ALL COUNTY INFORMATION NOTICE NO. I-46-94
MEDI-CAL ALL COUNTY WELFARE DIRECTORS' LETTER

TO:    ALL COUNTY WELFARE DIRECTORS

SUBJECT: IMPLEMENTATION PLAN FOR THE NATIONAL VOTER REGISTRATION ACT OF 1993

The purpose of this notice is to provide information to the county welfare departments (CWD) on the implementation of the National Voter Registration Act (NVRA) of 1993. The NVRA (attached) is due to be effective January 1, 1995.

BACKGROUND:

On May 20, 1993, President Clinton signed the NVRA which requires states to provide voter registration services at all public assistance (Aid to Families with Dependent Children [AFDC], Food Stamp, Medi-Cal, and Women, Infants and Children [WIC]) offices. The NVRA requires that a mail voter registration form be provided at the time of application, redetermination/recertification and when there is a change of address. As required by NVRA, the CWD must assist in completing the form when requested to do so and must forward the completed, pre-addressed mail voter registration forms within specified timeframes.

To maintain federally-mandated confidentiality standards, mail voter registration forms and all other voter registration materials will be separate from AFDC, Food Stamp, Medi-Cal, and WIC Program forms.

COORDINATION OF NVRA WITH OTHER AGENCIES:

The Secretary of State (SOS) or county elections officials will provide all forms, notices and other materials necessary to the voter registration process. Forms include the standard Voter Registration Form and a separate camera ready instructional and declination form which provides questions and information on voter registration and includes an acknowledgment line to be signed by the client. Procedural information on implementation of the NVRA was provided in the April 22, 1994, letter from the SOS to all county clerks and registrars of voters.

It is the intent of both the California Department of Social Services (CDSS) and of the California Department of Health Services (CDHS) that the NVRA be implemented with minimal program disruption, consistent with the Executive Order issued by the Governor (attached).
POLICY AND PROCEDURES:

Application to Register to Vote

The CWDs will provide the instruction and declination form, and the mail Voter Registration Form to all AFDC, Food Stamp, Medi-Cal and WIC program clients at application, redetermination/recertification and whenever there is a change of address. Confidentiality will be ensured by use of a standard California mail Voter Registration Form. The instruction and declination form will be retained by the county.

Voter Registration Form

If assistance in completing the Voter Registration form is requested, the NVRA requires that the CWD will provide the same level of assistance as is provided in completing program forms. The NVRA prohibits any person who provides voter registration services from seeking to influence an applicant's political preference or party registration; displaying any political preference; making any statement or taking any action to discourage registration or leaving an applicant with the impression that a decision to register or not to register has any bearing on the availability of program services or benefits.

The client can take the pre-addressed, postage paid mail-in Voter Registration Form and mail it or the client may leave the form with the CWD for transmittal to election officials. All completed forms accepted at the CWD must be mailed to the appropriate election official within ten days after the date of the acceptance unless the registration form is accepted within five days before the last day for registration to vote in an election. In the latter case, the Registration Form must be transmitted no later than five days after the date of acceptance by the CWD. The SOS suggests that the forms regularly be mailed within five days, in order to avoid confusion and possible delays in submission.

Federal Financial Participation

Funds needed to prepare to implement the NVRA for the period prior to January 1, 1995, were estimated and will be included in county allocations for State Fiscal Year 1994-95. In accordance with the provisions of an Executive Order issued by the Governor, until such time as 100% federal funding is available to implement the NVRA, the nonfederal share of any costs incurred after January 1, 1995, shall not be borne by the State General Fund.
An Act

To establish national voter registration procedures for Federal elections, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "National Voter Registration Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the right of citizens of the United States to vote is a fundamental right;
(2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and
(3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;
(2) to make it possible for Federal, State, and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;
(3) to protect the integrity of the electoral process; and
(4) to ensure that accurate and current voter registration rolls are maintained.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));
(2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));
(3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority.
(a) the statement: "If you believe that someone who is not registered in the State interfered with your right to register or to decline to register in the State, or that your right to privacy in making a political decision was interfered with by the State, you may file a complaint with the office of the State election official 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.

(2) No information relating to a declaration of a person to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than for voter registration.

(b) FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) ARMED FORCES RECRUITMENT OFFICER.—(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.

(d) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 6 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 6 days after the date of acceptance.

42 USC 1973c-6
SEC. 6. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.

(a) IN GENERAL.—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lessor of 30 days, or the period provided by State law, before the date of the election; or

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lessor of 30 days, or the period provided by State law, before the date of the election;

(2) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lessor of 30 days, or the period provided by State law, before the date of the election.

(b) REQUIREMENT OF VOTER REGISTRATION.—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with this Act and the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) VOTER REMOVAL PROGRAM.—(1) A State may meet the requirement of subsection (a)(2) by establishing a program under which—

(A) a change-of-address notification provided by the Postal Service through its procedures is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that

(i) a registrant has moved to a different residence address in the same registering jurisdiction in which the registrant is currently registered, the registrant changes the registration record to reflect the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid return address by which
the registrant may verify or correct the address information; or
(iii) the registrant has moved to a different residence address not in the same registrar’s jurisdiction, the registrar uses the notice procedure described in subsection (d)(3)(A) to confirm the change of address.

(2)(A) A State shall establish, not later than 90 days prior to the date of a primary or general election for Federal office, a central location with a list of eligible voters in an area covered by one polling place within the registrar’s jurisdiction, and any program the purposes of which is systematically record the names of ineligible voters from the official list of eligible voters.

(b) Subparagraph (A) shall not be construed to preclude—
(i) the removal of names of ineligible voters from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—
(A) consents in writing that the registrant has changed residence to a place outside the registrar’s jurisdiction in which the registrant is registered;
(B) has failed to respond to a notice described in paragraph (2); and
(ii) has not voted to approve the notice, and, if necessary, correct the registrant’s record of the registrant’s address in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:
(A) if the registrant did not change his or her residence, or changed residence but remained in the registrar’s jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(3)(C).
(B) If the Second General Election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period, the registrant’s name will be removed from the list of eligible voters.
(C) If the registrant has changed residence to a place outside the registrar’s jurisdiction in which the registrant is registered, information concerning the how the registrant can continue to be eligible to vote.

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the area covered by a polling place in an election before the change of address prior to the date of an election, be permitted to vote at the polling place upon oral or written affirmation by the registrant of the change of address prior to the date of an election, at the option of the registrant—
(i) shall be permitted to correct the voting records and vote at the registrant’s former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or
(ii) shall be permitted to correct the voting records and vote at a central location within the same registrar’s jurisdiction designated by the registrant, upon written confirmation by the registrant of the new address.

(2)(A) A State shall permit the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(XIX) and voting at the other locations described in subparagraph (A) need not be provided as options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall not be eligible to vote.

(f) CANCELLATION OF VOTER ADDRESS WITHIN JURISDICTION.—

(1) In the event of a change of address, for voting purposes, of a registrant within another address within the same registrar’s jurisdiction, the registrant shall correct the voting registration list accordingly, and the registrant’s name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(2) A notice given pursuant to paragraph (1) shall include—
(A) the name of the offender;
(B) the offender’s address;
(C) the date of entry of the judgment; and
(D) a description of the offenses of which the offender was convicted; and
(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect of a conviction excluding all of the functions of government of the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the notice to whom the notice was given written notice of the decision of the judgment.

(5) The chief State election official shall notify the voter registration officials on the local jurisdiction in which the offender resides of the information received under this subsection.


Public Law 103-31—May 20, 1993

Area than a municipality, the geographic area provided by
this Act of Congress, the geographic areas provided for
by 1993, be included in an area that includes
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PUBLIC LAW 108-31—MAY 29, 1993

SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) PRIVATE RIGHT OF ACTION.—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 60 days after receipt of a notice under paragraph (1), or within 70 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) ATTORNEY’S FEES.—In a civil action under this section, the court may allow the prevailing party, other than the United States, reasonable attorney fees, including litigation expenses, and costs.

(d) LIMITATION ON OTHER LAWS.—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

SEC. 12. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulating of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held.

shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury), in accordance with section 3302 of title 31, United States Code, notwithstanding any other law, or imprisoned not more than 5 years, or both.

SEC. 13. EFFECTIVE DATE.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintains separate Federal and State official lists of eligible voters, on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

Approved May 20, 1993.

LEGISLATIVE HISTORY—H.R. 2134 (H.R. 2134).

HOUSE REPORTS No. 103-79 (Comm. on House Administration) and 103-66
(Comm. on Government Operations).

SENATE REPORTS No. 103-185 accompanying S. 1038 (Comm. on Rules and Administration).


May 6, 1993, considered and passed House.

May 18, 11, 14, 17, 20, considered, passed in Senate.

May 26, House agreed to conference report.

May 28, Senate agreed to conference report.

EXECUTIVE ORDER W-98-94

WHEREAS, the federal government has enacted the National Voter Registration Act of 1993 ("NVRA") establishing new unfunded mandates and procedures pertaining to elections for federal office; and

WHEREAS, Section 4 of the NVRA requires states to establish procedures for voter registration in elections for federal office by application made simultaneously with an application for motor vehicle driver's license; and

WHEREAS, the NVRA requires that certain offices be designated as voter registration agencies to provide specified voter registration assistance to applicants and recipients of public assistance to persons with disabilities receiving services in certain state funded programs commencing January 1, 1995; and

WHEREAS, the NVRA requires that other offices within the State be designated as voter registration agencies; and

WHEREAS, the NVRA fails to provide adequate federal funding, but compels states and local governments to enact a federal program by diverting resources from existing programs and services already facing funding shortages; and

WHEREAS, the right to vote is a fundamental right guaranteed to United States Citizens under the state and federal Constitutions; and

WHEREAS, existing state and federal law does not require adequate verification of citizenship as a condition of voter registration and therefore permits an unacceptable number of non-citizens to register and vote in the State of California; and

WHEREAS, the terms of the NVRA provide for it to take effect on January 1, 1995;

NOW, THEREFORE, I, PETE WILSON, Governor of the State of California, hereby request that the California Legislature memorialize Congress to repeal all limitations of the states' ability to verify citizenship, and by virtue of the powers and authority vested in me by the Constitution and laws of this State do hereby issue this order to become effective immediately:

1. The Department of Motor Vehicles is directed to comply with the provisions of NVRA pertaining to the simultaneous application for a motor vehicle driver's license and voter registration.

2. Pursuant to sections 7 (a)(2)(A) and 7 (a)(2)(B) of the NVRA, the following offices are hereby designated as voter registration agencies:

a. County welfare department offices which accept applications and administer benefits for the Aid to Families With Dependant Children program (AFDC) and the Food Stamp program.
b. County welfare department offices which accept applications and administer benefits for the Medi-Cal program and, with the agreement of the Social Security Administration, Social Security Offices which accept and process applications for the Supplemental Security Income/State Supplemental Payment program.

c. County welfare department offices and community based non-profit organizations, under contracts with the Department of Health Services, which accept applications and administer benefits for the Women, Infants and Children program (WIC).

d. Offices of the State Department of Rehabilitation which provide vocational rehabilitation services.

3. The following offices are hereby designated as voter registration agencies pursuant to Section 7(a)(3)(A) of the NVRA:

a. Franchise Tax Board district offices which provide public access for income tax and Homeowner and Renter Assistance forms, instructions and assistance.

b. State Board of Equalization district offices which provide services to the public.

4. Consistent with state and federal law, all agencies subject to this order shall make vigorous efforts to prevent fraudulent voter registration, including the prevention of registration by non-citizen residents of the State.

5. The Department of Motor Vehicles, Department of Social Services, Department of Health Services, and Department of Rehabilitation shall take all steps necessary, including the development of forms and the promulgation of emergency guidelines and regulations as necessary and appropriate under state and federal law, to comply with the NVRA by January 1, 1995. After January 1, 1995, agencies providing voter registration services pursuant to this order shall implement the NVRA to the extent federal funding is made available for such purposes.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 12th day of August 1994.

[Signature]
Governor of California

ATTEST: [Signature]
Acting Secretary of State