

# VOTER REGISTRATION AND AFFORDABLE CARE ACT ENROLLMENT

A MANUAL FOR ENROLLMENT ASSISTERS

September 2015

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### **WE ARE NON-PARTISAN**

Project Vote is a 501(c)(3) non-partisan, non-profit organization. Non-partisan means that no aspect of this manual will, in any way, advocate, encourage, suggest, or imply the favoritism or preference of one political candidate or party over another.

### 1. Why is Voter Registration Required

Congress passed the National Voter Registration Act (NVRA) in 1993 to increase the number of citizens registered to vote in federal elections. The NVRA requires that all Health Benefit Exchanges offer specific services related to voter registration each time a client applies for health benefits or renews or recertifies their health benefits through the Exchange.

It is often referred to as the "motor voter" law because it requires states to offer voter registration assistance with driver's license applications and renewals. An equally important but less well-known provision of the NVRA is the requirement that states offer voter registration opportunities to clients of public assistance programs like SNAP, TANF, WIC and Medicaid. Because the Health Benefits Exchanges provide public assistance programs covered by the NVRA, such as Medicaid, all Health Benefits Exchanges must provide voter registration activities pursuant to the NVRA.

### 2. Why is Voter Registration During Enrollment Important?

### **Make Voting More Accessible to Low-Income and Minority Americans**

- People with low incomes face technology, access, information and other barriers in registering to vote.
- These are barriers that enrollment assisters are uniquely positioned to help clients overcome.

### **Build Stronger Communities**

- Lack of representation of low-income and minority voters means the people who are often the most affected by government policies are unable to change or participate in the conversation about those policies.
- If you are offering enrollment assistance as part of the work you do for a non-profit, your organization can have a stronger voice and greater impact if your clients vote.

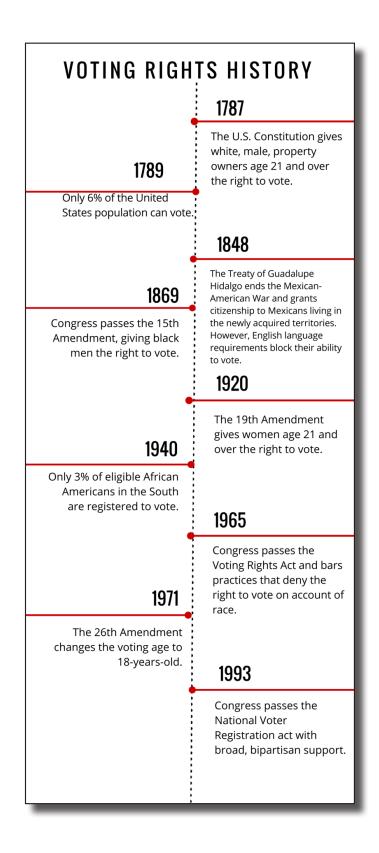
### **Empower and Improve the Health of Your Clients**

- Voting is empowering and can give your clients a greater sense of control in their lives and community.
- Community involvement, including registering to vote and voting, makes people feel more powerful and more connected to their community and country, which may improve health.
- The WebMD article "Voting Counts as a Healthy Habit" examines studies showing that voting may have a particularly powerful effect for the disadvantaged and people with a history of mental illness.<sup>2</sup>

I.The NVRA also requires that a client be offered voter registrations services whenever they report a change of address, but as most clients are not reporting a change of address to the Exchange except during a renewal transaction, Exchanges do not need to worry about this requirement.

 $<sup>2.</sup> The \ article \ is \ available \ on line \ at: http://www.webmd.com/mental-health/features/voting-counts-as-healthy-habit$ 

### **Key Dates in Voting History**



### 3. What Does the National Voter Registration Act Require

The NVRA requires that Health Benefit Exchanges offer the following voter registration services to all applicants applying for or renewing health benefits through the Exchange.

### In brief, Section 7 of the NVRA3 requires that Exchanges:

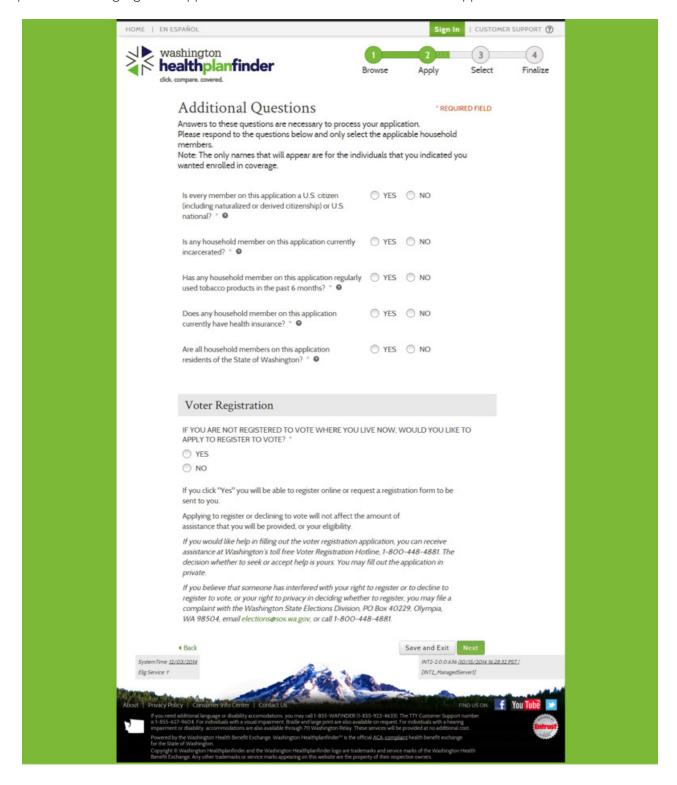
- 1. Provide the required voter registration question and disclosures to all clients.
- 2. Provide a voter registration form to clients, unless the client declines in writing to receive a form.
- 3. Provide assistance in the completion of the voter registration form at the same level of the assistance provided to complete the Health Benefit Exchange application.
- 4. Collect and transmit completed voter registration forms when a client gives a paper form to an enroll-ment assister or navigator.

These requirements are discussed in more detail below.

## A) Provide the required voter registration question and mandated disclosures in writing.

- The required voter registration question is: "If you are not registered to vote where you live now, would you like to apply to register to vote here today?"
- The required disclosures statements are:
  - > "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 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 ..."

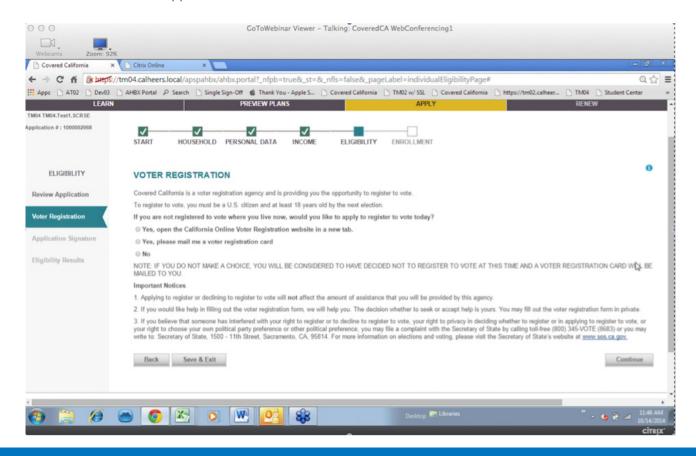
Your state's Health Benefits Exchange application should already have these required statements incorporated into the actual health benefits application. The following is a screen shot of the voter registration question and language as it appears in one state's online Health Benefits application:



## B) Provide a voter registration application form, unless the individual declines in writing by saying they do not wish to register to vote at this time.

- Providing a voter registration application form can be done in three ways:
  - > A link to state online voter registration portal.
  - > Access to a downloadable voter registration application that can be printed.
  - > An option for clients to request that voter registration application form is sent to them in the mail.
- State Health Benefits Exchange online application portals should offer an opportunity for clients to request that a voter registration application form be mailed to them. This mailing should come with a letter explaining why the voter registration is being sent and the contact information of where clients can get assistance completing the form if they have questions.
- Additionally, most Exchanges also offer a link to a downloadable voter registration application form
  and, if available, the state's online voter registration portal. Note: It is not enough to only provide a link
  to the online voter registration portal without an option to request a voter registration application by
  mail, because only holders of a State-issued driver's license or identification card can use the online
  voter registration portal.

Here is a sample of the options for distributing a voter registration applications that is part of one state's online Health Benefits application:



### C) Assist clients in completing the voter registration application.

• This can include helping the client navigate the online voter registration portal or completing a paper voter registration application. The assistance provided in completing voter registration applications must be the same as the assistance that is provided in helping clients complete the Health Benefit Exchange application.

## D) Collect completed voter registration forms and transmit them to election officials in a timely manner.

• If a client completes a paper voter registration form and wants to give it to an enrollment assister or navigator, the assister or navigator must collect the form and transmit it to the appropriate election official in a timely fashion. Assisters should have a system for processing completed forms. For more information, see Section 7 on page 16.

### **This Works!**

Since 1995, when the National Voter Registration Act went into effect, public assistance agencies alone have helped almost 12 million people register to vote.<sup>4</sup> When every frontline worker does their part, this system effectively invites people who might not otherwise have a chance to participate in our democracy to do so.

<sup>4.</sup> Project Vote compilation of EAC data found at: http://www.eac.gov/assets/1/documents/eac\_NVRA%20Report\_lowres.pdf and Demos compilation of EAC data found at: http://eac.gov/research/national\_voter\_registratoin\_act\_studies.aspx

## 4. What is Non-Partisan Voter Registration?

All voter registration done as part of ACA enrollment must be non-partisan.

### **NON-PARTISAN**

means you will not in any way advocate, encourage, suggest, or imply the preference of one political candidate or party over another.

### **NON-PARTISAN VOTER REGISTRATION**

means you will assist anyone to register to vote, no matter his or her political preferences or party.

### Being non-partisan means you CANNOT:

- Advise a client about which party to join.
- Make positive or negative comments about political parties or politicians that may affect your client's decision about which party to register with or to register at all.
- Dissuade clients in a different political party from yours from registering to vote.
- Only ask people who seem like they are in your political party to register to vote.
- Wear clothing or put up posters or stickers in your office promoting politicians or political parties.

#### You CAN:

- Discuss the importance of voting.
- Highlight that are important to your clients.

### Why is this important?

Acting in a partisan way may discourage citizens from registering to vote, which is detrimental to our democracy and communities. Moreover, it is important that while you offer assistance with enrollment in vital services, such as health benefits, you are non-partisan so as to not discourage people from enrollment. Finally, if you are providing enrollment assistance at a non-profit, your organization is probably a 501(c)(3) organization and you should be non-partisan in all of your work. If an organization or the employees of a 501(c)(3) organization engage in partisan activity, the organization can lose its funding and 501(c)(3) tax-exempt status, which can greatly hinder its ability to function.

## 5. Important Additional Considerations

### Voter registration cannot affect your client's enrollment.

When you ask clients about voter registration, it is important that they know the decision to register to vote is voluntary and their decision about voter registration, including their political party, will not affect their enrollment or eligibility to receive other services.

## Whether an individual decides to register to vote through the Exchange will remain private.

If a client is concerned about privacy, you can let them know that their decision to register to vote or not will be kept private and the fact that registered to vote through and have had a transaction with the Exchange will also be keep private. Additionally, the Exchange will not keep any information such as what political party, if any, the person is affiliated with.

## You cannot offer any incentive to have someone register to vote, or offer anything in exchange for their filling out a registration form.<sup>5</sup>

For example, the California Secretary of State interprets the federal law to mean that "[a]ny type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."

### You should ask everyone if they are interested in registering.

Don't make assumptions!

Your clients have the right to fill out their voter registration form in private.

### Only U.S. Citizens can register to vote.

This does not vary by state. Please find suggested language for talking to clients about citizenship and voting in Section 6. However, whether someone is eligible to register to vote should only be decided by election officials.

## If you have questions about voter registration in your state, you should contact your local or State election officials (usually the State Board of Elections or the Secretary of State).

Most have a website and I-800 number where you can get any additional information you might need. If your clients have questions about voter registration, it is best to also direct them to election officials.

<sup>5.</sup> California Secretary of State, Guide to Voter Registration Drives 10, available at http://www.sos.ca.gov/elections/guides/guide-to-vr-drives.pdf (last revised March 2013).

Here is a list of helpful things to know when talking to clients about voter registration. You should be able to get this information from your state elections website:

- Who is eligible to vote in your state?
- How can a homeless person register to vote?
- When can people with one or more felony convictions vote in your state?
- What is the deadline to turn in voter registration forms that you collect, or that your clients complete?

## 6. Best Practices: General, Telephone Transactions, and Online Portals

### A) General

**Appoint a Voter Registration Point-Person.** Every office should appoint one person as the voter registration point-person or captain to ensure compliance with the NVRA, help train new staff members on procedure and best practices, provide encouragement, and assist in monitoring and reporting on voter registration activities, where applicable.

### Make a Good "Ask"

#### **ARE YOU REGISTERED TO VOTE?**

How you talk to a client about voter registration has an enormous impact. The question, "Are you registered to vote?" simply isn't effective. It is too direct and can make your clients uncomfortable. Instead, we recommend you ask:

"Do you remember the last time you updated you voter registration?"

Or

"Do you know if your voter registration is all up-to-date?"

**Make it personal.** It's hard to reach people at an abstract, policy level. When your clients have strong opinions about "how things work," it can be really tempting to engage them or try to convince them they're wrong. Instead, really try to a) validate where they're coming from and b) bring the conversation back to why voter registration is important to you, your organization, and your community.

### **General Best Practices, Continued**

### Here are some tips for making it personal:

- As part of your ask, briefly explain why voter registration is important to your organization. You could say something like: "Voter registration is important to [your mission] because..."
- Make sure to draw from your organization's mission and language.
- You can also share the (non-partisan) reasons that you vote. For example, many people choose to vote because they have children and want to have the ability to shape their child's education, the city in which they grow up, and the kinds of opportunities they have later in their lives. Share what's personal to you. Just remember to keep the conversation positive.

**Help your clients make an informed decision**. Many of your clients will not be aware of reasons why they might need to update their voter registration. So if your clients say they do not need to update their voter registration, you can ask the following questions to make sure:

- "Have you moved recently, or since the last time you registered?"
- "Have you changed your name?" (Marriage/divorce)
- "Has it been a while since you last voted? If so, it's a good idea to update."

If the client says they don't have time or are tired of filling out forms, remember that it is their right to refuse to register to vote, but here are a few encouraging things you might say:

- "Good thing filling out this form only takes a few minutes!"
- "If you do this here, it would be completed and you can ensure that your voter registration application gets to election officials."
- "If you fill out the form with me, I can help you with any questions!"
- "This will be a piece of cake compared to your enrollment application."
- As a last resort, you can give your client a paper voter registration form to take home with them to complete at a later time. (See Section 7 for how to manage paper voter registration forms.)

Give your clients a heads-up that voter registration is part of the Health Benefits Exchange application. Many enrollment assisters give clients a short introduction to the Health Benefits Exchange application process at the beginning of each session. Consider adding voter registration into the description of what you will be discussing during the session. For example, you could say, "First, we're going to fill out your application, then we'll be choosing a plan. We'll also be talking about voter registration, which is one of the services we offer as part of your enrollment application." Giving your clients a "heads-up" helps ensure a smooth process when you get to the voter registration question in the application.

### **General Best Practices, Continued Further**

### When talking to non-citizens, remember:

- Non-citizens are not allowed to register or vote. However, once people become citizens they are allowed to register and vote. Many people are eligible to apply for citizenship but have not—you can encourage the client to double check their eligibility and consider applying for citizenship.
- Even if your client cannot register, he or she can help make sure eligible members of their household register (particularly U.S. citizen teenagers who will turn 18 before the next election)!

## When talking to clients about voter registration deadlines and voting, remember:

- A client may be curious about when, if they want to vote in an upcoming election, they must register to vote. When discussing voting and elections with clients, it is important to communicate that unless the client registers on or before the close of registration for a given election, the client will not be able to vote in that election.
- For example, you can say, "If you would like to vote in the upcoming primary, the voter registration deadline is [DATE]. If you register after that date, you won't be able to vote in the primary election."
- You can find information about upcoming elections in your state at your state's elections website.

### Sample voter registration ask:

ASSISTER: "The next part of enrollment is a question about voter registration. We're committed to making sure any of our eligible clients who would like to vote have that opportunity. (If applicable – "Voter registration is important our mission of [YOUR ORGANIZATION'S MISSION] because..."). You should know you are not required to update your voter registration information today in order to continue with enrollment. **Do you know if your voter registration information is all up-to-date?"** 

CLIENT: I'm not sure.

"Great, well I can make sure we get you all up-to-date right now!"

I'm not sure—I'm a little tired.

"I hear you—this was a long application process. This will take just a minute or two and if you fill this out with me, I can even submit the form/turn it in for you and save you a trip to the post office."

"Just one thing—are you a US citizen?"

Yes.

"And you're over 18?"

Yes

"Wonderful—let's get started"

### En español:

USTED: "Bueno, la próxima parte del proceso es una pregunta sobre su registro de votante. Tenemos la meta de que todos nuestros clientes elegibles sean registrados para votar. (Si es pertinente: Nos importa porque cuando nuestra comunidad está registrada para votar nos ayuda a cumplir nuestra misión de [MISION DE SU ORGANIZACIÓN].) Usted debería saber que no hay que inscribirse para votar para continuar con este proceso. **Cuando fue la última vez que usted actualizó su inscripción de votantes?**"

CLIENTE: No sé exactamente.

"Bueno, puedo asegurar que tenemos todo actualizado, ahora mismo."

Estoy muy cansada/o, no sé...

"Entiendo. Ha sido un día bastante largo. Pero esto sólo dura uno o dos minutos y si usted rellena el formulario aquí conmigo, lo puedo entregar yo." Sólo una cosita: ¿Es usted ciudadano/a de los Estados Unidos? ¿Y tendrá por lo menos 18 años antes de la próxima elección?"

Sí

"¡Buenísimo! Ya empecemos."

### **B) Best Practices for Telephone Transactions**

You often have less time with clients during a telephone transaction than during in-person transactions, but it is important to remember to include voter registration during your telephone conversations. In general, most states will mail a voter registration application to clients applying over the telephone who want to register to vote. We suggest that you:

- Tell clients who say they want to register to vote that a voter registration application will be sent to them in the mail.
- Make sure to tell clients that if they have any questions about completing the voter registration application, they should contact you or their local election officials. Be sure to communicate that help is available for them if they need it.
- Tell clients that after they receive the voter registration application in the mail, they will need to complete it and mail it to election officials before they are actually registered to vote. The voter registration application will provide the address where it should be mailed once completed.
- When discussing voter registration, even if your clients cannot register to vote when you are on the phone with them, it is still important to emphasize the importance of voter registration.

### C) Best Practices for Using Online Voter Registration

If your state has online voter registration, the Health Benefit Exchange Application should have a link to your state's online voter registration system. If that is the case, we recommend you:

- Ask your client if they have a driver's license or state ID card. If they do, strongly encourage them to take advantage of the online voter registration system. This is the easiest and most effective way for your clients that are eligible to register to vote.
- If your client wants to register, follow the link in the Health Benefits Application portal and then help your client complete the online voter registration application. This means going through each question with your client and making sure that all the required questions are answered.
- Using an online application form is a wonderful opportunity to help your clients register to vote—don't
  miss out because you forget to ask follow-up questions. For example, if your clients say they do not
  need to update their voter registration, you can ask the following questions to make sure they really do
  not need to update:
  - ''Have you moved recently, or since the last time you registered?''
  - > "Have you changed your name?" (Marriage/divorce)
  - > "Has it been a while since you last voted? If so, it's a good idea to update."

### **Best Practices for Using Online Voter Registration, Continued**

If the client says they don't have time or are tired of filling out forms, remember that it is their right to refuse to register to vote, but here are a few encouraging things you might say:

- "Good thing filling out this form only takes a few minutes!"
- "If you do this here, it would be completed and you can ensure that your voter registration application gets to election officials."
- "If you fill out the form with me, I can help you with any questions!"
- "This will be a piece of cake compared to your enrollment application."
- As a last resort, you can give your client a paper voter registration form to take home with them to complete at a later time. (See Section 7 below for how to manage paper voter registration forms.)

**Important:** If your client does not have a state ID or driver's license (and so may not be able to use the online voter registration form) and wants to complete a voter registration application, you can:

- Make sure to indicate on the application that your client would like to register to vote.
- Let the client know a form will come to them in the mail and that they will need to return it to the appropriate elections office at the address indicated on the voter registration form they receive.
- Consider having paper voter registration forms available in your office to provide to your clients who are unable to complete the online form. (See Section 7.)

## 7. Paper Voter Registration Forms and Collecting Completed Voter Registration Applications

Offering your clients the opportunity to complete a paper voter registration form during the enrollment process can be an extremely helpful supplement to your state's online voter registration portal and another way to fulfill the requirements of the NVRA. Having paper applications available is the best way to ensure that all your clients have an opportunity to register to vote during their in-person transactions. Additionally, if a client completes a voter registration application that they received through the Exchange and wishes to turn it in to you, assisters and navigators must accept the completed voter registration application and submit it to election officials in a timely fashion. Because of this, it is advisable to have a system in place for collecting completed paper voter registration applications.

### You should be able to access paper forms in your state in several ways.

• In some states, you can simply print copies of the form off of the State's website. In others, you may pick up hard-copy forms for free from your local elections office.

## Tips for developing an effective system for managing voter registration form collection:

- Designate a secure place to store completed forms. Keep completed voter registration forms in a neat and tidy, secure area of the office.
- Designate a person as responsible for transmitting the voter registration forms. Every person who collects voter registration forms needs to know to whom they are responsible for entrusting the completed forms—be it a coworker or election official. That person should be held accountable by management or be a manager themselves.
- Have a clear time frame for turning in or mailing completed forms. This time frame should fit your state's
  requirements. It is not recommended to keep completed forms for more than two weeks, so the time
  frame should be at least once a week or once every two weeks. You should also have a clear system for
  tracking upcoming voter registration deadlines, distributing that information to relevant staff, and making
  sure collected forms are turned in before the close of voter registration before any election.
- Make a clear decision about turning in (in person) vs. mailing completed forms.

### Remember to double-check forms for completion:

- It is extremely important to make sure the voter registration forms you collect from your clients are completely filled out.
- If you collect an incomplete form, the person who has filled out the form thinks he or she is now going to be registered and able to vote. However, it's possible that because of the missing information, he or she will not be able to do so. It is imperative that you pay close attention and double-check each voter registration form before your client leaves to make sure it has all the required information. At a minimum, ensure that the voter registration application is signed.

### Mistakes to avoid—NEVER:

- Ask anyone to fill in information on the application that is not true and accurate.
- Fill out or help someone fill out a voter registration application for a person without his or her consent or who is not present at the time of the application.
- Lead a person to believe what they are filling out is not a voter registration application.
- Fill in any information on an incomplete application (including checking any unchecked boxes) when the
  applicant is not present or without the applicant's consent. You must go ahead and submit even incomplete forms to election officials as they were given to you.

## 8. Best Practices for Tracking and Reporting

The NVRA requires that the number of completed voter registration applications from public assistance agencies, such as Health Benefits Exchanges, is tracked. This is usually done through systems set up by the election officials in your state and usually does not require enrollment assisters to do any tracking on your own. However, if you do decide to do so, tracking your voter registration activities can have numerous benefits for your organization.

### Useful data to collect and track includes:

- The number of covered transactions by transaction type (new application or renewals).
- Total responses to the voter registration question by response type (number of 'yes', 'no', and blank if the question does not have to be answered).
- The number of voter registration applications mailed or distributed.
- The number of completed voter registration applications submitted to election officials by your organization (this is the easiest number to collect).
- The number of online voter registration applications submitted by your clients.

### Benefits of tracking your voter registration numbers include:

- You can share your story with your partners. You're constantly communicating what you do to partner
  organizations, the state, and other community entities. Let them know that this is a service you're providing that you're serious about.
- You can improve the quality of your voter registration program. When staff members track the number of forms they collect and/or the number of their clients that submit online voter registration applications, it is easier to keep everybody on task and remembering to ask all your clients!
- You can strengthen your fundraising. The ability to incorporate an additional service and training is a great strength to show future funders. Additionally, when you are able to share successes about new programs with concrete numbers, your claims are even stronger. For example, instead of saying that you support your community with voter registration assistance, you can say that in the last year you collected a specific number of voter registration forms.

### **Best practices for tracking your activities:**

- Appoint a point person to collect data on a regular basis and manage tracking.
- Consider incorporating voter registration into your current tracking system.

## 9. Project Vote Contact Information

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### **DISCLAIMER**

The information contained in this manual is for general guidance only. It does not constitute legal advice and should not be used as a substitute for consultation with professional legal or other competent advisers. Project Vote is not responsible for any errors or omissions, or for the results obtained from the use of this information.

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