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Governor



State of California
Health and Human Services Agency

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RE: Compliance with the National Voter Registration Act (NVRA) and Senate Bill (SB) 35, Chapter 505

October 21, 2013

Dear All California Independent Living Center Directors:

The purpose of this correspondence is to provide instructions to Independent Living Centers (ILCs) in complying with the National Voter Registration Act (NVRA) and recently approved SB 35. All agencies that provide public assistance and/or 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 ILCs 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, ILCs must do the following to comply with the NVRA and SB 35:

1. Notify county elections officials of the location of each ILC office and/or site within the county.
2. Provide voter registration information and assistance to each consumer who receives services and/or each request for a change of address.
3. Provide voter registration assistance to consumers without:
 - a. Seeking to influence a consumer's political party preference or party registration;
 - b. Displaying any political preference or party allegiance in the office;
 - c. Making statements to a consumer or discouraging the consumer from registering to vote; or,
 - d. Making any statement to a consumer or taking any action to the purpose or effect of which is to lead the consumer to believe that a decision to register or not to register has any bearing on the availability of services or benefits.
4. Ensure consumers' decisions to register or decline to register to vote as well as the location where the consumer registers are kept confidential.
5. Provide a NVRA voter preference form (VPF), a voter registration card (VRC), and assistance in completing the voter registration cards, unless the consumer refuses the assistance. NOTE: A consumer's failure to answer the question of whether he or she would like to register to vote does not constitute a declination

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to register, and the VRC must still be provided.

6. The VPF and the VRC must be provided whether the consumer transaction occurs in-person, through the Internet, over the telephone, via e-mail, or through the postal mail.
 - To comply with this requirement, the Department of Rehabilitation (DOR) encourages ILCs 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, ILCs should review the VRC and NVRA VPF for completeness as part of the intake and application process.
7. Designate an employee to be a NVRA coordinator. NVRA coordinators are responsible for the ongoing compliance with SB 35 and the NVRA.
8. Request voter registration cards exclusively from the applicable county elections officials as needed.
9. Be aware of Section 203 of the federal Voting Rights Act of 1965. Section 203 requires some counties to provide voter registration materials in certain minority languages. Contact your County Elections Official to see what languages apply for your county or counties. Ensure you have a sufficient supply of VPFs and VRCs available in all languages required by ordering VRCs in applicable languages from the County Elections Official and printing VPFs in applicable languages from the Secretary of State's website.
10. Ensure each employee who may provide voter registration services completes a training based on the training materials prepared by the Secretary of State, at least once per year. County Elections Officials are available to assist with training.
11. Keep completed NVRA voter preference forms for two years, either in the consumer's file, or in a single chronological file with all VPFs.
12. Transmit voter registration cards to the county elections office within 10 days. If you receive a completed 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 DOR encourages ILCs to forward completed VRCs to the county elections office on a regular schedule.

To assist you in complying with the NVRA and SB 35, DOR encourages you to coordinate with local election officials to provide training to the employee(s) you designate to be your agency's NVRA Coordinator. Agencies are encouraged to visit the Secretary of State website for additional information:

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- For further instruction on the NVRA, please visit the Secretary of State web site at: <http://www.sos.ca.gov/elections/nvra>.
- 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 voter registration agencies: <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 your DOR Resources Specialist.