NVRA SECTION 7 BEST PRACTICES
webinar for the
Arizona Division of Elections

Archita Taylor and Sarah Brannon
Project Vote

OVERVIEW

• Basic NVRA requirements
• In-person and remote procedures
• Offering assistance
• Personnel and training
• Quality control
• 3rd-party contractors
• Paperless transactions
• Why it matters
• Recap

BASIC REQUIREMENTS
BASIC REQUIREMENTS

For anyone who walks in:

(1) Make voter registration forms available
(2) Provide assistance in completing the forms
(3) Accept form for transmittal to election officials

BASIC REQUIREMENTS

• Required ("Covered Transactions")
  – Application
  – Recertification
  – Renewal
  – Change of Address
• Suggested
  – Change of Name

BASIC REQUIREMENTS

For clients:

(1) With EACH covered transaction
   — provide voter information form
   — provide voter registration application
     UNLESS the person declines in writing
(2) Provide “the same degree of assistance” completing the VR app and agency forms
(3) Accept form for transmittal to election officials
(4) Keep it non-partisan
In-Person and Remote Procedures

Seamless Form Design

- VR offer within the benefits paperwork or attached?
- VR offer and application as 1 step or 2?

BLANKS / OPT-OUT DISTRIBUTION

- Distribute a voter registration form “unless the applicant, in writing, declines to register to vote”
- Opt-out distribution
BLANKS / OPT-OUT DISTRIBUTION

• Example from Massachusetts (Voter Registration Workbook for Agencies, page 14)
  – “[I]f the person checks “Yes” or fails to check a box in response to the voter registration question, agency personnel must give the applicant the agency voter registration application. Unless the person refuses assistance, assistance must be provided to him or her in completing the application. . . . If the person answers the voter registration question by checking “No” and signing the voter preference form, the discussion of voter registration is ended. If the person checks “No” but does not sign the form or does not check any of the boxes, agency personnel must distribute a mail-in agency voter registration application.”
Partial screenshot from Michigan Bridges Online Application:

REMOTES — Online

• When transaction is entirely by mail (typically redetermination or change of address/name)

• Include voter reg application, pre-paid return envelope, & cover letter that explains why the person is receiving it and includes required disclaimers

• Cover letter examples: AL, MA, OK, PA
REMOTES — Telephone

- Interviews & Change of Address
- Still have to distribute in absence of a declination in writing

REMOTES — Email & Fax

ASSISTANCE
ASSISTANCE

- Affirmative offer
- Same level of assistance
- Keep it non-partisan

ASSISTANCE

Agency employees must NOT:

- Influence the applicant’s political preference or party registration;
- Display any political preference or party allegiance;
- Discourage the applicant from registering to vote (either by word or action);
- Lead the applicant to believe that registering or not registering will affect the availability of services or benefits

ASSISTANCE

What TO do:

- Ask about voter registration if the client leaves the question blank
- Check that all required fields are completed
- Check for signature
- Answer basic questions (ex: eligibility requirements, what to do if the person does not have a driver’s license number)
- Understand registration deadlines
- Provide language assistance, if applicable
ASSISTANCE

Partial screenshot from OK's Voter Reg. Application Checklist:

Other points of consideration:
- Eligibility
- Political Party
- Photocopying proof of citizenship if using the State form
- Federal vs State form
NVRA COORDINATORS

• Statewide
  – Elections Division
  – Each public assistance agency
• Local
  – Each public assistance office

NVRA COORDINATORS

• Elections Division NVRA Coordinator:
  – Point of contact for agency coordinators
  – Provides support, guidance, and training to agencies
  – Reviews/analyzes data to look for problems
  – Reports suspected or known compliance problems to the appropriate agency
  – Provides agency coordinators with all voter registration deadlines (at beginning of year + timely reminders)

NVRA COORDINATORS

• Agency NVRA Coordinators:
  – Coordinate with Elections Division Coordinator, as well as the Local Agency Coordinators w/in their agency
  – Be able to assist Local Agency Coordinators and other employees with any questions or challenges pertaining to voter registration
  – Maintain current list of Local Agency Coordinators
  – Ensure that Local Agency Coordinators have the necessary training, as well as the voter registration deadlines and reminders
  – Ensure that Local Agency Coordinators and agency offices/employees are in compliance
  – Compile and analyze office-level data
NVRA COORDINATORS

- Local Agency NVRA Coordinators:
  - Coordinate with Agency Coordinator
  - Be able to answer questions from clients and employees about voter registration services
  - Ensure adequate supply of NVRA-related materials
  - Ensure employees are properly trained and following procedures
  - Report all necessary data
  - Be responsible for ensuring transmittal of completed voter registration applications
  - Ensure that any complaints are handled appropriately

TRAINING

- Orientation + Annual training
- Training for all versus Train-the-Trainers
- In person versus online
  - Ex: Oklahoma online
- Knowledge checks (ex: Florida)

QUALITY CONTROL
QUALITY CONTROL — Data Tracking

• Coded voter registration forms
  – bar codes (ex: Oklahoma, Oregon)
  – pre-printed codes (ex: Massachusetts)
  – hand-written codes (ex: Massachusetts)

QUALITY CONTROL — Data Tracking

• Data from Agency offices
  – Case Management System
  – Electronic reporting (ex: Oregon)
  – Excel spreadsheets (ex: Georgia SOS, New Mexico HSD)
  – Paper reporting

QUALITY CONTROL — Monitoring

• Both Agency and SOS Coordinators
• Review for potential problems
QUALITY CONTROL — Evaluations

• Interview Observations
  – Offer? Assistance? Acceptance?
• Office Observations
  – Signs about voter reg?
  – Voter reg forms available to public?
  – Sufficient quantities of voter reg materials?
• Annual employee performance review
  – Consistent compliance with NVRA policies?
  – Any questions about NVRA policies?

QUALITY CONTROL — Public Postings

• California
  – Yearly & monthly NVRA reports by county & office
• Massachusetts
  – Quarterly NVRA reports
• North Carolina
  – Monthly reports
• Oklahoma
  – NVRA text
  – NVRA settlement agreement
  – Monthly statistical reports
  – Contact info for SEB & Agency-level NVRA Coordinators
• Virginia
  – Monthly NVRA statistics report by county & type of agency

THIRD-PARTY CONTRACTORS

• DOJ FAQs: “When a state contracts with a private entity to administer services in an agency that is required to offer voter registration, the ultimate responsibility for ensuring provision of voter registration services remains with the state, and the voter registration requirements under the NVRA remain the same.”

• See also DOJ Statement of Interest in Action NC v. Strach, 1:15-cv-01063, Doc 84 (M.D.N.C. May 20, 2016)
THIRD-PARTY CONTRACTORS

Best way to comply:

• Include voter registration requirements in the contracts (see example)
• Provide training & voter registration materials.

AUTOMATED TRANSFER

– Paperless
– Clients must still affirmatively complete the voter registration information
– Ex: Delaware, Oklahoma (coming soon)

WHY IT MATTERS

• Congress intended that “government should do all it can to make registration widely and easily available”
  – S. Rep. No. 103-6, at 13
• Section 7 is designed to reach “the poor and persons with disabilities who do not have driver’s licenses and will not come into contact with [motor vehicle agencies]”
WHY IT MATTERS

Arizona-specific numbers:
• 2013-2014 EAC Report = 17,063 (1.2%) VR apps from public assistance agencies
• Program Participation
  – SNAP 2014 monthly average = 1,044,310 (persons) / 449,640 (household)
  – WIC 2014 monthly average = 37,317 (women)
• 2014 CVAP Voter Registration Gap
  – Less than $20K = 54%
  – More than $100k = 79%

RECAP - WRITTEN POLICY

• Available to the public
• Covered transactions
• Process by transaction type – in-person, online, mail, telephone, email/fax
• Voter preference form / blanks
• Assistance
• Transmission
• Confidentiality
• Prohibitions – 52 USC 20506(a)(5)
• Record Retention
• Data Collection
• Training
• Employee Evaluations
• NVRA Coordinators

Relevant URLs

• ACLU & Center for Accessible Technology, Access Denied: https://www.aclu.org/report/access-denied-barriers-online-voter-registration-citizens-disabilities
• OK, NVRA Training Powerpoint: http://courses.oucpm.org/dhslms/courses/course369/index.php?userID=DEMOUSER&courseID=OLC_C369&olc_type=0
• OK, Voter Registration Training: http://fsquest.oucpm.org/subject/voter-registration/
• OR, Agency VR Reporting Form: http://bvc.oregon.gov/elections/Pages/voter-registration-reporting.aspx
Relevant URLs

- OK, NVRA Reports: https://www.ok.gov/elections/About_Us/National_Voter_Registration_Act/
- MA, NVRA Reports: http://www.sec.state.ma.us/ele/elenvra/nvraquarterlyreports.htm
- CA, NVRA Reports: http://www.sos.ca.gov/elections/voter-registration/nvra/reports/