

# Colorado Secretary of State

## Elections Division



# Agency-Based Voter Registration

## Pursuant to Section 7 of the NVRA

Implementation Guide for Colorado Public Assistance Agencies

### The Act

The National Voter Registration Act (NVRA) is a federal civil rights law that was enacted in 1993 to enhance voter registration opportunities. Section 7 of the NVRA requires public assistance agencies and agencies primarily serving persons with disabilities to offer voter registration services to all persons applying for benefits, recertifying or renewing their eligibility, or whenever a client changes an address while maintaining client confidentiality. Colorado law requires all agency sites to comply with the NVRA.

### This Manual

This document has been prepared by the Colorado Secretary of State, Elections Division to assist in the ongoing compliance of the voter registration requirements for agencies and to provide ongoing procedural support. It is not meant to supersede federal or state laws or rules, nor does it have the force of law. Links to the Act and other materials are available online at the Secretary of State website at [www.elections.colorado.gov](http://www.elections.colorado.gov).

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### Introduction & General NVRA Requirements

Congress enacted the NVRA to enhance registration opportunities for every American.

In particular, section 7 of the Act requires states to offer voter registration opportunities at all offices that provide public assistance and state-funded programs primarily engaged in providing services to persons with disabilities.

Agency employees must offer each of their clients a current agency voter registration form at the time of each application for assistance, renewal/recertification of assistance or notification of change of address. Agencies must provide the same assistance with voter registration applications as they would with any other agency form.

Additionally, agency sites are required to transmit completed voter registration applications to election authorities promptly and on a regular basis. Each agency must track and report voter registration statistics to the Secretary of State's Office.

This document (1) directs site managers and NVRA Coordinators on the procedural details of complying with this Federal civil rights law, (2) explains how agency staff can obtain more voter registration applications and (3) identifies whom to contact with additional questions.

### Colorado Voter Registration Agencies

The following offices are designated by law as voter registration agencies:

- a) All offices that provide public assistance. Colorado law specifically cites agencies that provide food stamp services, programs established under the

Colorado Medical Assistance Act, and WIC.

- b) All offices that provide state-funded programs primarily engaged in providing services to persons with disabilities.
- c) All recruitment offices of the armed forces of the United States.
- d) Any other federal, state, and local government or nongovernment office that chooses to provide voter registration service or applications.

[Section 1-2-504, C.R.S.]

### Services at Voter Registration Agencies

Every voter registration agency must make the following services available with each application made in person or remotely for service or assistance and with each recertification, renewal, or change of address form relating to the service or assistance:

- a) Distribution of mail voter registration application forms.
- b) Assistance to applicants in completing agency voter registration application forms (unless the applicant refuses such assistance).
- c) Acceptance of completed agency voter registration application forms for transmittal to the appropriate county clerk and recorder.

Additionally, if the voter registration agency provides services to a person with a disability at the person's home, the agency must provide the services described above at the person's home.

[Section 1-2-505, C.R.S.]

### Designation of NVRA Site Coordinators for Each Office

Each agency office should have an appointed staff person who serves as the

NVRA Site Coordinator. The NVRA Site Coordinator is responsible for all voter registration activities described in the following section. Currently, all local directors have been assigned this responsibility.

For Department of Human Service (DHS) sites wishing to assign someone other than the director, the agency must inform both Liz McDonough at DHS and the Office of the Secretary of State of the name and contact information for the assigned NVRA Site Coordinator.

### Liz McDonough

Submit the information via email to:

[Liz.mcdonough@state.co.us](mailto:Liz.mcdonough@state.co.us)

### Secretary of State's Office

Complete and submit an NVRA Site Coordinator Change Request online at:

[www.elections.colorado.gov/Default.aspx?PageMenuID=1331](http://www.elections.colorado.gov/Default.aspx?PageMenuID=1331).

WIC agencies should contact the State WIC office for changes in Site Coordinators.

In addition, when any agency makes a change in its NVRA Site Coordinator position, the agency must provide the name and contact information for the new NVRA Site Coordinator to the Department of Human Services and the Office of the Secretary of State in a timely manner.

### NVRA Site Coordinator Duties & Responsibilities

In summary, NVRA Site Coordinators are responsible for the following voter registration activities:

a) Ensuring all staff is trained in NVRA implementation.

- b) Ensuring an adequate supply of current NVRA voter registration applications in all relevant languages are available.
- c) Promoting voter registration services via posters, videos, and any other useful media/materials.
- d) Supervising daily voter registration activities.
- e) Resolving site questions and problems relating to the voter registration process.
- f) Tracking voter registrations and declination forms.
- g) Forwarding completed voter registration applications to appropriate elections officials in required time frame.

### NVRA Training

Coordinators should train new, existing, and reassigned employees regularly on NVRA implementation. NVRA implementation should always be offered as part of training for new staff during orientation. Additionally, staff should receive refresher trainings every year, or more frequently if processes change.

### Maintain Adequate Supplies & Promote Voter Registration Services

NVRA Coordinators must ensure the following materials are on hand in sufficient quantities and in the proper languages:

- a) **Declination Forms.** Each should be asked to complete the declination form, printed on white paper. The client must indicate whether or not he or she wishes to register to vote, update their information, or declines to register.
- b) **NVRA Voter Registration Applications.** Every client who indicates on the declination form that he or she wishes to register to vote or to update his or her voter information must be provided a voter registration

application. These applications include a duplicate copy for the client, and contact information for Colorado's County Clerk and Recorders. Voter Registration applications are printed on green paper.

#### Ordering NVRA Forms

To order voter registration applications, please visit the following link:

[www.elections.colorado.gov/DDefault.aspx?tid=1050](http://www.elections.colorado.gov/DDefault.aspx?tid=1050)

Additionally, you may send an email to the Office of the Secretary of State. Emails should be sent to:  
[nvra.state@sos.state.co.us](mailto:nvra.state@sos.state.co.us).

There is no charge for ordering voter registration applications or declination forms.

- c) **Posters** informing the public that voter registration services are available. Posters should be in the appropriate languages and displayed in a prominent location visible to the public. Posters may be acquired by downloading templates from the Secretary of State's website.

#### Track Voter Registrations

In order to successfully monitor performance, the voter registration activities of each office must be tracked, reported, and regularly reviewed.

Data should be tallied twice per month and include the following:

- a) Number of voter registration applications completed by clients and sent to elections officials.
- b) Number of declination forms collected by office.

- c) Responses on declination forms, specifically the number of:
  - i. "Yes" responses,
  - ii. "Update registration" responses,
  - iii. "No" responses,
  - iv. "Already registered" responses,
  - v. "Blank" responses, and
  - vi. Forms provided for remote transactions.

Note: WIC information is tracked electronically via the WIC computer system. The State WIC office tallies and reports the information to the Secretary of State's office. No separate reporting by local WIC agencies is required.

#### Transmittal Requirements & Deadlines

With the exception of WIC agencies, coordinators will report data twice monthly on NVRA compliance and performance through a web-based program utilized by the Secretary of State's office. Coordinators will receive an email from the Office of the Secretary of State to access the reporting survey.

Coordinators must transmit completed voter registration applications to the appropriate county clerk and recorder no later than ten days after date of acceptance. However, if an application is accepted within the five days before the last day for registration to vote in an election, the application must be transmitted no later than five days after acceptance.

[Section 1-2-507, C.R.S.]

#### Client Interactions

This section outlines the recommended procedures for implementing the requirements of the NVRA at agency offices.

### Who Must Receive Voter Registration Services

Voter registration applications and declination forms must be provided by staff to all clients or applicants with each of the following:

- a) Applications for Benefits.
- b) Renewal or Recertification for Benefits.
- c) Change of Address or Name.

### Out-of-office Transactions

If clients pick up forms for any of the above to take home or request them to be sent in the mail, the declination form *and* voter registration application must be included in what is given or mailed to the clients.

Note: The above requirement includes persons who contact the office via phone, mail, or Internet to register a change of address. A voter registration application must be mailed to the client when requests for such changes are made remotely. This is important because a change of address will often require the voter's registration to be updated.

For DHS agencies only, the state office will include a voter registration application in all centrally-mailed RRR packets. Local offices are not required to send a separate voter registration application for RRRs.

### Waiting Room & Reception Area Procedures

Offering voter registration in waiting rooms is an excellent way to reach a wider public and relieve clients of additional paperwork to worry about when meeting with staff.

Staff members that receive clients should be instructed to provide each person with a

declination form, a voter registration application and an ink pen.

Note: When forms are filled out in the waiting rooms, staff must still review the declination forms with clients and provide assistance with the voter registration application as they would with any other agency form. The waiting room voter registration procedures simply increase the likelihood that the required review of the declination form and assistance with voter registration will be completed quickly.

### Voter Registration Application

Staff must instruct the applicant to fill out all required information on the voter registration application.

### Declination Form

This is the form on which persons indicate whether or not they would like to register to vote. All persons seeking to apply for, renew or recertify their benefits, or to register a change of address or name, must be asked to fill out a declination form, whether or not they also fill out a voter registration application. Clients should check the appropriate box and then sign and date the form. If, for whatever reason, the client refuses to do so, staff should initial the form and date it. Declination forms, even if left blank by the client, should be kept by the agency. Declination forms should not be kept in the client's file and should not be transmitted to the county clerk and recorder's office. Federal law requires that these forms are to be kept by the agency for at least twenty-four months.

### Voter's Duplicate Copy

After the application is completed, staff should separate the original green voter registration application and the client's

yellow duplicate copy. The duplicate copy should be retained by the client. Clients who do not wish to receive or retain the duplicate copy are not required to do so.

#### Assistance with Forms

Agencies offering voter registration must offer the same degree of assistance, including bilingual assistance when necessary, to individuals completing a voter registration form as the agency offers to individuals completing the agency's own forms, unless the applicant refuses such assistance. Assistance should include reviewing voter registration applications to ensure they are filled out completely. In some counties, language assistance is required when applicants need it.

#### Confidentiality

Any person who provides services at a voter registration agency must ensure that the following information is not disclosed to the public:

- a) Information relating to a declination to register to vote.
- b) The identity of the voter registration agency through which any particular voter is registered.

#### Address Confidentiality Program (ACP)

Agency staff in their assigned areas must understand that while all agency clients must be provided the opportunity to register to vote, specific ACP voter registration procedures are in place. The agency cannot refuse to assist an ACP participant who wishes to register to vote, however, the agency may remind the participant and encourage him/her to contact the ACP Program Director for additional information.

#### Prohibitions

Any person providing the services outlined above must not:

- a) Seek to influence an applicant's political preference or party registration;
- b) Display any 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;
- 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.

[Section 1-2-506(1), C.R.S.]

#### Contact Information for Assistance

While the Secretary of State will provide assistance with voter registration issues and questions, agencies should contact the state DHS or WIC office, as applicable, with general questions or concerns about implementation.

#### Colorado Secretary of State

Elections Division  
1700 Broadway, Suite 270  
Denver, Colorado 80290  
Phone: (303) 894-2200  
Fax: (303) 869-4861  
[www.sos.state.co.us](http://www.sos.state.co.us)

#### County Elections Offices:

[www.elections.colorado.gov/DDefault.aspx?id=147](http://www.elections.colorado.gov/DDefault.aspx?id=147)

## Helpful Resources

### **Information about NVRA compliance and enforcement:**

Colorado Secretary of State  
NVRA Agency Information  
[www.elections.colorado.gov/Default.aspx?PageMenuID=1331](http://www.elections.colorado.gov/Default.aspx?PageMenuID=1331)

Department of Justice  
202-514-2000  
[www.justice.gov/crt/voting/nvra/activ\\_nvra.php](http://www.justice.gov/crt/voting/nvra/activ_nvra.php)

Elections Assistance Commission  
202-566-3100  
[www.eac.gov](http://www.eac.gov)

**Text of the NVRA – 42 USC Chapter 20,  
Subchapter I-H:**  
[www.usdoj.gov/crt/voting/42usc/subch\\_ih.php](http://www.usdoj.gov/crt/voting/42usc/subch_ih.php)