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| LOCAL COMMISSIONERS MEMORANDUM |  
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DSS-4037EL (Rev. 9/89)

Transmittal No: 98 LCM-40

Date: September 3, 1998

Division: Temporary Assistance

TO: Local District Commissioners

SUBJECT: National Voter Registration Act (NVRA) Litigation

ATTACHMENTS: None

In December of 1996, the United States Department of Justice (DOJ) initiated litigation in federal court challenging New York State's implementation of NVRA. Two community based groups, ACORN and Disabled in Action, also began companion lawsuits relating to NVRA implementation. In its defense of these suits, the Office of Temporary and Disability Assistance has contended that 95 ADM-1 fully implemented NVRA in January of 1995 by directing local districts to instruct local district staff to provide the same level of assistance to clients in completing voter registration forms as is given in regard to comparable social services forms. Moreover, we have contended that ever since April of 1995, when the Voter Registration form was physically incorporated into our Common Application Form, there can be virtually no question that we are in substantial compliance with the Act.

Nonetheless, litigation is continuing, although terms of settlement have been discussed for several months, pursuant to court direction. To that end, representatives from this Office have begun to review NVRA procedures in local districts as part of their regular field work and to identify and rectify any problems that they discover. To date, none have been identified. We feel that this proactive stance with NVRA will ameliorate the plaintiffs' contentions that NVRA is not treated by New York State consistent with the intent of the Act.

In order to assure that this Office and local districts are doing as much as they can to offer applicants and recipients of public benefit programs the opportunity to register to vote, local districts must make sure that:

1. One 18" x 24" poster, provided by the State Board of Elections, be posted prominently at each NVRA site.
2. NVRA will be incorporated into the new worker training syllabus for every district.
3. Each districts' Site Coordinator be adequately trained and must assure that workers, including reception staff, are also trained and have adequate backup in case of illness or emergency.
4. Every applicant and recipient be orally provided an opportunity to register to vote at initial application, at recertification and upon notification of a change of address. The same level of assistance must be provided for completing the voter registration application as is given in completing other social services documents. Although there is no State level change of address form, any local form which is given to or otherwise filled out with client participation should be annotated to show that the client was advised of the availability of NVRA services at the time the change of address form was initiated.
5. Procedures exist at each site to assure that all voter registration forms are handled properly. Voter Registratiopn applications must be forwarded to the County Board of Elections within 10 days of completion, but we recommend that they be submitted weekly. Signed declinations must be retained by the district for 22 months. We recommend that the declinations be retained in chronological order by month, rather than in case files.
6. If the client does not sign the declination, that fact should be noted and tallied for the Agency Based Registration Transmittal Form. We recommend that the unsigned forms be kept in a folder to aid in this count. The forms can be re-used after they have been accounted for.

Additional NVRA information may be found in 95 ADM-1 and 94 LCM-104. Any questions can be directed to Mark Schaffer at 518-474-9346.

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Patricia A. Stevens  
Deputy Commissioner  
Division of Temporary Assistance