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DEPARTMENT OF SOCIAL SERVICES
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December 12, 2012

TO: ALL DEAF ACCESS PROGRAM CONTRACTORS

FROM: JOSEPH HOFFMAN,  Chief
Office of Deaf Access

SUBJECT: COMPLIANCE WITH THE NATIONAL VOTER REGISTRATION ACT
(NVRA) AND SENATE BILL (SB) 35, CHAPTER 505.

The purpose of this memo is to provide instructions to Deaf Access Program (DAP) contractors in complying with the National Voter Registration Act (NVRA) and recently approved Senate Bill 35 (SB 35). All offices that provide public assistance and all offices that provide state-funded programs primarily engaged in providing services to persons with disabilities are required by the NVRA and SB 35 to provide voter registration opportunities and material. Accordingly, all DAP contractor offices are "voter registration agencies" and are required to comply with the NVRA and SB 35.

The NVRA and SB 35 establish procedures and specific tasks that must be performed by voter registration agencies. As voter registration agencies, DAP contractors must do the following to comply with the NVRA and SB 35:

1. Notify county elections officials of the location of each DAP office and/or site within the county.
2. Provide voter registration information and assistance to each applicant for services or benefits, each request for recertification or renewal, and each request for a change of address.
3. Provide voter registration assistance to applicants without:
 - a. Seeking to influence an applicant's political party preference or party registration;
 - b. Displaying any political preference or party allegiance in the office;
 - c. Making statements to an applicant or discouraging the applicant from registering to vote; or,

- d. Making any statement to an applicant or taking 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.
4. Ensure applicant's decision to register or decline to register to vote, as well as the location where the applicant registers, are kept confidential.
 5. Provide a NVRA voter preference form (VPF), a voter registration card (VRC), and assistance in completing the voter registration forms, unless the applicant refuses the assistance. NOTE: An applicant's failure to answer the question of whether he or she would like to register to vote does not constitute a declination to register. The forms must be provided whether the client transaction occurs in-person, through the Internet, over the telephone, via email, or through the mail.
 - To comply with this requirement, the Office of Deaf Access (ODA) encourages DAP contractors to include a NVRA VPF and a VRC as a standard part of each new application for service, each request for recertification or renewal, and each request for a change of address. Additionally, DAP contractors should review the VRC and NVRA VPF as part of the intake and application process.
 6. Designate an employee to be a NVRA Coordinator; responsible for compliance with SB 35 and the NVRA.
 7. Request voter registration cards from the applicable county elections officials as needed.
 8. Ensure you have a sufficient supply of VPFs and VRCs available in all languages required by Section 203 of the federal Voting Rights Act of 1965.
 9. Ensure each employee who may provide voter registration services completes, at least once per year, a training based on the training materials prepared by the Secretary of State.
 10. Keep completed NVRA voter preference forms for two years, either in the client's file, or in a single chronological file with all VPF's.
 11. Transmit voter registration cards to the county elections office within 10 days. If you receive a completed VPF and/or VRC within five days of the voter registration deadline (the 15th day prior to an election), the agency must transmit the VRC to the county elections office within five days.

- To comply with this requirement, the ODA encourages DAP contractors to forward completed VFPs and/or VRCs to the county elections office daily.

To assist you in complying with the NVRA and SB 35, the ODA is currently coordinating with the Secretary of State's office to provide training to the employee(s) you designate to be your agency's "NVRA Coordinator". We ask that you allow your agency's NVRA Coordinator to attend this training, which will be held at the Department of Social Services Headquarters Office in Sacramento, 744 P Street. The 2-3 hour training will be scheduled for a day in January. You will be notified once the details of this training are known. Until then, agencies are encouraged to visit the Secretary of State web site for additional information:

- Further instruction on the NVRA, please visit the Secretary of State web site at <http://www.sos.ca.gov/elections/nvra/voter-reg-agencies/general-nvra-requirements.htm>
- Chapter 4 of the Secretary of State's NVRA manual, which explains the obligations of voter registration agencies:
<http://www.sos.ca.gov/elections/nvra/laws-standards/pdf/chapter-four.pdf>
- Voter preference forms in all Section 203 languages, as required by the Voting Rights Act:
<http://www.sos.ca.gov/elections/nvra/training/voter-preference-forms.htm>
- Videos on voting that the Secretary of State created in American Sign Language:
<http://www.sos.ca.gov/elections/voting/guide-voting-english.htm>
- NVRA training for agencies that serve people with disabilities:
<http://www.sos.ca.gov/elections/nvra/training/>

The contact number for the Secretary of State is (800) 833-8683 (Voice and TTY).

Should you have any further questions regarding compliance with the NVRA, please contact Lakisha Collins, ODA Contract Analyst, at (916) 651-6817 (Voice) or (916) 653-7651 (TTY)