

DEPARTMENT OF SOCIAL SERVICES

4 P Street, Sacramento, CA 95814

December 21, 1994

Letter No.: 94-85



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

TO: ALL COUNTY WELFARE DIRECTORS

Reason for this Transmittal
<input type="checkbox"/> State Law Change
<input checked="" type="checkbox"/> Federal Law Change
<input type="checkbox"/> Court Order or Settlement Agreement
<input type="checkbox"/> Clarification Requested by One or More Counties
<input type="checkbox"/> Initiated by CDSS

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.

Public Law 103-31
103d Congress

An Act

May 20, 1993
(11 R 1)

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,

National Voter
Registration Act
of 1993.

SECTION 1. SHORT TITLE.

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

Inter-
governmental
relations
42 USC 19137e
note.
42 USC 19137e.

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.

42 USC 19137e-1.

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;

form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) **AVAILABILITY OF FORMS.**—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) **FIRST-TIME VOTERS.**—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

- (A) the person was registered to vote in a jurisdiction by mail; and
 - (B) the person has not previously voted in that jurisdiction.
- (2) Paragraph (1) does not apply in the case of a person—
- (A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);
 - (B) who is provided the right to vote otherwise than in person under section 3102X(h)(4) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 10602X(h)(4)) or
 - (C) who is entitled to vote otherwise than in person under any other Federal law.
- (d) **UNDELIVERED NOTICES.**—If a notice of the disposition of a mail voter registration application under section 3102X(h) is sent by nonforwardable mail and is returned undelivered, the registrant may proceed in accordance with section 8(d).

SEC. 7. VOTER REGISTRATION AGENCIES.

(a) **DESIGNATION.**—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

- (A) all offices in the State that provide public assistance; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(4) Voter registration agencies designated under subparagraph (A) may include—

- (i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, unemployment compensation offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and
- (ii) Federal and nongovernmental offices, with the agreement of such offices.

(4A) At each voter registration agency, the following services shall be made available:

- (i) Distribution of mail voter registration application forms in accordance with paragraph (6).
- (ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(4) If a voter registration agency designated under paragraph (2)(1) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(6) A person who provides services described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance;

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(D) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(6) A voter registration agency that is an office that provides services or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2), including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 9(a)(2).

(B) provide a form that includes—

- (i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(iii) for the applicant to check to indicate whether the applicant would like to register or declines to register to vote (failure to check either box being deemed to constitute a declaration to register for purposes of subparagraph (C)), together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECLINED NOT TO REGISTER TO VOTE AT THIS TIME.";

(iv) the statement, "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; and

agency, it is the duty of the agency to accept at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(1) 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 lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official list of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant. In accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 6, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) **CONTINUATION OF VOTER REGISTRATION.**—Any State process 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 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 PROHIBITION.**—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees 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 registrant's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which

(v) the statement, "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 blank being filled by the name, address, and telephone number of the appropriate official to whom such a complaint should be addressed; and

(2) 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.

(7) No information relating to a declaration to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than 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 OFFICES.**—(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) **TRANSNATURAL DOMICILE.**—(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.

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 6, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(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 lesser of 30 days, or the period provided by State law, before the date of the election;

the registrant may verify or correct the address information, or

(ii) 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)(2) to confirm the change of address.

(2XA) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(ii) Subparagraph (A) shall not be construed to preclude—
(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4A) of subsection (a); or
(ii) correction of registration records pursuant to this Act.

(d) REMOVAL OF NAMES FROM VOTING LISTS.—(1) A State shall not remove the name of a registrant 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) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B) has failed to respond to a notice described in paragraph (2); and
(ii) has not voted or appeared in vote (and, if necessary, correct the registrar'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 first-class 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)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal 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, 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.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with changes of residence information obtained in conformance with this subsection.

(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 to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2XA) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar 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 registrar 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 registrar where a list of eligible voters is maintained, upon written affirmation by the registrar of the new address on a standard form provided by the registrar at the central location; or

(iii) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrar of the new address by such means as are required by law.

(ii) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrar of the new address at a polling place described in subparagraph (A)(i) or (A)(iii), 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, upon oral or written affirmation by the registrar before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(d) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.—In the case of a change of address, for voting purposes, of a registrant in another address within the same registrar's jurisdiction, the registrar 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 (b).

(e) CONVICTION IN FEDERAL COURT.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

- (A) the name of the offender;
- (B) the offender's age and residence address;
- (C) the date of entry of the judgment;
- (D) a description of the offenses of which the offender was convicted; and

(2) 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 that a conviction may have on an offender's qualification to vote, 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 official to whom the notice was given written notice of the vacating of the judgment.

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

(b) REPEALED. (STAT. NOTES.—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

“§ 3620. Reduced rates for voter registration purposes

“The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993.”

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out “and 3626(a)(h) and (j)-(k) of this title,” and inserting in lieu thereof “3626(a)(h), 3626(j)-(k), and 3629 of this title.”

(3) Section 3627 of title 39, United States Code, is amended by striking out “or 3626 of this title,” and inserting in lieu thereof “3626, or 3629 of this title.”

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

“3629. Reduced rates for voter registration purposes.”

Records

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declaration to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (ix)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(i) DEFINITION.—For the purposes of this section, the term

“registration jurisdiction” means—

- (1) an incorporated city, town, borough, or other form of municipality;
- (2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic

area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

SEC. 5. FEDERAL COORDINATION AND REGULATIONS.

(a) IN GENERAL.—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) CONTENTS OF MAIL VOTER REGISTRATION FORM.—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

SEC. 6. DEMOCRATIZATION OF CONGRESSIONAL ELECTIONS OFFICIALS.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

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 20 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) REMEDY—NO 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 this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1966 (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 1966 (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, 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 tabulation 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, miscellaneous receipts (pursuant to section 3302 of title 31, United

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 maintained separate Federal and State official lists of eligible voters, on the later of—

(A) January 1, 1995; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect 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. 243 (H.R.)

HOUSE REPORTS: H. R. 243 (H.R.) 2, amended, passed in New

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EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA



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.

Patricia Wilson

Governor of California

ATTEST:

Tony Miller

Acting Secretary of State

