Complying with the National Voter Registration Act – A guide for agencies that serve people with disabilities

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DVCPA is supported by generous funding from the PA Developmental Disabilities Council
• Does your agency primarily serve individuals with disabilities?
• Do you receive funding from the State of Pennsylvania to provide these services?
• If so, then your agency must comply with the National Voter Registration Act’s voter registration requirements!

Congress enacted the National Voter Registration Act of 1993 (also known as the "NVRA" and the "Motor Voter Act"), 42 U.S.C. 1973gg-5(a), (b), to enhance voting opportunities for every American and to remove the vestiges of discrimination which have historically resulted in lower voter registration rates of minorities and persons with disabilities.

Disability service agencies have the same duty to provide voter registration services as does the Bureau of Motor Vehicles. The NVRA requires that voter registration opportunities must be offered through all offices that provide state-funded programs engaged in providing services to persons with disabilities; (42 U.S.C. 1973gg-5).

People with disabilities and agencies which serve them have a common interest in ensuring full compliance with the National Voter Registration Act!

Votes are the “currency” of a democratic system. The DVCPA believes that if the disability community is not registered to vote, then we are more likely to be “short-changed” in political decisions such as funding for programs and services.

What follows is the “what” and “how” that agencies need to know about complying with the National Voter Registration Act.
THE GUIDE TO COMPLIANCE WITH
THE NATIONAL VOTER REGISTRATION ACT

1. The “What”

At a minimum, an offer to assist the individual to register to vote must be made at these times:
   1. Intake;
   2. Recertification; and
   3. Change of address.

When agencies perform these contacts by phone, internet, or in the consumer’s home, a voter registration offer is required in each of those instances.

   The NVRA requires agencies to specifically ask:
   “If you are not registered to vote where you live now, would you like to apply to register to vote here today?”

Please do not ask “Are you registered to vote?” or “Would you like to register to vote?” Research has shown that general questions like these cause many people to decline a voter registration opportunity, when they would accept it if the mandatory question was asked.

Agencies must provide each applicant with a voter registration form which has the agency code entered on the voter registration form. You can request pre-coded voter registration forms by using the Order Form in the Appendix below.
2. The “How”

The NVRA requires agencies to “provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.”

The NVRA requires agencies to offer voter registration opportunities in a non-partisan fashion. Non-partisan means that employees who offer persons an opportunity to register to vote shall not:
  – Display anything that suggests a political preference or party allegiance.
  – Influence or attempt to influence persons to choose or not choose a particular political party preference or to register or vote in any particular manner.

Non-partisan also means that employees who offer persons an opportunity to register to vote shall not wear or display material that:
  – Identifies past, present, or future seekers or holders of partisan elective office;
  – Contains logos or other graphics that might be identified with a political party or preference; and/or
  – Would reasonably be understood to be associated with a political party or political preference.

Non-partisan voter registration activity does not violate the IRS prohibition of partisan political activity. By complying with the NVRA, you are following the law, not breaking the law! A good source of information on this question can be found in an IRS Fact Sheet called “Election Year Activities and the Prohibition on Political Campaign Intervention for Section 501(c)(3) Organizations,” http://www.irs.gov/newsroom/article/0,,id=154712,00.html
Agencies that fail to comply with NVRA face the following sanctions:

- Federal audits;
- Withholding of Federal funds;
- Fines by the Federal Elections Commission

The Pennsylvania Department of State publishes a more comprehensive guide: “Pennsylvania’s Guide to Agency-Based Voter Registration Programs.” You can find a copy here: [http://www.portal.state.pa.us/portal/http://www.portal.state.pa.us:80/portal/server.pt/gateway/PTARGS_0_123195_1046664_0_0_18/2010%20PA%20Guide%20To%20Agency%20Based%20Voter%20Registration.pdf](http://www.portal.state.pa.us/portal/http://www.portal.state.pa.us:80/portal/server.pt/gateway/PTARGS_0_123195_1046664_0_0_18/2010%20PA%20Guide%20To%20Agency%20Based%20Voter%20Registration.pdf)

Generally, agencies required to provide voter registration services must:

1. Distribute the Voter Registration Preference Form with “each application for such services or assistance, and with each recertification, renewal or change of address form relating to such service or assistance.” You can find a sample Voter Registration Preference Form in the Appendix below.

2. Keep the completed voter registration preference forms (“declination forms”) in their files for 24 months. DO NOT mail them to Secretary of State or the county elections office.

3. Assist those applicants wishing to register to vote with completing the voter registration forms (an agency is required to provide the same level of assistance to complete a voter registration form as it provides to complete its own forms);

4. Transmit the signed voter registration form within 10 days to the appropriate election officials. If the close of registration for federal election is within 5 days of the applicant’s signing, staff have only 5 days to transmit the signed application

5. Postage and other incidental costs are to be provided by the agency.
Schools have slightly different obligations.

The U.S. Department of Justice sued Pennsylvania because schools were not complying with the NVRA. That lawsuit resulted in a Consent Decree, and schools have specific obligations according to that Consent Decree. The Department of Education published a Basic Education Circular which details the activities required of school districts: [http://www.education.state.pa.us/portal/server.pt/community/purdon%27s_statutes/7503/voter_registration_as_part_of_transition_to_adult_life/507330](http://www.education.state.pa.us/portal/server.pt/community/purdon%27s_statutes/7503/voter_registration_as_part_of_transition_to_adult_life/507330)

School districts are only required to offer voter registration opportunities to students who have an Individualized Education Plan (IEP). The question of voter registration must be raised in the IEP planning process beginning at age 17, and then revisited yearly. Even if the earlier answer was “yes” and the student registered to vote, the District must check whether a change of address is appropriate.

The school district must –

- designate a contact person to coordinate the voter registration activities;
- mark the school district agency code on the registration form (or even better, request a pre-coded form using the request form attached in the Appendix below);
- provide the registration form and one-on-one assistance in filling it out (if requested); and
- pay postage or costs of transmitting the completed form to the County Department of Elections.

Instead of this IEP-centered process, school districts have the option of providing a school-wide voter registration program to all students – so long as it includes systems or individualized procedures for ensuring that the opportunity is offered to and accessible to IDEA students of similar age, to whom necessary individual assistance will be available upon request.
Appendix

Document 1: Agency voter registration order form

Document 2: Voter Registration Preference Form ("Declination Form")
Pennsylvania Department of State Voter Registration Order Form for Agencies

Voter Registration Applications come in cases of 1,500 or packs of 100.

<table>
<thead>
<tr>
<th>Date:</th>
<th>Phone:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact:</td>
<td>Email:</td>
</tr>
<tr>
<td>Agency:</td>
<td>County:</td>
</tr>
<tr>
<td>Address:_____________________________</td>
<td>City/State/Zip: _____________________</td>
</tr>
</tbody>
</table>

### Description of Form

<table>
<thead>
<tr>
<th>Description of Form</th>
<th>Abv.</th>
<th>Indicate Your Agency (X)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women, Infants &amp; Children Nutrition Clinics</td>
<td>WIC</td>
<td>Disability Agencies</td>
</tr>
<tr>
<td>Blindness &amp; Visual Services (BVS) District Offices, BVS Contractors, Centers For Independent Living (CIL), State Mental Retardation Centers, State Mental Health Hospitals, Office of Vocational Rehabilitation (OVR), Office of Mental Health and Addictions Services (OMHAS), County MH/MR Offices, Office of Mental Retardation (OMR)</td>
<td>Disability Agencies</td>
<td></td>
</tr>
<tr>
<td>County Assistance Offices</td>
<td>CAO</td>
<td></td>
</tr>
<tr>
<td>Clerks of Orphan’s Court</td>
<td>COOC</td>
<td></td>
</tr>
<tr>
<td>Children and Youth, Children and Early Learning Organizations</td>
<td>CY</td>
<td></td>
</tr>
<tr>
<td>Health Care not for profit, Health Care- managed care and other profit organizations</td>
<td>HC</td>
<td></td>
</tr>
<tr>
<td>Student Disability Services Offices at Universities within the State System of Higher Education, Bureau of Special Education, Special Ed Programs</td>
<td>SSHE</td>
<td></td>
</tr>
<tr>
<td>Area Agencies on Aging</td>
<td>AAA</td>
<td></td>
</tr>
<tr>
<td>Para-Transit Providers</td>
<td>Para-Transits</td>
<td></td>
</tr>
</tbody>
</table>

- Please send ______ voter registration mail application forms (English)
- Please send ______ voter registration mail application forms (Spanish)
- Please send ______ voter registration posters
- Please send ______ copies of the Pennsylvania Voting Guide

Please return this form by fax/mail/email to:

Bureau of Commissions, Elections & Legislation
Room 210 North Office Building
Harrisburg, PA 17102
717-787-5280 (phone)
717-705-0721 (fax)

ST-VOTERREG@state.pa.us (email)
You may use the attached form to register to vote. If you have moved or changed your name since you last registered to vote, you should use it to update your voter registration.

Please first complete the required information in this box:

<table>
<thead>
<tr>
<th>If you are not registered to vote where you live now, would you like to apply to register to vote here today?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Last Name</td>
</tr>
<tr>
<td>Signature</td>
</tr>
<tr>
<td>Check one box: [ ] Yes</td>
</tr>
</tbody>
</table>

If you do not check either box, you will be considered to have decided not to register to vote at this time.

Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.

If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.

If you complete the attached form and leave it with this agency, you will receive your voter registration card and the address for where you vote in the mail.

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 or other political preference, you may file a complaint with the Secretary of the Commonwealth, Pennsylvania Department of State, 302 North Office Building, Harrisburg, PA 17120, or call toll-free at 1-877-VOTESPA (1-877-868-3772).

**For staff only:** If client refuses to check or sign the above, print their name and provide the date above and then place your initials here ____________