STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814

December 4, 1995

ALL COUNTY INFORMATION NOTICE NO. I-56-95

Medi-Cal All County Welfare Directors' Letter 95-78

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR TRANSMITTAL

[ ] State Law Change
[X] Federal Law Change
[ ] Court Order or Settlement Agreement
[ ] Clarification Requested by One or More Counties
[ ] Initiated by CDSS

SUBJECT: IMPLEMENTATION OF NATIONAL VOTER REGISTRATION ACT OF 1993 INCLUDING FLAGGING OF QUESTIONABLE APPLICATIONS

REFERENCE: All County Letter No. 95-26/Medi-Cal All County Welfare Directors' Letter 95-36

This notice provides further implementation instructions to the County Welfare Departments (CWDs) on the National Voter Registration Act of 1993 (NVRA) as indicated in ACL No. 95-26/Medi-Cal All County Welfare Directors' Letter 95-36, which noted that the Court-adopted state plan of implementation included "flagging" of questionable registration forms. Although decisions on registration can only be made by the county registrar of voters or the Secretary of State, "flagging" will be used by CWDs when the county has specific knowledge that the applicant does not meet voter eligibility requirements.

The enclosed "Social Services Agency Flagging Procedures" was jointly agreed to by the Secretary of State and the participating Social Services agencies. Also enclosed is a revised declination form which clarifies that the decision not to register is confidential and expands the agency file information at the bottom of the form. Supplies of this form or camera ready copies are available from your county registrar of voters.

The Secretary of State and the county registrars continue primary responsibility for NVRA implementation. If you have questions about this letter, however, please contact Ellen O'Connor in the Food Programs Branch at (916) 653-5420 or Marlene King in the Medi-Cal Eligibility Branch at (916) 657-0134.

ORIGINAL SIGNED BY,

Bruce Wagstaff
Deputy Director
Welfare Programs Division

ORIGINAL SIGNED BY,

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

Enclosures

SOCIAL SERVICES AGENCIES FLAGGING PROCEDURES

UNIFORM PROCEDURES FOR "FLAGGING" QUESTIONABLE VOTER REGISTRATION FORMS EXECUTED BY CLIENTS OF SOCIAL SERVICES, REHABILITATION, DEVELOPMENTAL SERVICES, FRANCHISE TAX BOARD, BOARD OF EQUALIZATION, AND WOMEN/INFANTS/CHILDREN PROGRAM OFFICES

The court-ordered plan for implementation of the National Voter Registration Act (NVRA) directed the Secretary of State and state social services agencies to develop procedures for "flagging" questionable registration applications in order to ensure the Act's purposes are met in the area of voter eligibility. The implementation plan directed "flagging" of completed voter registration cards in cases "when the employee has specific knowledge that the applicant does not meet voter eligibility requirements, including citizenship."

The following procedures have been developed to meet the NVRA's legal requirements that potentially ineligible registrants be brought to the attention of elections officials. The procedures should be easy to administer, are consistent with the Act's confidentiality mandates, and are intended to safeguard agency personnel from danger, harassment or retaliation from applicants who workers believe may not be eligible to legally register to vote. Importantly, they also establish a uniform statewide standard easily administered by staff in all 58 counties.

Since it is a crime under the NVRA for any person to knowingly and wilfully submit a voter registration application that is known by the person to be materially false, fictitious or fraudulent, "flagging" is intended to protect agency personnel and the integrity of the state's voter files.

The following are guidelines for "flagging" registrations when an agency employee, at the time assistance is provided to the client, knows the client is not eligible to register to vote and that the client has provided false information on the registration form.

The employee providing voter registration assistance at designated agencies should""**flag" only those cards known to contain false information at the time assistance is provided. No search of files should be done** to determine or verify a registrant's eligibility to register to vote. Please note, however, that **no applicant is to be refused the right to complete the registration form.** Registrants whose forms are "flagged" will still be added to voter rolls by county elections officials and then forwarded to the Secretary of State's Office for investigation to determine eligibility and the necessity of any follow-up action to remove an ineligible individual from the voter rolls.

A self-sticking "flag", removable yet secure for marking pages, should be attached to the completed form; it is suggested that employees attach this "flag" when the form is completed and returned to staff for transmittal to the county elections offices (immediately after the applicant has left the area or completed the transaction with the agency). **These markers are the color-tipped tape "flags" which have clear tape at one end and a colored "flag" at the other, and which measure approximately 1" by 1-3/4".** The yellow square sticky pads are not to be used to "flag" these questionable forms. **Employees may NOT make ANY permanent marks on the registration forms.**

The origin of the registration form (be it a social service, rehabilitation or developmental services agency, the Franchise Tax Board, the Board of Equalization, or other non-DMV agency) must be **confidentially protected**, so all involved agencies will use the same procedures and use of this tape "flag" will not allow anyone to link the registration form's origin to a particular office or agency. When the flag is removed by elections officials, the **form will not be identifiable as having been previously "flagged"**.

If the applicant checks the box on the card that he or she is not a citizen or if the applicant is not yet 18 years old but fills in his or her correct birthdate on a voter registration form, the form need NOT be "flagged" because the information is not false and the elections officials can make the appropriate determination. **If the registrant chooses to take the card to complete and mail at a later time, there likewise is no requirement to attempt to "flag" or otherwise report such actions.**

You are also reminded that **agency employees are NOT required to sign as having assisted** the applicant in completion of the card (box #13).

Finally, it would enhance the integrity of this "flagging" process if **"questionable" (i.e., "flagged") registration forms could be segregated from the others when transmitting them to the county elections officials.** By putting them together with a rubber band, paper clip, or whatever tool is most convenient and "batching" them, if a "flag" becomes detached from the form during transit, elections officials will still know the registration is one needing special review.

Your prompt implementation of these new procedures is appreciated. If you have any questions, feel free to discuss them with your local elections official or call us.

flag.doc

WOULD YOU LIKE TO REGISTER TO VOTE?

TO REGISTER TO VOTE IN CALIFORNIA, YOU:

1. Must be a **citizen** of the United States;
2. Must live in the State of California;
3. Must be at least 18 years old by the date of the next election, and;
4. Must **not** currently be in prison or on parole for the conviction of a felony, or be judged by a court to be mentally incompetent to vote.

WARNING: Under state and federal law, it is a crime to submit a voter registration affidavit if you know you are not eligible to register to vote.

IMPORTANT NOTICES

1. **Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.**
2. If you would like help in filling out the voter registration application form, we will help you. It's your choice. You may fill out the application form in private.
3. If you decline to register to vote here today, that information is confidential and may not be used for any purpose other than voter registration. If you do register to vote here today, that information, including the office at which you are registering, is also confidential.
4. 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 State by calling toll-free 800-345-VOTE or write to: Secretary of State, 1500 11th Street, Sacramento, CA, 95814.
5. If you move to a new address, or if you change your name or want to change your political party, you must fill out a new voter registration form.

Would you like to apply to register to vote here today?

(Check One)

☐ I am already registered to vote at my current address, or I am not eligible to register to vote, and do not need an application to register to vote.

☐ **YES.** I would like to register to vote. (Please fill out the attached form)

☐ **NO.** I do not want to register to vote.

(NOTE: IF YOU DO NOT CHECK ANY BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.)

Please sign your name here: _____ _____

SIGNATURE DATE

This form will be retained with this agency.

(For Agency Use Only)

Voter registration form completed: YES _____ NO _____ DECLINED _____

If applicant wanted to register, form was: GIVEN TO CLIENT _____ MAILED _____

If client declined to register but failed to sign declination form, check here _____

Applicant's Name _____

Employee Initials _____ Date _____