter List Maintenance Requirements**

Chapter Five covers the NVRA requirements on how states maintain voter registration rolls. California state election laws meet the NVRA list maintenance requirements. Both the NVRA and state law provide for:

- Confirmation of voter registration sent to each newly registered voter;
- Removal of ineligible and deceased voters from the rolls; and
- Removal of a voter's prior registration if:
  1. The voter confirms a change of residence outside the county; or
  2. The elections official receives notice from the post office that the voter appears to have moved, and the voter both fails to respond to an address verification postcard and fails to vote in two subsequent federal general elections.

In some cases, California law provides more opportunities to voters while remaining consistent with the NVRA. For example, the NVRA requires states to accept voter registrations up to 30 days prior to the election. Because California has a 15-day voter registration deadline, elections officials accept voter registrations until 15 days prior to each election. Voter registrations received after the 15-day deadline are accepted for the purpose of registering voters for future elections, with the exception of registrations from new residents of California and new United States citizens. Under California law, new California residents can register to vote up to 7 days prior to an election. New U.S. citizens are eligible to register and vote up to the time polls close on Election Day.

## **Provisional Voting**

Chapter Six covers provisional voting, and encompasses the “fail safe” voting requirements under the NVRA. California provisional voting laws meet the NVRA fail safe voting requirements and the federal Help America Vote Act (HAVA) provisional voting requirements. California law gives any voter whose registration cannot be confirmed at the polling place the right to vote using a provisional ballot.

## **Recordkeeping and Reporting**

Chapter Seven covers state and county recordkeeping and reporting requirements under the NVRA and HAVA. The EAC reports to Congress biennially on the impact of the NVRA. To gather data for the report, the EAC surveys all 50 states every other year following the federal general election. The California Secretary of State's office responds to the EAC survey by gathering and compiling data from each of the 58 county elections offices. Counties report aggregate data on registration and voting information, including:

- Total number of registered voters (active and inactive);
- Total number of voters in the most recent federal election;
- Registrations by type (new, valid, rejected, duplicate, re-registrations);
- Registrations by source (mail, DMV, public assistance agencies, disability service agencies, armed forces recruitment offices, other NVRA designated agencies, and other sources);
- Registration deletions;
- Provisional ballots cast; and
- Registration confirmation notices mailed, and responses received, under the NVRA list maintenance requirements.

### **National Mail Voter Registration Form**

Chapter Eight covers the NVRA requirements to establish the National Mail Voter Registration Form (National Form) and to allow people to register to vote by mail. The NVRA permits states to develop their own voter registration forms but requires states to accept and use the National Form. California, a leader in mail registration and vote-by-mail voting, had already established mail registration and vote-by-mail laws before the NVRA. (See Elections Code section 3000 et seq.)

### **Enforcement of the NVRA**

The NVRA authorizes the U.S. Department of Justice to bring a civil action in federal district court against states that do not comply with the NVRA. The NVRA also allows a person who believes they suffered harm due to a state or local failure to properly implement the NVRA to sue a state or local agency. In most circumstances, private parties must first notify the chief elections official of the state and provide an opportunity for the state to correct the violation before filing a legal action. An individual or group who prevails in court may be awarded reasonable court costs and attorney's fees. Finally, the NVRA establishes criminal penalties for certain intentional acts regarding registration, voting, or violation or denial of any other right under the NVRA.

### **Implementation of the NVRA in California**

When the NVRA took effect in 1995, several states, including California, challenged the constitutionality of the federal mandate. However, the courts found the NVRA constitutional, despite the lack of federal funding provided to states.

The Secretary of State's office embraces the NVRA's requirements and goals of helping more eligible citizens register to vote and cast ballots on Election Day by offering voter registration at state and local agencies, offering vote by mail and provisional voting; and by maintaining accurate voter rolls.

The NVRA did not require the adoption of state law to give it effect, so California did not adopt implementing statutes or regulations under the NVRA. However, California laws permitting voter registration by mail, vote by mail voting, and provisional voting, as well as laws setting voter list maintenance standards meet or exceed NVRA requirements.

Since the NVRA took effect, the Secretary of State has functioned as the state coordinator for implementing the NVRA. As a constitutional officer, elected separately and independently from the Governor, the Secretary of State has no direct authority over state agencies designated under the NVRA. Nor, as a statewide elected official, does the Secretary have direct authority over NVRA-designated local government agencies. However, cooperation from state and local agencies designated under the NVRA has helped ensure statewide compliance in California. This manual is designed to help state and local agencies designated as voter registration agencies under the NVRA understand and carry out their NVRA duties.

## Chapter 2

### Voter Registration at Department of Motor Vehicles (DMV) Field Offices

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## I. NVRA Requirements for DMV Voter Registration

The National Voter Registration Act of 1993 (NVRA) requires the Department of Motor Vehicles (DMV) to provide voter registration services to people who apply for, renew or change an address for a driver license or personal identification card (DL/ID) issued by the DMV. Information regarding an applicant's decision whether or not to register to vote must be kept confidential and may not be used for any purpose other than voter registration. The office at which an applicant submits a voter registration application must also remain confidential and may be used only for voter registration purposes. Any change of address form submitted for a DL/ID must also serve as a notice of change of address for voter registration purposes, unless the individual indicates otherwise on the change of address form.

### Voter Registration Services Provided by the DMV

- Provide a Voter Registration Card (VRC) attached to DL/ID application forms (DL 44 and DL 44C);
- Include with the DL/ID Renewal By Mail/Internet notice letters a VRC for people who may have moved to a different county;
- Provide county VRCs separate from the DL/ID application forms for customers who want to register to vote but who are not applying for, renewing, or changing an address for a DL/ID;
- Accept change of address requests for DL/ID purposes as notice of change of address for voter registration purposes, unless the registrant indicates otherwise on the change of address form;
- On a daily basis, transmit change of address data electronically to the Secretary of State;
- Expeditiously transmit completed VRCs to the local county elections office. At a minimum, the NVRA requires VRCs to be forwarded within 10 days of acceptance; however, VRCs received within five days of the voter registration deadline must be transmitted no later than five days after acceptance;
- Provide voter registration information and a link to the Secretary of State's website on the DMV's website and on DL/ID change of address Internet transactions; and
- Refer all telephone or in-person inquiries from a customer regarding voter registration *status* to the county elections office.

## II. DMV Forms and Procedures

### A. In Person

#### 1. DL/ID Application/Renewal/Replacement – DL 44/DL 44C

A VRC is attached to the DL/ID application, called the DL 44 (or DL 44C for commercial licenses), which is completed by applicants applying in person for a new, renewal, or replacement DL/ID. The applicant may use this VRC to register to vote or the applicant may decline to register to vote by indicating that choice on the DL 44.

The DL 44 form includes Section 6, which addresses two questions:

a. ***Do you wish to register to vote or change your political party preference?***

The applicant has the choice of two responses to this question: YES or NO. The DMV employee ensures that the applicant checks one of the two boxes.

**YES** If the applicant checks this box, the form instructs the applicant to complete the attached VRC. The DMV employee will also prompt any applicant who checks this box to complete the attached VRC. If the applicant would like to complete the VRC later, he or she is given a county VRC that can be taken from the DMV field office and mailed to the county elections office address that is preprinted on the VRC and is postage-paid. A voter registration receipt is printed and given to the applicant.

**NO** If the applicant checks this box, the form instructs the applicant not to complete the attached VRC. However, the applicant still has the option of completing or taking home the VRC.

If the applicant checks neither box, then the DMV employee asks the applicant to check either YES or NO.

b. ***Do you wish to change your voter address?***

This section applies to applicants who are currently registered to vote. If the applicant does not know if they have moved to a different county, the DMV will verify this



If the applicant selects “N”, the DMV employee enters this information into the system. If the applicant does not select “N”, the change of address information on the form is captured by the DMV system and sent electronically to the Secretary of State.

If the applicant has moved to a new county or wants to register to vote, they are given a VRC. If the applicant is unsure whether they moved to a new county, the DMV will verify if the applicant has moved to a different county.

### **3. DMV Voter Registration Card**

The Secretary of State prints VRCs for the DMV so that all DMV field offices can provide separate VRCs to applicants who want to register to vote but are not transacting an original, renewal, or change of address DL/ID application. These VRCs include a DMV icon in the upper right-hand corner of the VRC for NVRA registration tracking and reporting purposes. DMV field offices within counties designated as minority language counties by the federal Voting Rights Act provide VRCs in the prescribed minority language(s) of that county. Applicants who wish to register in this way may provide the VRC to the DMV for submission or they may mail it directly to their county elections office, as the VRCs are postage-paid and pre-addressed accordingly.

### **4. Assistance by DMV Employees**

DMV employees do not complete entries on a VRC unless an applicant requests assistance. DMV employees check to make sure that applicants complete and sign the VRC if the applicant indicates on the DL/ID application (DL 44 or DL 44C) that he or she would like to register to vote, change party preference, or change their voter address from one county to another. DMV employees are **not** required to sign the VRC as the person assisting with the registration.

If an applicant has difficulty completing the English language VRC, the DMV employee should:

- Ask the applicant if he/she prefers a VRC in another language.
- If the VRC is not available at the DMV field office in the appropriate language, give the applicant the appropriate 800 number to order election materials in the preferred language.

- Inform the applicant the VRC may be completed elsewhere, if preferred.

If applicants have specific questions beyond the basic eligibility requirements to register to vote, DMV employees should refer them to the Secretary of State or the county elections office.

## **B. By Mail**

### **1. DL/ID Renewal**

DMV's renewal by mail process allows applicants to register to vote and change their voter registration address. All applicants who qualify for the renewal by mail process are mailed a renewal notice, DL 6/DL 6C Renewal by Mail/Internet, which has an enclosed VRC. Voter registration information from Section 6 of the DL 6/DL 6C is then processed the same as with an in-person applicant, except that no receipt is given to the applicant. The enclosed VRC has a pre-printed return address to the Secretary of State and is postage-paid. The Secretary of State forwards VRCs to the county elections office in the county where the voter resides.

### **2. Change of Address**

DMV's change of address by mail process allows applicants to register to vote and change their voter registration address. All applicants who qualify for the DMV change of address by mail process are mailed a DMV 14 and a VRC. The enclosed VRC has a pre-printed return address to the Secretary of State and is postage-paid. The Secretary of State forwards VRCs to the county elections office in the county where the voter resides. If an applicant inadvertently mails the completed VRC along with the license renewal application material to DMV, the DMV will send the VRC to the Secretary of State for forwarding to the appropriate county elections office.

## **C. Internet**

### **1. DL/ID Renewal**

DMV allows eligible applicants to renew their DL/ID via the Internet. The DMV website notifies applicants that they may register to vote with the Secretary of State and provides a link to the [Voter Registration](#) web page of the Secretary of State's website. An online fillable version of the National Mail Voter Registration Form is available on this web page. However, at this time, the Secretary

of State is unable to track and report the number of voter registrations that stem specifically from DMV applicants who view DMV's website notice and then use the Secretary of State's [online fillable form](#) to register to vote.

## 2. Change of Address

The DMV allows eligible applicants to submit a change of address to their DL/ID via the Internet. The DMV website notifies applicants that if they have moved to another county they must complete and submit a new VRC. A link is provided to the Voter Registration web page of the Secretary of State's website.

## D. Reports from the DMV

The DMV sends monthly reports to each county elections office detailing the number for each county of: declinations, registrations, and intra- and inter-county changes of address received by the DMV. Change of address data is included in this report, which allows county elections officials to update their voter registration records for intra-county moves. DMV also sends a statewide report to the Secretary of State.

## III. Receipt of VRCs and Processing by County Elections Officials

### A. Incoming Voter Registration Cards

#### 1. Sources

- a. **Local DMV Field Offices:** DMV field offices forward to the county elections official all VRCs, including minority language forms, completed as a result of in-person transactions in their offices. For a list of field offices by county, please visit the DMV's website: [www.dmv.ca.gov](http://www.dmv.ca.gov)
- b. **Secretary of State:** VRCs, not pre-addressed to a specific county that were completed and mailed outside of the DMV field offices (for example in conjunction with DMV renewal and change of address applications sent by mail or via the Internet), are sent to the Secretary of State. The Secretary of State forwards these VRCs to the appropriate county elections official.
- c. **Other Counties:** Each DMV field office forwards all received VRCs to the elections office in the county where the DMV field office is located. Since DMV applicants occasionally go to field offices outside their county of

residence, county elections offices may receive completed VRCs from applicants who live in another county. These VRCs are forwarded to the appropriate county elections office.

## **2. Method and Frequency of Transmittal**

Generally, the NVRA requires completed VRCs to be transmitted to the appropriate elections official not later than 10 days after acceptance by the DMV. If the VRC is accepted within five days before the last day for registration to vote in an upcoming election, the VRC must be transmitted within five days of acceptance. Further, the NVRA and state law provide that if a valid application is submitted to the DMV on or before the 15th day before an election, the applicant is registered to vote in the election. Therefore, it is very important that completed VRCs are transmitted to the appropriate elections official as soon as possible after acceptance by the DMV.

- a. Local DMV Field Offices:** Local DMV field offices forward all VRCs received to county elections offices on a daily basis. The VRCs are bundled in a large envelope or other container and sent by priority mail. County elections offices may work out alternate arrangements with their local DMV field offices for the transmittal of VRCs.
- b. Secretary of State:** In general, the Secretary of State will sort and forward to the appropriate county elections offices all VRCs received on a daily basis.
- c. Other Counties:** The frequency that county elections offices forward DMV VRCs completed by out-of-county residents will vary according to each county elections office's policy or practice. Each county elections office may want to contact other county elections offices to arrange for specific transmittal methods/frequencies.

## **3. Processing Voter Registration Cards**

DMV employees check to make sure the VRCs are complete and signed by the applicant. For recordkeeping and reporting purposes, the DMV reports to the Secretary of State and to county elections offices the number of DMV registrations in each county. County elections officials must track the number of registrations received from DMV, after subtracting VRCs that are forwarded to other counties and adding VRCs received from other counties.

#### IV. Common Issues

- A. Registration of 17-Year-Olds:** Under current law, a person may register to vote as long as they will turn 18 before the next election. All completed VRCs should be sent to elections officials, so that elections officials may determine whether the applicant is too young. Elections officials may send those who submitted a VRC, but who are too young to register to vote, a notice informing them of the eligibility requirements for voting.
- B. Incorrect or Missing County of Residence:** Applicants may not know which county they live in, or have moved to, and if they do not ask for assistance from the DMV employee, they may indicate an incorrect county on their VRC. VRCs initially transmitted to the wrong county will be forwarded to the correct county by the elections official who received the VRC.
- C. Late Voter Registrations:** Under the NVRA, a voter registration is timely as long as it is submitted to a DMV office on the last day to register to vote, i.e., the 15<sup>th</sup> day prior to an election. If there is a delay in forwarding VRCs to the elections office, then the new voter may not appear on the county or precinct voter rolls even though he or she registered on time at a DMV office. If this happens, the voter will be asked to cast a provisional ballot, which will be counted as long as the elections office receives the VRC before the end of the canvass period.

Alternatively, California law permits a voter to file a motion in superior court on Election Day to compel registration if the voter registered to vote on or before the deadline to register at the DMV or another voter registration agency designated as such under the NVRA.

- D. Residence and Mailing Addresses with Different Zip Codes:** The DMV DL 44 and DMV 14 forms ask for (1) a mailing address and (2) a residence address, if different. If the applicant provides both a residence address and a mailing address, the DMV only inputs the zip code for the mailing address.
- E. Driver License Numbers for New DL/ID Applicants:** Although the VRC requests a driver license number, those applicants who are applying for a DL/ID for the first time will not know their number until after the initial phase of the application process is completed. Upon completion, the DMV employee should inform the applicant of his or her DL/ID card number to be recorded on the VRC.

- F. Minority Language Availability:** DMV makes VRCs available in English and Spanish. In addition, an applicant may call a 1-800 number to request a VRC in another language. The Secretary of State prints and distributes VRCs in the following languages: English, Spanish, Chinese, Hindi, Japanese, Khmer, Korean, Tagalog, Thai, and Vietnamese. Upon request, the Secretary of State will provide county elections officials with VRCs in one or more languages. The elections official will, in turn, supply these forms as required, or upon request, to local DMV field offices within their county.
- G. DMV Mobile Units in Rural Counties:** Some counties do not have DMV field offices, but instead are served by mobile units, or “travel runs.” Processing requirements are the same for travel runs. VRCs are separated from DL/ID applications and forwarded to the county elections office where the DMV office is located.

## Chapter 3

### Department of Motor Vehicles (DMV) Change of Address System

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## I. **A Brief Description of How the DMV Change of Address System Works**

Voters who wish to change an address for voting purposes through a Department of Motor Vehicles (DMV) office may:

1. Check the “Voter Change of Address” box on the DMV Driver License/Identification Card Application (DL/ID) application, DL 44 or DL 44C;
2. Complete a DMV “Change of Address” form; or
3. Complete a Voter Registration Card (VRC) provided by the DMV.

The DMV collects and transmits electronic change of address data to elections offices on a daily basis, which allows for automated change of address updates for many voters. Elections offices update voter records using this data as follows:

1. Remove voters who have moved to another county;
2. Send a VRC to voters who have moved into the county from another county; and
3. Automatically update addresses of voters who have moved to a new address within the same county.

Elections offices may not automatically update the addresses of voters who move from one county to another, because California law requires voters who move to a new county to re-register to vote by completing and signing a new VRC.

If the voter indicates a move to a new county on the DMV DL/ID application or the DMV Change of Address form, the DMV requests that the voter complete a new VRC. If a voter does not complete a new VRC at the DMV, then elections officials mail a new VRC to the voter upon receiving change of address data from the DMV which shows a move to a new county.

Specifically, the DMV provides three categories of change of address data to elections offices:

1. Moves outside the county. A list of voters who have moved from an address in the county to an address in another county or state. Elections offices are permitted under state and federal law to cancel the prior registration of a voter who has moved to a new county and has indicated

to the DMV that he or she wishes to update their voter record. (See the chapter on “List Maintenance and the Purge” for further information.)

2. Moves into the county. A list of voters who have moved from an address in another county to an address in the county. For this category of voters, elections offices receive both change of address data from the DMV as well as VRCs submitted to the DMV by voters re-registering to vote in a new county. If the voter did not complete a VRC, the elections office must mail a new VRC and wait for the voter to return a signed VRC before adding the voter to the rolls.
3. Moves within the same county. A list of voters who have moved from one address to another address within the same county. Elections offices automatically update voter records for this category of address change because the prior address is known, the voter has provided a new address in the same county and indicated he or she wishes to update the voter record, and California law permits an address update without re-registration if the voter indicates on DL/ID form that he or she has moved within the same county. California law requires elections offices to send a voter notification card to the voter confirming the change of address.

## **II. In What Form is the Change of Address Information Made Available by DMV?**

DMV provides change of address information electronically and forwards all completed and signed VRCs to elections offices.

## **III. Do Elections Offices Receive Change of Address Information From DMV by Electronic Transmission?**

Yes. In 1997, the Secretary of State’s office implemented a statewide voter registration database, referred to as CalVoter I, which allows counties to receive electronic change of address information provided by DMV.

**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.

[California Health Benefit Exchange CoveredCA.com](https://www.coveredca.com)

##### 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 postage-paid 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/](http://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 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](http://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](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](mailto: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 and SB 35 required 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, 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.” You may take the attached voter registration form to register at your convenience. ;
- 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 - 11<sup>th</sup> Street, Sacramento, CA, 95814. For more information on elections and voting, please visit the Secretary of State's website at [www.sos.ca.gov](http://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 FORM SOS

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:* ③  Mr.  Mrs.  Ms.  Miss

② Home address – not a P.O. Box or business address – (Number, Street, Ave., Drive, etc. Include N, S, E, W) \_\_\_\_\_ Apt or unit # \_\_\_\_\_

④ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ California county \_\_\_\_\_

⑤ If you do not have a street address, describe where you live (Cross streets, Route, N, S, E, W) \_\_\_\_\_

⑥ Mailing address – if different from above, or P.O. Box \_\_\_\_\_

⑦ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Foreign country \_\_\_\_\_

⑧ Date of birth \_\_\_\_\_ U.S. state or foreign country of birth \_\_\_\_\_

⑨ 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) \_\_\_\_\_ Phone numbers are posted at polling places on election day.

⑪ Email (optional) \_\_\_\_\_ Phone number (optional) \_\_\_\_\_

⑫

⑬ 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 one):**

American Independent Party  Democratic Party  Green Party  
 Libertarian Party  Peace and Freedom Party  Republican Party  
 Other (specify): \_\_\_\_\_

⑮ To receive a vote-by-mail ballot in all elections, initial here: \_\_\_\_\_

⑯ If you were registered to vote before, fill out below:

First name \_\_\_\_\_ Middle initial \_\_\_\_\_ Last name \_\_\_\_\_

Previous address where you were registered \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_ Previous county \_\_\_\_\_ Previous political party preference (if any) \_\_\_\_\_

⑰ Are you a U.S. citizen? . . . . .  Yes  No  
 Will you be 18 or older by the next election? .  Yes  No

▶ A "No" answer to either question means you CANNOT register to vote.

⑱ **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.

▶ 

Voter 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.

↑ Tear here and fold. Moisten 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.

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.

**Optional**

A.  Check here if you can be a poll worker.  
 (If bilingual, 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  Vietnamese  Tagalog  Japanese  
 中文 Việt ngữ 한국어 Tagalog 日本語

**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.: \_\_\_\_\_

Org. name and tel. (if any): \_\_\_\_\_

(This part is the voter's receipt.)

Signature \_\_\_\_\_ Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

Name, address, and tel.: \_\_\_\_\_

Org. name and tel. (if any): \_\_\_\_\_

### **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](https://sos.ca.gov/elections/nvra/training/voter-preference-forms.htm)

### **III. Transmittal Deadlines and Late Registrations**

#### **A. 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 15<sup>th</sup> 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 15<sup>th</sup> 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/](http://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/](http://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 - ภาษาไทย/Thai

(800) 339-8163 - Việt ngữ / Vietnamese

(800) 833-8683 - TTY/TDD

### **County Elections Offices**

[http://www.sos.ca.gov/elections/elections\\_d.htm](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](http://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](mailto:nvra@sos.ca.gov)

**Chapter 5**  
**Voter List Maintenance**

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## I. Overview

Section 8 of the NVRA requires that any program aimed at ensuring the integrity of voter registration rolls conforms to certain basic requirements. First, the program must be uniform, nondiscriminatory and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.). Second, it may not operate to remove the name of any person from an official list of registered voters by reason of the person's failure to vote.

The NVRA places restrictions on the conditions that can result in removal of a voter from an official list of registered voters and establishes a framework for state voter registration confirmation systems used to remove voters from official registration rolls when voters move out of a county or become otherwise ineligible to vote.

The NVRA requires states to accept voter registration applications submitted to any NVRA voter registration agency by the state's voter registration deadline, which is 15 days before each election in California.

## II. Receipt of Voter Registration Cards

The NVRA addresses the time period for accepting voter registration cards (VRCs) and determining eligibility for an upcoming election. Under the NVRA, a VRC must be accepted as timely for an upcoming election if the VRC is received in one of the following ways:

1. By mail, and was:
  - **Postmarked** on or before the voter registration deadline
2. By the Department of Motor Vehicles (DMV), and was
  - **Submitted** to DMV on or before the voter registration deadline
3. By another NVRA voter registration agency, and was:
  - **Accepted** at the agency on or before the voter registration deadline.
4. By an elections office, and was:
  - **Received** at the elections office on or before the voter registration deadline.

The DMV, and other agencies designated as NVRA voter registration agencies, are generally required to transmit completed VRCs to elections offices within 10 days of receipt or acceptance and within five days, if received or accepted within five days of the voter registration deadline. Elections offices should process VRCs expeditiously and create up-to-date polling place certification lists. While delays may occur in the transmittal of VRCs from the DMV or another NVRA

voter registration agency, elections offices must nevertheless process valid VRCs that were: 1) submitted on or before the voter registration deadline to the DMV or another NVRA voter registration agency; and 2) received by the elections office prior to the end of the official canvass period.

### **III. Sending Voter Notification Cards**

Section 8 of the NVRA requires that state elections offices notify each voter registration applicant of the disposition of his or her voter registration application, for instance, whether the application is accepted or rejected and whether additional information is needed.

In California, this notification is provided by means of a Voter Notification Card (VNC) sent by mail from the elections office to the applicant. The state VNC regarding missing information meets NVRA Section 8 notice requirements. A non-forwardable VNC is sent **after** the voter is added to the Active Voter File. If the voter has moved, then the post office returns the VNC to the county, and the voter is then placed in the Inactive Voter File.

In order to start the process for a voter registration to be canceled, a forwardable confirmation postcard, meeting the NVRA Section 8 requirements, as outlined below, is required.

### **IV. Active and Inactive Voter Files**

The NVRA does not mention “active” and “inactive” voter registration voter files. However, the federal reporting regulations define “active voters” as all registered voters except those who have failed to respond to a Section 8 notice. “Inactive voters” are defined as registered voters who have been sent a Section 8 notice and have failed to respond. In California, this includes voters for whom the post office has returned a VNC because the voter has moved. What is important to keep in mind is that “inactive” voters under the California Elections Code and the NVRA are registered voters, eligible to vote in an election, provided the voter confirms residency at the polling place. Under California law, however, voters in the Inactive Voter File are not mailed election materials, and are not taken into consideration in determining the number of signatures required for qualification of candidates or ballot measures, precinct size, or other election administration processes.

#### Active Voter File Maintenance

Under California law, Active Voter Files are maintained indefinitely, either in hardcopy or electronically.

## Inactive Voter File Maintenance

Inactive Voter Files contain records of voters who have been sent a confirmation mailing to confirm address-change information and have not responded.

A list of voters on the Inactive Voter File is provided to each polling place in the county. A voter whose name is on the Inactive Voter File and arrives to vote may confirm his or her residency and vote. The voter will then be reinstated on the Active Voter File.

## **V. Cancellation of Voter Files**

A voter registration may be cancelled by written request from the voter or because of death, mental incompetency, criminal conviction, or following the process established in California law and in NVRA Section 8(d)(2), described below, for voters who have moved to a new address.

### Address Confirmation Process

If the elections official receives information from the U.S. Postal Service indicating that the voter has moved to a new address, then the elections official begins the address confirmation process as provided in California law and in NVRA Section 8(d)(2).

### Within County Move

If it appears that the change is within the same county in which the voter is currently registered, the registrar may not remove the voter but must update the registration records to show the new address and send a forwardable mail notice of the address change and a postage paid, pre-addressed return form for the voter to verify or correct the address information. If the voter fails to return the form, the registrant may *not* be removed from the voter rolls based on an apparent change of address within the same county.

### Out of County Move

If it appears that the voter has moved to a different county, the registrar must use the following address confirmation procedure to attempt to confirm the change of address before cancelling the voter registration.

The address confirmation procedure requires sending a forwardable notice in the form of a postage-paid and pre-addressed return card, on which the voter may state his or her current address. Additionally, the notice must explain to voters that:

- The postcard should be returned no later than the voter registration deadline;
- If the postcard is not returned, the voter may be required to confirm the residence address the next time he or she votes; and

- If the voter does not vote between the date of the notice and the second federal general election after the date of the notice, his or her name may be removed from the list of eligible voters.

The voter may be placed on the Inactive Voter File if he or she does not return the address confirmation notice by the voter registration deadline for the next election after the confirmation notice is sent. If the registrant has not moved to a different county and votes in an election before the second general election for Federal office after the confirmation notice is sent, then elections officials must restore the voter to the Active Voter File.

If the voter provides written confirmation of a change of address to a different county, then the voter can be immediately removed from the rolls in the prior county.

If the voter does not return the postcard and does not vote in the following two federal elections, then the voter registration may be cancelled.

While the NVRA requires that the voter be informed that his or her name will be removed from the list of eligible voters, the NVRA does not specifically require removal. It simply provides that the notice and waiting period procedure outlined above must be followed before removal. Likewise, California law makes removal in this instance permissive rather than mandatory.

## **VI. Voter Registration Cards where the voter indicates he or she is not a U.S. Citizen:**

The VRC asks the applicant if he or she is a United States citizen. The voter may check either “Yes”, “No”, or not check either box.

If the voter indicates, by checking the “yes” box, that he or she is a U.S. citizen, the registration should be processed normally.

If the voter indicates, by checking the “No” box, that he or she is not a U.S. citizen, the registration may not be entered on the voter rolls. The elections official should send the voter a returnable card or letter requesting clarification as to whether or not the voter is a U.S. citizen. If the voter returns the card indicating that he or she is a U.S. citizen, the VRC should be entered on the voter rolls. If the card is returned and the voter indicates he or she is not a citizen, or if no response is received from the voter, then the voter shall not be registered.

If the voter does not check either the “Yes” or “No” box do not process the registration.

## **VII. California Notices to Voters**

### Voter Notification Card (VNC)

As described above, California law requires a Voter Notification Card (VNC) to be sent to each voter registration applicant. The purpose of the VNC is two-fold: (a) to notify the applicant that he or she is registered to vote, and; (b) to confirm the voter's address information. As noted above, the VNC meets the NVRA's requirement to notify each voter registration applicant of the disposition of his or her registration.

These cards are sent first class non-forwardable. The post office provides updated information if the card cannot be delivered as addressed, but does not forward it to the addressee.

VNCs are mailed to the residence address listed on the registration unless a separate mailing address has been provided. If a VNC addressed to a mailing address is returned by the post office, it will be treated as a notice of change of residence and a forwardable address confirmation mailing will be sent.

### Residency Confirmation Postcard (RCOP)

California law also requires elections officials to conduct a residency confirmation procedure at least 90 days before each election. Elections officials may either:

1. Obtain National Change of Address System (NCOA) data from the United States Postal Service and send a *forwardable* notice, including a postage-paid and preaddressed return form to enable the voter to verify or correct address information, to each voter who appears to have moved based on NCOA data. (If the voter has given no forwarding address to the post office, then elections officials need not send a forwardable notice to the voter.)
2. Send a first class, *non-forwardable* residency confirmation postcard (RCOP) to all registered voters. Voters who have voted in an election in the previous six months may be excluded from the mailing.

These procedures and the California ROCP notice meet NVRA Section 8(d)(2) notice requirements.

**MAINTENANCE OF VOTER FILES**

| Source of Information  | NVRA Section 8(d)(2) Confirmation Mailing Required | Voter Notification Card (VNC) Required | Residency Confirmation Postcard (RCOP) Required | County Elections Official Action  |
|--|--|--|---|---|
| New VRC  | No   | Yes                                    | No  | <ul style="list-style-type: none"> <li>● Add to or Update Active Voter File.</li> <li>● Place old record in Canceled Voter File.</li> <li>● Retain new VRC.</li> </ul>  |
| VRC missing <b>required</b> information.   | No   | No                                     | No  | <ul style="list-style-type: none"> <li>● Follow EC 2153 to obtain missing information. If the missing information is obtained, the VRC is considered effective as of the date the VRC was initially received.</li> </ul>    |
| VRC checked as non-citizen but signed under penalty of perjury confirming citizenship. | No   | Yes                                    | No  | <ul style="list-style-type: none"> <li>● Do not enter on files.</li> <li>● Send a VNC for clarification. If the voter affirms citizenship, the VRC may be processed. Otherwise, the voter may not be registered.</li> </ul> |
| Written request from voter to be removed or confirming a move out of county.           | No   | No                                     | No  | <ul style="list-style-type: none"> <li>● Place voter record in Canceled Voter File.</li> <li>● Retain written request for 22 months.</li> </ul>   |

| Source of Information   | NVRA Section 8(d)(2) Confirmation Mailing Required | Voter Notification Card (VNC) Required | Residency Confirmation Postcard (RCOP) Required | County Elections Official Action  |
|---|--|--|---|---|
| Written request from voter to change address <u>within</u> county.  | No   | Yes                                    | No  | <ul style="list-style-type: none"> <li>● Update Active Voter File.</li> <li>● Send VNC to confirm status.</li> <li>● Place old record in Canceled Voter File.</li> <li>● Retain written request for 22 months.</li> </ul>                               |
| Change of address notice from DMV or designated agencies initiated by the voter (voter has option of declining change for registration purposes). | No   | Yes                                    | No  | <ul style="list-style-type: none"> <li>● If in-county, update Active Voter File and place old record in Canceled Voter File.</li> <li>● If out-of-county, place voter record in Canceled Voter File.</li> <li>● Retain notice for 22 months.</li> </ul> |
| Official notice: death, imprisoned or on parole for the conviction of a felony, mental incompetence.  | No   | No                                     | No  | <ul style="list-style-type: none"> <li>● Place voter record in Canceled Voter File.</li> <li>● Retain written request for 22 months.</li> </ul>   |
| Official notice from another elections office that voter has registered in another county and had prior registration in your county.              | No   | No                                     | No  | <ul style="list-style-type: none"> <li>● Place voter record in Canceled Voter File.</li> <li>● Retain written request for 22 months.</li> </ul>   |

| Source of Information  | NVRA Section 8(d)(2) Confirmation Mailing Required | Voter Notification Card (VNC) Required | Residency Confirmation Postcard (RCOP) Required | County Elections Official Action  |
|--|--|--|---|---|
| Registered voter moves within your county; if you do not obtain new VRC, but voter signs log/roster/provisional envelope giving old address. | No   | Yes                                    | No  | <ul style="list-style-type: none"> <li>● Update Active Voter File; or</li> <li>● Reinstate from Inactive Voter File.</li> <li>● Retain log/roster for 22 months.</li> </ul>   |
| Notice that California driver license was surrendered in another state.  | Yes  | No                                     | Yes   | <ul style="list-style-type: none"> <li>● Place record in Inactive Voter File.</li> <li>● Generate a forwardable confirmation mailing.</li> <li>● Retain notice for 22 months.</li> </ul>  |
| Court notification of returned jury notices.   | Yes  | No                                     | Yes   | <ul style="list-style-type: none"> <li>● If new address provided in-county, update Active Voter File and place old record in Inactive Voter File.</li> <li>● If new address out-of-county, place record in Inactive Voter File.</li> <li>● Generate a forwardable confirmation mailing.</li> <li>● Retain notice for 22 months.</li> <li>● Follow up with VRC to new occupant if mailing returned “undeliverable”.</li> </ul> |

| Source of Information  | NVRA Section 8(d)(2) Confirmation Mailing Required | Voter Notification Card (VNC) Required | Residency Confirmation Postcard (RCOP) Required | County Elections Official Action  |
|--|--|--|---|---|
| NCOA or mailing returned to election office, i.e., VNCs Sample Ballots, Absentee Ballots, Residency Confirmation Postcards (in-county).                      | Yes  | No                                     | Yes   | <ul style="list-style-type: none"> <li>● Update Active Voter File; old address goes to Inactive Voter File.</li> <li>● Generate a forwardable confirmation mailing.</li> <li>● Retain notice of change for 22 months.</li> <li>● Follow up with VRC to new occupant if part of purge process.</li> </ul>                |
| NCOA or mailing returned to election office, i.e., VNCs Sample Ballots, Absentee Ballots, Residency Confirmation Postcards (out-of-county or undeliverable.) | Yes  | No                                     | Yes   | <ul style="list-style-type: none"> <li>● Place voter record in Inactive Voter File.</li> <li>● Generate a forwardable confirmation mailing.</li> <li>● Retain notice of change for 22 months.</li> <li>● Follow up with VRC to new occupant if part of purge process or anytime if returned "undeliverable."</li> </ul> |
| Notice from Poll Inspector of a voter's change of address.   | No   | No                                     | Yes   | <ul style="list-style-type: none"> <li>● Send a residency confirmation postcard to old address.</li> <li>● If returned, follow steps as outlined above for returned mailings.</li> </ul>  |

**Chapter 6**  
**Provisional Voting**

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## I. California Law and Provisional Voting

California law provides that any voter claiming to be properly registered, but whose qualifications cannot be immediately established upon examination of the list of registered voters for the precinct or the records on file with the county elections official, is entitled to cast a provisional ballot.

The elections official must advise voters of their right to cast a provisional ballot and must provide the voter with written instructions regarding the provisional voting process and procedures. State law requires people who vote a provisional ballot to execute, in the presence of the elections official, a written affirmation, stating that they are eligible to vote and are registered in the county where they desire to vote.

Provisional ballots are delivered, along with regular ballots, to the elections office canvassing area. Using the same procedures as used with vote-by-mail envelopes, the elections official compares the signature for the provisional ballot with the signature on that voter's affidavit of registration. If the signature does not match, the ballot is rejected. (Minor variation in signatures does not invalidate the ballot.) If the signature matches, the elections official checks the voter registration database to verify whether the voter is properly registered to vote. Once the signature on the envelope has been verified and the voter's registration is confirmed, the ballot is separated from the envelope and counted as a regular ballot. If the voter's registration cannot be confirmed, the ballot is not counted, and the reason for not counting the ballot is recorded. Only the votes for contests for which the voter is eligible to vote are counted.

Similar to HAVA, California law also requires the establishment of a Free Access System so the voter can find out if his or her provisional ballot has been counted. Information about how to access each county's Free Access System can be found on the Secretary of State's website at: [www.sos.ca.gov/elections/ballot-status/](http://www.sos.ca.gov/elections/ballot-status/)

Finally, California law provides that voters who have moved from one address to another within the same county and who have not notified the county elections office of their new address may vote provisionally on the day of the election at the polling place at which they are entitled to vote based on their new address, or at the county elections office, or at another central location designated by the elections office.

California's provisional voting laws effectively comply with and compliment the NVRA "fail safe" protections and the HAVA provisional voting statutes.

## **II. NVRA “Fail Safe” Voting Requirements**

Section 8 of the NVRA contains protections for voters that allow an eligible registered voter to cast a provisional ballot in California, if: 1) the voter has been placed on the inactive list or; 2) the voter moved to a new address inside the county but did not notify the county elections office before the election. The NVRA requires elections officials must allow these voters to update their registration and vote in the election using a provisional ballot. California law has provided for provisional voting since 1983 and meets the NVRA fail safe voting requirements.

## **III. The Help America Vote Act (HAVA) and Provisional Voting**

Provisional voting is also mandated under the Help America Vote Act (HAVA) of 2002. Similar to the NVRA “fail safe” protections, provisional voting under HAVA is intended to prevent disenfranchisement of otherwise eligible voters due to voter registration errors or other unusual circumstances. HAVA requires provisional voting to be offered to voters when the voter's name does not appear on the roster or when the voter is required to provide identification under HAVA and is unable to provide identification. During the canvass period following each election, elections officials verify eligibility and registration before counting each provisional ballot. California law meets the HAVA provisional voting requirements.

## **IV. When Do Voters Cast a Provisional Ballot?**

Below are some of the common situations when a voter will need to cast a provisional ballot rather than a regular ballot:

- The voter moved but did not update his or her voter registration record to reflect the move;
- The voter’s name does not appear on the list of registered voters and the eligibility to vote cannot be verified at the polling place;
- The voter is required to provide identification under HAVA and is unable or refuses to provide proof of identity. Under HAVA, first-time voters who registered by mail – and for whom neither the social security number nor state identification number could be verified – may be required to provide proof of identity;
- The voter requested a vote-by-mail ballot but has neither returned the ballot by mail nor brought it to the polling place;
- The voter is voting during polling place hours that have been extended by a state or federal court; or

- The voter is registered to vote, but is attempting to vote in a precinct different from the one in which the voter is registered or assigned.

In order to vote provisionally, the voter must sign a written affirmation of eligibility and registration. After Election Day, elections officials verify each provisional voter's registration and eligibility to vote and then count provisional ballots.

At the time a voter casts a provisional ballot, the elections official provides the voter with written information on how the voter can check whether his or her provisional ballot was counted.

## Chapter 7

### Recordkeeping and Reporting Requirements

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## **I. Overview**

Section 8 of the NVRA requires states to keep and make available for public inspection for a period of two years, all records concerning the implementation of accurate and current voter registration lists. However, the NVRA requires records relating to a person's decision not to register to vote or the specific agency through which a person registered to vote to be kept confidential.

The records each state keeps under the NVRA must include lists of the names and addresses of voters who are sent confirmation notices and whether or not each voter responded to the confirmation notice.

Under the NVRA, as originally passed by Congress, states had reporting responsibilities to the Federal Elections Commission, which in turn reported biennially to Congress on the impact of the NVRA. With the passage of the Help America Vote Act (HAVA) of 2002, these reporting responsibilities were transferred from the Federal Election Commission to the United States Election Assistance Commission (EAC).

In order to meet its Congressional reporting responsibilities, the EAC has developed a state survey and requires the Secretary of State's office to submit its statewide report by March 31<sup>st</sup> of each odd-numbered year. The EAC survey gathers data on the number of voter registration applications by mail from motor vehicle offices, public assistance offices, offices providing state-funded programs primarily serving people with disabilities, Armed Forces recruitment offices, and other offices designated by states under the NVRA as voter registration agencies. States also report voter registration list maintenance information in response to the EAC survey every two years.

## **II. Information Collected and Reported**

Federal regulations require the information below to be included in state reports to the EAC. The Secretary of State gathers this information from the counties and compiles one comprehensive report for the state of California.

- A. The total number of registered voters statewide, including both active and inactive voters, in the federal general election two years prior to the most recent federal general election. HAVA requires that both are reported for those states that make a distinction between active and inactive voters. (Please refer to Chapter 5 on list maintenance for a more complete description of active and inactive voters.)

- B. The total number of registered voters statewide, including both active and inactive voters, in the most recent federal election.
- C. The total number of new valid registrations accepted between the past two federal general elections, including all registrations that are new to the county and re-registrations across county lines, but excluding all applications that are duplicates, rejected, or report only a change of name, address, or party preference within the same jurisdiction.
- D. The total number of registrants that were considered inactive at the close of the most recent federal general election.

County elections officials report to the Secretary of State the total number of voters who remain on the inactive section of the voter roll after the federal general election preceding their report. For example, this would be the number of voters in the inactive portion of the voter roll after re-activation of those inactive voters who voted a provisional ballot in that federal general election. (See Chapter 6 on provisional voting.)

- E. The total number of registrations that were deleted from the registration list, including both active and inactive voters between the past two federal general elections.

County elections officials report to the Secretary of State the total number of voters removed from the voter rolls for any of the following reasons:

1. death;
2. Not currently imprisoned or on parole for the conviction of a felony (for more information on the rights of people who have been incarcerated, please see the Secretary of State's Voting Rights for Californians with Criminal Convictions or Detained in Jail or Prison);
3. Found to be mentally incompetent by a court of law;
4. moved outside the county; or
5. direct notice by the voter to the elections office, DMV, or other agency regarding a change of address to a new county or requesting removal from the voter roll; or
6. NVRA Section 8(d)(2) notice and removal process. (See Chapter 5 on list maintenance.)

- F. The number of registration applications received (regardless of whether they were valid, rejected, duplicative, or indicated address,

name or party preference changes) from or generated by each of the following categories:

1. Mail

County elections officials report to the Secretary of State the number of Voter Registration Cards (VRC) from applicants residing in the county. The total number includes those VRCs forwarded from other county elections offices and the Secretary of State. This number does not include VRCs generated by the Department of Motor Vehicles (DMV) or other NVRA-designated voter registration agencies.

2. DMV

County elections officials report VRCs received from the DMV as follows:

- a. VRCs submitted to DMV field offices in the county for voters who reside in the county;
- b. VRCs submitted to DMV offices in other counties, for voters who reside in the county; and
- c. Intra-county changes of address notices received from the DMV.

3. Public Assistance Agencies

- County offices which accept applications and administer benefits for the CalFresh program, formerly known as Food Stamps, and the California Work Opportunity and Responsibility to Kids (CalWORKs) program which replaced the Aid to Families with Dependent Children (AFDC) program.
- County offices which accept applications and administer benefits for the Medi-Cal program.
- County 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 offices which accept applications and administer benefits for the Home Supportive Services Program.
  - California Health Benefit Exchange CoveredCA.com
4. 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
5. Armed Forces Recruitment Offices
6. 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 offices which serve the public.
- G. The total number of duplicate registration applications received between the past two federal general elections in the appropriate elections office and generated by each of the categories described in section (F) 1 through 6.
- For NVRA purposes, “duplicate” registration application means a VRC from a person already registered to vote at the same address, under the same name, and with the same political party preference.
- H. The number of confirmation notices mailed out between the past two federal general elections and the number of responses received to these notices during the same period. (See Chapter 5 on list maintenance.)

### **III. Tracking and Reporting Registrations at NVRA Agency Offices**

- A. County elections officials will distribute, from their regular stock, VRCs to the NVRA non-DMV designated agencies.
- B. County elections officials will be responsible for tracking ranges of VRC numbers assigned to each agency. (Note: the agencies, in turn, may want to track which batch they provide to each of their programs or sites.)
- C. County elections officials may want to track the number of these cards that are returned from each agency office. This will help identify those agencies that are doing well, and those agencies that need further training in assisting applicants to properly complete VRCs.

**Note:** The NVRA requires that States ensure that the identity of the voter registration agency through which a voter is registered is not disclosed to the public. This provision requires that local elections officials and NVRA-designated voter registration agencies establish procedures to ensure that such disclosure does not take place.

### **IV. Information Maintained and Disclosed to the Public**

The NVRA requires states to maintain for a minimum of two years and “make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official list of eligible voters, except to the extent that such records relate to a declination to register to vote or to identify a voter registration agency through which any particular voter is registered.” The NVRA provides that these records shall include “lists of the names and addresses” of all persons to whom NVRA Section 8(d)(2) notices have been sent and information concerning whether the person has responded to such notice.

### **V. Additional Information**

In addition to the above information, the Secretary of State asks county elections officials to report, in narrative form, any comments or suggestions they may have for improving NVRA efforts to meet the goals and intent of the NVRA.

## Chapter 8

### The National Mail Voter Registration Form

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## **I. General Information and Background**

The National Voter Registration Act of 1993 (NVRA) required the Federal Election Commission (FEC) to design a national mail voter registration form (National Form), in consultation with state elections officials. The NVRA also required states to accept voter registrations submitted by mail using the National Form.

In 1994, the FEC created the National Form after consulting with state and county elections officials, social service agencies, and advocacy groups. Since each state has its own voter registration requirements and forms, the FEC took into consideration the various paper sizes, voter information, and voter registration database technologies used in the states in designing the National Form. The National Form is similar to the California Voter Registration Card (VRC) but there are a number of differences detailed below.

The National Form is available on the Secretary of State's website at [www.sos.ca.gov/nvrc/fedform/](http://www.sos.ca.gov/nvrc/fedform/). The National Form can also be printed from the Election Assistance Commission (EAC) website at [www.eac.gov](http://www.eac.gov). The Secretary of State and county elections offices make available paper copies of the National Form upon request.

The National Form may be used to register to vote in any state. The form includes general instructions as well as state-specific instructions on how to complete the form. Since the United States has no national or federal voter registration system, completed forms are sent to the appropriate county elections office and are processed in the same manner as the state VRC.

## **II. Use of the National Form**

The vast majority of voters continue to use the state VRC to register to vote, and elections officials may continue to encourage use of the state VRC. However, elections officials must make the National Form available upon request and may wish to provide the National Form to organizations targeting outreach efforts to more than one state. Individuals and groups who may prefer to use the National Form include:

- College students who want to register to vote in the state where they permanently reside;
- Political party convention organizers;
- Travelers from out-of-state; and
- Military personnel.

### III. Distribution of National Form to Counties

The Secretary of State provides both the state VRC and the National Form to counties upon request. However, since the National Form may be downloaded and printed directly from the Secretary of State's website, county elections officials typically only place orders for supplies of the state VRC. The Secretary of State invites each county to place orders for VRC supplies four times a year, at the beginning of each quarter.

### IV. Items on the National Mail Voter Registration Form

The form requests the following information:

**Name:** Last, first, and middle, any suffix – such as “Jr.,” and any prefix – such as “Mr.” or “Ms.”

**Home Address:** Street address, Apt. Lot #, City/Town, State, Zip Code. The instructions direct applicants not to list a post office box or rural route without a box number. For applicants who live in rural areas or non-traditional homes, the National Form provides a space for people to draw a residence map.

**Mailing address:** If different from home address.

**Date of Birth:** Month, day and year of birth.

**Telephone number:** Optional.

**ID number:** The California instructions for the National Form require applicants to provide either a California driver license or California identification card number (DL/ID), if the applicant has one, or the last four digits of their social security number, if any.

**Choice of Party:** Unlike the state VRC, which provides checkboxes for qualified political parties, the National Form simply provides a blank space to fill in the name of a political party. The California instructions for the National Form ask applicants to write the name of a political party, or “decline to state” to indicate no party preference. The California instructions also encourage applicants to contact the Secretary of State at 1-800-345-VOTE or visit [www.sos.ca.gov](http://www.sos.ca.gov) to get a list of qualified political parties and to learn which political parties allow voters with no political party preference to participate in primary elections.

**Race or Ethnic Group:** Similar to the state VRC, the National Form provides a blank space for applicants to fill in a race or ethnic group. The California instructions for the National Form direct applicants to leave this

field blank, because county elections officials do not enter data from this field into the voter registration database.

**Signature:**

Applicants must sign and date the National Form and affirm that they:

1. Are a United States citizen,
2. Meet state eligibility requirements and subscribe to any state oath required; and
3. Have provided true information to the best of their knowledge under penalty of perjury.

The California instructions for the National Form clarify that to register in California, the applicant must be:

1. A U.S. citizen;
2. A resident of California;
3. At least 18 years old at the next election;
4. Not currently imprisoned or on parole for the conviction of a felony (for more information on the rights of people who have been incarcerated, please see the Secretary of State's Voting Rights for Californians with Criminal Convictions or Detained in Jail or Prison); and
5. Not found to be mentally incompetent by a court of law.

**Name, address, and phone of anyone who helped the applicant:** If the applicant is unable to sign, the general instructions for the National Form provide a space at the end of the form for the name, address, and phone of the person who helped the applicant complete the form. This information must only be included if the applicant is unable to sign. [Note: Phone number is optional.] By contrast, the state VRC contains a space for the contact information of anyone who assists the applicant in completing *any part* of the VRC, regardless of whether the applicant is able to sign the VRC.

**Change of name:** The National Form provides a space for a prior name, if the form is used for a name change.

**Change of address:** The National Form provides a space for a prior address, if the form is used for an address change.

**Map:** As noted above, the National Form provides a space to draw a residence map for applicants who live in rural areas or non-traditional homes.

While the state VRC requests the additional information below, the National Form does **not** request the following:

- California county
- Foreign country
- U.S. state or foreign country of birth
- Email address
- Vote By Mail Choice
- Request to serve as a poll worker
- Request to provide a location for a polling place
- Language Preference

## V. Format and Layout of the National Form

The National Form fits onto regular 8.5" × 11" paper and can be printed from the Internet. The form includes General Instructions and specific State Instructions for each state on how to complete the form. Currently, the National Form is available in English, Spanish, Chinese, Japanese, Korean, Tagalog, and Vietnamese. The National Form does not contain a return postage stamp.

By contrast, under current state law and regulations, the state VRC must be printed on paper of a special size and weight and must contain a unique affidavit number. The VRC must also contain a postage paid stamp and return address. These restrictions prevent the state VRC from being printable from the Internet.

Elections officials ***must*** accept copies of the National Form printed from a computer image of the form, as long as the form is completed and signed by the applicant and either hand-delivered or mailed with first class postage.

The Secretary of State has designed a website that gives voter registration applicants two options:

1. Printing a blank National Form, completing it by hand, and mailing it to the Secretary of State; or
2. Completing the National Form online, printing and signing the completed form, and mailing the form to their county elections office. For applicants who choose to complete the National Form online, the Secretary of State's website automatically fills in the county election office on the form, so that form prints with the county elections office address and can be mailed directly to the elections office where the applicant lives.