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 | ADMINISTRATIVE DIRECTIVE |  
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TRANSMITTAL: 95 ADM-1

TO: Commissioners of  
 Social Services

DIVISION: Commissioner's  
 Office

DATE: January 6, 1995

SUBJECT: National Voter Registration Act

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 SUGGESTED

DISTRIBUTION: Public Assistance Staff  
 Food Stamps Staff  
 Medical Assistance Staff  
 HEAP Staff  
 CAP Coordinators  
 Accounting Supervisors  
 Forms Coordinators  
 Staff Development Coordinators

CONTACT

PERSON: Call 1-800-343-8859  
 Office of Field Operations - Policy Communication  
 Unit - Mike McNaughton, ext. 3-6369 (USERID 0LL020)  
 Office of Human Resource Development - William Ward  
 ext. 4-9648 (USERID AZ1620)  
 Local Financial Operations:  
 Regions 1-4: Roland Levie, ext. 4-7549 (USERID FMS001)  
 Region 5: Marvin Gold (212) 383-1733 (USERID OFM270)

ATTACHMENTS:

Attachment I: State Board of Elections Mail-In  
 Voter Registration Form (not  
 available on-line)  
 Attachment II: Agency Based Registration Transmittal  
 Form (not available on-line)  
 Attachment III: List of Forms Reformatted Due to the  
 NVRA (available on-line)  
 Attachment IV: NYS Agency-Based Voter Registration  
 Form (not available on-line)

FILING REFERENCES

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Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
94 ADM-18					94 LCM-104 Bulletin 143-b, chap. 8

I. PURPOSE

The purpose of this release is to inform local social services districts of the requirements placed on agencies that are designated as participating voter registration agencies. This legislation affects both local and State Departments of Social Services because they are each designated as participating voter registration agencies.

II. BACKGROUND

Chapter 659 of the Laws of 1994 conforms State law to the requirements of the National Voter Registration Act of 1993 (NVRA) which becomes effective on January 1, 1995.

III. PROGRAM IMPLICATIONS

Applying to register to vote is not an eligibility requirement and there can be no negative effect on applicants or recipients who refuse to apply or who refuse to sign a declination. Although there are no obvious program implications, applicants and recipients who are required to sign the application or recertification form must be offered the opportunity to register to vote. This is true for applicants and recipients of Public Assistance, Medical Assistance, Food Stamps, HEAP and all other programs except Child Protective and Child Preventive.

IV. REQUIRED ACTION

The final determination on registering an individual to vote and responsibility for adding their name to the Voter Registration List rests with the County and/or City Board of Elections. The client will receive a written verification from the board of elections.

A. As designated agencies, local districts must:

1. Offer every applicant and recipient an opportunity to apply to register to vote upon initial application for benefits, at recertification of eligibility for benefits and upon notification of change of address (recertifications will fulfill this obligation). No judgement is to be made concerning an applicant's qualifications to register to vote, although agencies may point out the "Qualifications for Registration" listed on the "NYS Agency-Based Voter Registration Form".

Homeless applicants and recipients are included in the State and Federal legislation. Homeless persons can apply to register to vote if they can indicate where they live. They must provide an address where they can receive mail. This includes any and all non-traditional dwellings and habitations.

In any case in which a representative applies for an applicant, no judgment is to be made concerning that applicant's qualifications to register to vote. It will be up to the representative of the applicant to decide if the voter registration form should be completed by him (the representative) or the applicant being represented and this decision should be noted in the case record just as is the case with an applicant applying personally.

The same level of assistance must be provided for completing the voter registration application as is given in completing DSS forms. For the purpose of this directive, the applicant who must be given the opportunity to apply to register to vote is the adult in the case who actually applies for assistance. For example, in households with several adults or if one adult applies on behalf of another, only the applicant must be given the opportunity to register or decline to apply. Others in the household should be offered a registration application to the extent that such an offer is not disruptive of the application process and if the forms are requested. Mail-in voter registration applications will be available for such other household members (Attachment I).

2. Assign a site coordinator for each social services district site at which applications for DSS benefits are taken. Districts must submit the name, title, phone number and location of each designated site coordinator to Michael McNaughton (518) 473-6369 or USERID #0LL020 and assure that this Department is made aware of any changes.
3. The law requires that all applications to register to vote be forwarded to the appropriate County or City Board of Elections within 10 days of receipt. We recommend that the forms be submitted weekly. The law also requires that forms received by DSS between the 30th and 25th day prior to an election be transmitted so they are received by the County Board of Elections by the 20th day before an election.
4. Obtain a signed declination at the time of application and at each recertification when an applicant/client does not wish to apply to register to vote. These signed declination forms must be retained by the local district for 22 months. Since you may be required to retrieve the forms for a specific period, we recommend that the declinations be kept in chronological order rather than in case files. This will also assist in the purging of files.

If the client does not sign the declination form, that fact should be noted and tallied for the Agency Based Registration Transmittal Form (Attachment II). We recommend that the unsigned forms be retained in a folder to aid in that count. The forms can then be re-used at the end of the week.

There are no requirements that copies or records of affirmative responses be retained.

5. Be aware of the following prohibitions:

- No statement shall be made nor any action taken to discourage a DSS applicant from applying to register to vote;
- Agencies must not seek to influence an applicant's political preference or party designation;
- Agencies must not display any political preference or party allegiance; and
- No statement shall be made or action taken to lead a DSS applicant to believe that a decision to apply to register or not to apply to register has any bearing on the availability of DSS services or benefits.

B. Site Coordinators

Commissioners of Social Services must designate one site coordinator for voter registration at each location as indicated in paragraph 2 above. Site coordinators are not required for locations where non-DSS personnel can take applications, such as hospitals. Registration forms accepted at other locations will be forwarded to local social services districts and accepted with the DSS application. Districts with numerous satellites may want to designate a supervising coordinator to serve as liaison with the State DSS and to oversee the activities of the site coordinators within their district.

The site coordinator will be responsible for sending completed voter registration forms with the Agency Based Registration Transmittal Form (Attachment II) to the appropriate County Board of Elections, maintaining data related to the number of applications and declinations completed, and maintaining other data as may be required by the State Board of Elections. Copies of the Agency Based Registration Transmittal Form must be filed within the local district and retained at each site if applicable.

The precise responsibilities of the site coordinator is subject to local option, but the site coordinator must assume the responsibility for advising the district commissioner or his designee of the adequacy of the forms supply and for assuring that training is provided to district staff. Ultimately, they are the persons making sure the requirements of the law are met.

Caution: Voter registration forms that are forwarded to the County Board of Elections must not be identifiable as coming from social services. Therefore, offices must use the standard transmittal envelopes that will be provided by SBOE.

C. Training

We recommend that NVRA training be incorporated into the curriculum of existing and future training of all staff who take applications.

D. Voter Registration Forms

The new State law requires that the voter registration form be physically incorporated into social services applications and recertification applications. These reformatted and revised forms (Attachment III) will be automatically shipped to the districts during March 1995 so they can be implemented beginning April 3, 1995. Normal distribution of English and Spanish forms will follow. Because these reformatted forms will contain revisions beyond the incorporation of the application to register to vote, an Informational Letter (INF) will be issued by the Division of Economic Security prior to shipping.

From January 1, 1995 until April 3, 1995 districts will need to use the separate State Board of Elections NYS Agency-Based Voter Registration Form (Attachment IV) which will be shipped directly to them in January 1995 from the State Board of Elections. This form will be available in English, Spanish and Chinese. Site coordinators can order additional forms by calling the State Board of Elections toll-free at (800) 469-6872.

For the 1994-95 season, the voter registration form will not be physically incorporated into the HEAP application (DSS-3421). For HEAP applicants, districts will continue to use the separate agency based registration form until 1995-96.

E. Costs/Claiming

The costs associated with the distribution of voter registration materials will be eligible for normal reimbursement.

The salary and fringe benefit costs of the site coordinators and the supervising coordinator should be claimed using the following guidelines.

Most of the site coordinators and supervising coordinators will be eligibility workers and should be coded to the F1 function (Eligibility/Income Maintenance) and be included in these costs distributed on the Schedule D-1 Claiming of Eligibility/Income Maintenance (E/IM) Expenditures (DSS-2947-A) by the random moment study (RMS) percentages. Please refer to Chapter 8 of Bulletin 143-b for a full discussion of the preparation of the Schedule D-1. Those districts that are using their staff in the MA, Food Stamp, Employment, Services, or Child Support Enforcement areas to service their caseload populations should code these workers to the function in which they would normally be assigned. Please refer to Bulletin 143b for information about claiming administrative costs under each of these functions.

The costs related to Public Assistance, Medical Assistance and Food Stamps are exempt from the cap on State share administrative reimbursement. To receive this exemption the local districts must submit a plan for approval. Guidelines for these plans are found in Administrative Directive 94 ADM-18 entitled "Submission of Local Plans for Exempt Areas 1993-94 State Share Administrative Cap" and will be included in any subsequent ADM regarding exempt area plans as appropriate.

These expenditures should be tracked currently for convenience in preparing exempt area plans in the future.

VI. EFFECTIVE DATE

The effective date of this administrative directive is January 1, 1995.

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Karen J. Schimke  
Executive Deputy Commissioner

List of Forms Reformatted Due to NVRA

DSS-2921: "Application for PA, MA, FS, Services" (Upstate version)  
 DSS-2921S: "Application for PA, MA, FS, Services" (Upstate/Spanish)  
 DSS-2921NYC: "Application for PA, MA, FS, Services" (NYC version)  
 DSS-2921NYC-S: "Application for PA, MA, FS, Services" (NYC/Spanish)  
 PUB-1301: "How to Complete" Upstate Application  
 PUB-1301-S: "How to Complete" Spanish Upstate Application  
 PUB-1301NYC: "How to Complete" New York City Application  
 PUB-1301NYC-S: "How to Complete" New York City Spanish Application  
 DSS-3174: "Recertification for PA, MA, FS" (Upstate Version)  
 DSS-3174-S: "Recertification for PA, MA, FS" (Upstate/Spanish)  
 DSS-3174NYC: "Recertification for PA, MA, FS" (NYC Version)  
 DSS-3174NYC-S: "Recertification for PA, MA, FS" (NYC/Spanish)  
 PUB-1313: "How to Complete" Upstate Recertification Form  
 PUB-1313-S: "How to Complete" Upstate Recertification/Spanish  
 PUB-1313NYC: "How to Complete" New York City Recertification Form  
 PUB-1313NYC-S: "How to Complete" New York City Recertification/Spanish  
 DSS-3035: "Food Stamp Application for SSI Recipients and Group Living Residents" (Upstate version)  
 DSS-3035-S: "Food Stamp Application for SSI Recipients and Group Living Residents" (Upstate/Spanish)  
 DSS-3035NYC: "Food Stamp Application for SSI Recipients and Group Living Residents" (New York City version)  
 DSS-3035NYC-S: "Food Stamp Application for SSI Recipients and Group Living Residents" (New York City/Spanish)