

VOTER REGISTRATION & HEALTH BENEFIT EXCHANGES

A Toolkit for Easy,
Effective Implementation



THE NATIONAL VOTER REGISTRATION ACT

The National Voter Registration Act (NVRA) was signed into law in 1993 and took effect in most states in 1995. Designed to reduce barriers to and expand opportunities for voter registration, Section 7 of the NVRA requires public assistance offices and state-funded disability services and programs to offer voter registration services to applicants and clients.

Work by Project Vote, Dēmos, the ACLU, and partners shows that the NVRA can bring millions of lower-income Americans into the political process by providing the opportunity to register to vote through state agencies that administer public assistance programs.

Pursuant to the NVRA, all “offices in the State that provide public assistance” must be designated as mandatory voter registration agencies (VRA).¹ The United States Department of Justice (DOJ), the agency tasked with enforcing the NVRA, recognizes that offices offering healthcare services such as Medicaid and the State Children’s Health Insurance Program (SCHIP) are mandatory VRAs.²

Voter Registration Agencies (VRAs) are required to provide voter registration services each time a person:

- applies for services or assistance;
- requests renewal or recertification; or
- requests a change of address.

Voter Registration Services Include:

- providing a voter preference form that asks applicants if they would like to register to vote and explaining that voter registration is not a condition of receiving benefits;
- providing a voter registration application form;
- assisting applicants with completing voter registration forms; and
- sending completed voter registration application forms to the appropriate elections official.

Finally, under the NVRA every state is required to report to the U.S. Elections Assistance Commission the number of voter registrations received through designated voter registration agencies, such as public assistance agencies.

THE NVRA AND HEALTH BENEFIT EXCHANGES

The Patient Protection and Affordable Care Act (ACA)³ provides that any individual applying for health insurance and seeking one of the many forms of state health subsidies available under the ACA will complete a “single streamlined application” that will route the applicant to whichever program that is appropriate for that individual.⁴

In each state, this application system will be operated by an entity called a **Health Benefit Exchange (“Exchange”)**. In some states, the Exchange will be operated by the state itself, and in other states, the federal government will operate the Exchange.

Exchanges, through operation of the single streamlined application system, will be administering applications that include consideration for Medicaid and SCHIP and other subsidized health insurance.

As such, Exchanges will administer applications for public assistance and are subject to the NVRA as mandatory VRAs.

7 EASY STEPS FOR NVRA IMPLEMENTATION

Health Benefit Exchanges can incorporate voter registration services by taking a few easy steps. Because the NVRA has been in effect for nearly two decades, voter registration services can (and have been) easily incorporated at voter registration agencies like Medicaid offices. The work of groups like Project Vote, Dēmos, and the ACLU on implementation of the NVRA have identified and outlined necessary practices and recommended policies for Section 7 compliance.

In many states, the Chief Election Official has appointed a state NVRA coordinator who is available to provide technical assistance. Project Vote, Dēmos, and the ACLU are also available to help customize materials and trainings to fit the unique needs of any Health Benefit Exchange.

While most Exchanges still have to make some fundamental decisions about their applications and their network of navigators and non-navigator assisters, we can make some recommendations on steps and policies these Exchanges should incorporate over the next few months:

1 Online Applications: Many Consumers Can Receive Voter Registration Services Online

It is estimated that most consumers will be submitting their applications to the Health Benefit Exchanges through the web portal. In states with online voter registration, many of the NVRA

responsibilities can be met by simply making sure that:

1. Consumers are offered an online voter preference form, and that the answer to that form is recorded.
2. Consumers who indicate they would like to register to vote are transferred to the state's online voter registration tool or given the option to request a voter registration application in the mail.

The following are some protocols to consider as a Health Benefit Exchange makes this addition to its online applications, renewals, and change of address applications. These practices were developed through Project Vote's and Dēmos' experience assisting states with incorporating voter registration into online public benefits applications; and the ACLU's consultation with advocates for public assistance recipients and people with disabilities, the California Secretary of State's office, and experts in website user-experience:

- ◆ The NVRA requires voter preference forms to include certain statements explaining that voter registration is not a condition of the application for benefits. See Appendix A for a sample voter preference form that includes the statutorily mandated disclosure language.
- ◆ If a consumer answers the online voter preference form, that answer must be recorded and saved for a minimum of 22 months.
- ◆ If a consumer does not answer the online voter preference form, the Health Benefit Exchange must mail a voter registration application form to the consumer.

7 EASY STEPS FOR NVRA IMPLEMENTATION

- ◆ The ACLU has recommended that in the California Health Benefit Exchange the online voter preference form should be offered after consumers have completed and submitted their applications to the Exchange. For an example of what this might look like, please see Appendix B – a mock-up of how the voter preference form might be incorporated into the Exchange eligibility application in California.
- ◆ The online voter preference form should be placed on the landing page in the application and/or payment process. In other words, the consumer should be able to read the voter preference form without clicking ahead to a new page.
- ◆ The requirements of the state’s online voter registration application must be provided to the consumer. For example, in most states an individual can only use the state’s online voter registration application if they have a state driver’s license or state issued ID card. Consumers must be given three options:
 - Holders of a state-issued driver’s license or ID card should be transferred to the state’s online voter registration application.
 - All others should be given the option to:
 - Complete a downloadable and fillable voter registration application (per the requirements of the ACA to create simplified application process, ideally this voter registration application form would pre-populate with information already provided during the application process); or
 - If the consumer does not have access to a printer, he or she should be given the option to request that a voter registration application form be mailed to them by the Health Benefit Exchange.
- ◆ Before transferring consumers to the website for a state’s online voter registration system, a warning should be provided to them that this transfer is about to occur. This warning will help prevent confusion on the part of the consumer and avoid transfer to another website before the consumer is ready.
- ◆ Avoid pop-ups or new tabs when transferring consumers to the state’s online voter registration application as these can cause confusion, can be blocked, and may not function on tablets or smart phones. In addition, pop-ups may not function with screen readers, which consumers with disabilities may use. Thus, a best practice is to transfer a consumer from the confirmation page directly to the voter registration online application page once the consumer has indicated he or she wants to register to vote.

By maximizing the number of users who complete their voter preference form and voter registration online, Health Benefit Exchanges can both automate their voter registration responsibilities and increase the likelihood that consumers register to vote.

7 EASY STEPS FOR NVRA IMPLEMENTATION

2 States without Online Voter Registration

Even in states without online voter registration, the Health Benefit Exchanges can comply with most of their NVRA obligations through the Exchange web portal. Consumers in these states can still be offered the required voter preference forms online as part of the Exchange web portal. Required elements for the Health Benefit Exchanges to incorporate voter registration services into their web portal in these states include:

- ◆ As noted, the NVRA requires voter preference forms to include mandated disclosure language. See Appendix A for a sample voter preference form that includes the statutorily mandated disclosure language.
- ◆ If a consumer answers the online voter preference form, that answer must be recorded and saved for 22 months.
- ◆ If a consumer does not answer the online voter preference form, the Health Benefit Exchange must mail a voter registration application form to the consumer.
- ◆ The consumer should be given the option to complete a downloadable and fillable voter registration application (per the requirements of the ACA to create a simplified application process, ideally this voter registration application form would pre-populate with information already provided during the application process); or
- ◆ If the consumer does not have access to a printer, he or she should be given the option to request that a voter registration application form be mailed to them by the Health Benefit Exchange. See Appendix C for an example of the current online public assistance benefits application used by the Tennessee Department of Human Services, which provides the option to either obtain a downloadable voter registration application form or have a voter registration application form mailed to the consumer. See also Appendix D, the current online public assistance benefits application used by Georgia Department of Human Services.
- ◆ In Georgia's current online benefits application program, the voter preference question and fillable voter registration application form is provided at the beginning of the application process. The best practice as to where to place the voter preference question within the Health Benefit Exchange's web portal will depend on the specific configuration of the portal. It must be offered in such manner that consumers do not miss or skip over the question; that all consumers, including disabled users, can easily access the voter registration application form if they choose; and, of course, that registering to vote does not interfere with the completion of the benefits application form.

7 EASY STEPS FOR NVRA IMPLEMENTATION

3 Paper Applications: Adding Two Additional Forms to the Packet

Paper applications are expected to make up only a small percentage of applications to Health Benefit Exchanges, but all paper applications for initial benefits, renewals or changes of address should include a voter preference form and a voter registration application form.

Offices providing paper applications to consumers, such as call centers and assister enrollment entities, need to do the following:

- ◆ Contact the NVRA coordinator (can be at local elections offices or in a statewide capacity) as appointed by the state's Chief Election Official (usually the Secretary of State) to request voter registration application forms. Elections officials are required to provide voter registration application forms.
- ◆ Find out from elections officials if their county is covered by Section 203 of the Voting Rights Act, and if so, for what languages. Section 203 of the Voting Rights Act requires that voting materials be provided in certain covered languages depending upon the number of limited English proficient speakers in a county. Thus, the elections office will have voter registration application forms available in the required languages. (Voter preference forms must also be provided in all required Section 203 languages. The Chief Election Official should make translated voter preference forms available).

- ◆ Include both the voter preference form and voter registration application form in all of the paper application packets that are distributed to consumers.

4 Phone Transactions: Call Centers Can Provide Voter Registration Applications by Mail

The NVRA requires that voter registration agencies provide voter registration services when a consumer applies for services, renewal of benefits, or notifies an agency of a change of address by phone. If Health Benefit Exchange call centers handle these transactions by phone (as is anticipated), they will need to incorporate voter registration services into the transactions. During phone transactions call centers should:

1. Ask consumers if they would like to register to vote. A voter registration question should be included in any scripts that call centers use for covered transactions.
2. Record the consumer's response. The response can be recorded and saved electronically or on paper, and needs to be saved for 22 months.
3. Mail a voter registration application form to consumers unless they decline the opportunity to register to vote. The voter registration application form can be included with other paperwork that the Health Benefit Exchange is mailing to the consumer.

7 EASY STEPS FOR NVRA IMPLEMENTATION

5 **Written Protocols:** Ensuring Full and Uniform NVRA Implementation

Voting rights experts around the country agree that it is a best practice for voter registration agencies to establish written NVRA policies. Putting policies in writing signals that voter registration services are an important part of a public assistance agency's responsibilities. We strongly encourage all Health Benefit Exchanges to follow suit and establish written NVRA policies. Several links to NVRA manuals currently used within the states are provided.

6 **Training:** The Key to Providing Effective Voter Registration Services

Once a Health Benefit Exchange has established its protocols for voter registration services, it will need to develop trainings for those on the front lines of enrolling and renewing consumers in the Exchange, like navigators, non-navigator assisters, and call center employees. Trainings on NVRA requirements generally take no more than 20 minutes and can be easily incorporated into any proposed trainings. Trainings must be conducted annually and should incorporate two main elements:

1. The basics of the NVRA.
2. How to provide assistance with filling out a voter registration application form. A key element of the NVRA is that voter registration agencies provide assistance with filling out a voter registration application forms to the same degree as they provide with their own forms. In order to make sure Health Benefit consumers get this level of assistance, instructions on filling out a voter registration application form should be part of the training. Local elections officials and Chief Election Officials, like Secretaries of State regularly provide this type of training and are ideal resources as Health Benefit Exchanges develop their own procedures.

7 EASY STEPS FOR NVRA IMPLEMENTATION

7 **Tracking:** VITAL to Providing Effective Voter Registration Services

As noted, the NVRA requires that each NVRA state collect information about the number of voter registration application forms submitted from designated voter registration agencies, such as public assistance agencies. The Health Benefit Exchanges are public assistance agencies and therefore each NVRA state is responsible for tracking the number of voter registration applications forms submitted from the Health Benefit Exchange.

Tracking is key to implementation and accountability. The best practice to ensure that this reporting is done accurately is to use coded voter registration applications to indicate they came from a public assistance agency.

- ◆ In California, all voter registration applications forms that will be provided to the Health Benefit Exchange will have a number that allows the local election officials to track their origin when returned.
- ◆ In Colorado, voter registration application forms currently provided to public assistance clients are coded via color-coding. When these color-coded forms are returned to local election officials, it is noted in the state's voter registration database—SCORE, allowing the state to keep an accurate tally of all voter registration applications forms received from

public assistance agencies. But the color-coding of the form is not maintained once the form is scanned and saved in the state's database, which protects the privacy of the voter.

- ◆ In Pennsylvania, the state has voter registration application forms that are bar-coded indicating that they originated from a public assistance office. This is particularly useful because the version of the voter registration application form that is downloaded from the online benefits applications has the bar code.

The Health Benefit Exchanges should use coded voter registration application forms whenever available so that the election officials in the state can properly account for all voter registration application forms submitted from the Exchange. Similarly, the Secretary of State or Chief Election Official in each state with online voter registration system should track the number of voter registration applications submitted through the online voter registration system that originated from the Exchange web portal.

NOTES and ADDITIONAL RESOURCES

Notes

1. 42 U.S.C. § 1973gg-5(a)(2)(A).
2. See, http://www.justice.gov/crt/about/vot/nvra/nvra_faq.php.
3. Exchanges are governed by sections 1311 to 1321 of the ACA, as implemented by 45 C.F.R. § 155.
4. 45 C.F.R. § 155.404(a).

Below are links to additional information and resources about the NVRA.

Text of the NVRA

(42 U.S.C. §1973gg et seq):

http://www.justice.gov/crt/about/vot/42usc/subch_ih.php#anchor_1973gg

Colorado Secretary of State Implementation Guide for Agency Based Voter Registration

http://www.sos.state.co.us/pubs/elections/NVRA/files/colorado_agency_nvra_manual.pdf

California Secretary of State Best Practices

<http://www.sos.ca.gov/elections/nvra/training/pdf/best-practices-121911.pdf>

California NVRA Manual, Chapter 4

<http://www.sos.ca.gov/elections/nvra/laws-standards/pdf/chapter-four.pdf>

Department of Justice NVRA Guidelines:

http://www.justice.gov/crt/about/vot/nvra/nvra_faq.php

Building a Health Democracy: Registering 68 Million People to Vote through Health Benefit Exchanges (Dēmos Policy Brief):

<http://www.demos.org/publication/building-healthy-democracy-registering-68-million-people-votethrough-health-benefit-exchinclude>

APPENDIX A

Sample Voter Preference Form

If you are not registered to vote where you live now, would you like to apply to register to vote here today?
(Check One)

- Already registered. I am registered to vote at my current residence address.
- Yes. I would like to register to vote. (Please fill out the attached voter registration form.)
- No. I do not want to register to vote.

NOTE: IF YOU DO NOT CHECK A BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME. YOU MAY TAKE THE ATTACHED VOTER REGISTRATION FORM TO REGISTER AT YOUR CONVENIENCE.

Applicant Name _____

Date _____

Important Notices

1. Applying to register or declining to register to vote will **not** affect the amount of assistance that you will be provided by this agency.
2. If you would like help in filling out the voter registration form, we will help you. The decision whether to seek or accept help is yours. You may fill out the voter registration form in private.
3. 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 preference or other political preference, you may file a complaint with the Secretary of State by calling toll-free (800) 345-VOTE (8683) or you may write to: Secretary of State, 1500 - 11th Street, Sacramento, CA, 95814. For more information on elections and voting, please visit the Secretary of State's website at www.sos.ca.gov.

01/13 NVRA Voter Preference Form

APPENDIX B

Covered California (California Health Benefit Exchange) Confirmation Page

Covered California confirmation page for an Exchange eligible consumer. This mock-up is based on the Enroll UX 2014 Prototype.

The screenshot shows the 'Thank you for Enrolling!' page on the Covered California website. The page includes a navigation bar with 'Apply for Coverage' and 'Find a Plan' buttons, a user profile for 'Gustav Hermansson', and a 'Your Plan' section. The 'Your Plan' section displays details for 'Carrier 3 Plan Name B HMO' with a monthly premium of \$200 (-\$50/month PTC) and \$150/month. It also lists policy number, provider contact, and payment details. Below this, there is a section for 'Making Changes to Your Plans' and a voter registration form. The voter registration form asks if the user wants to register to vote and provides instructions on how to do so. A 'Next' button is located at the bottom right of the page.

Annotations:

- Consumers are offered a voter preference form after they have completed their Covered California application and enrolled in a plan** (points to the 'Find a Plan' button)
- Consumers have already paid for insurance plan** (points to the 'Print Temporary Cards' and 'Order New Cards' links)
- Voter preference form** (points to the voter registration form)
- Consumers decide whether or not to register** (points to the voter registration form)
- Notices required by statute** (points to the 'Important Notices' section)
- Consumers click Next to submit the voter preference form. Consumers that have chosen to register are taken to the SOS online registration website.** (points to the 'Next' button)

APPENDIX C

Screen Shot of Voter Registration Question in Tennessee Department of Human Services Benefit Application

TN.GOV Department of Human Services
TENNESSEE GOVERNMENT Dr. Raquel Hatter, Commissioner

Help | Logout


Your Progress:

- [Getting Started](#) Completed
- [Household Basics](#) Completed
- [Household Detail](#) Completed
- [Income](#) Completed
- [Other Income](#) Completed
- [Expense](#) Completed
- [Resource](#) Completed

► Summary
Signature

Info Center

How To...

- A red asterisk (*) tells you that we will need that information in order to determine eligibility for the benefits you are applying for.
- In order to file an application we **must** have your name, address, and electronic signature. But the more you answer, the faster we can help you.
- A [blue underlined](#) word tells you that you can learn more about that word by clicking it. You may also click 'Help' at the top of the page.
- A box with an arrow pointing down  gives you options to choose.
- If you see a box with "Yes" or "No".


Voter Registration


Are you registered to vote where you live now? Yes No

Do you want to register to vote? Yes No



If you want to register to vote, you can ask that a registration form be mailed to you by clicking "Yes" in the box. Yes No

or

 Click this to print a voter registration form that you can fill out and mail in if you want to register to vote



 Click this to get the address of your county election commissions offices, where you can mail your completed voter registration form

- **Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.**
- **If you would like help filling out the Voter Registration Application, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.**
- **If you believe that someone has interfered with your right to register or to decline register to vote or your right to privacy in deciding whether to register or in applying register to vote, you may file a complaint with the Coordinator of Elections, Secretary of State's Office, William R. Snodgrass Tennessee Tower, Suite 900, Nashville, TN 37243, 1-615-741-7956, Tennessee Relay Center, 1-800-848-0299.**
- **If you decline to register to vote, that decision will remain confidential and will only be used for registration purposes.**
- **If you choose to register to vote, information regarding the office to which you applied will remain confidential and will only be used for registration purposes.**

APPENDIX D

Screen Shot of Voter Registration Question in Georgia Department of Human Services Benefit Application

11% Complete  **Print**  **Help**

Getting Started

Let's get started on the application! First, please give us some basic information about the applicant.

Information About You

* First Name: Middle Initial: * Last Name: Jr, Sr, etc:

Gender: Male Female

* Date of Birth: Ex: mm/dd/yyyy

* Did your household receive Food Stamps last month in GA or another state? Yes No

What is the primary language for your household?

* If other, please specify

* In what county do you live?

* Are you visually impaired? Yes No

* Are you hearing impaired? Yes No

If an interview is necessary do you need an interpreter? Yes No

Do you and/or the applicant need assistance when communicating with us? If so, check all that apply?

Sign Language Interpreter TTY Large Print Email Other

* If you are not registered to vote where you live now, would you like to apply to register to vote here today? Yes No

[Click here to access the Georgia Voter Registration Application.](#)
(You can fill in this PDF application online, or print the application and then write in the information. Verify all information on your application, sign your application, and mail the completed, signed application. No postage is necessary if mailed in the United States.)

When you are done registering to vote, simply close the window to return to this page in COMPASS.

If you need help filling out the voter registration form, call 1-877-423-4746.

If you wish to register to vote, but would prefer to have a voter registration application sent to you through the mail, click here. [Click here if you would like voter registration application mailed.](#)

Migrant or Seasonal Farm Worker

* Is anyone in your home a migrant or seasonal farm worker?

Where You Live

Please tell us where you live. If you are homeless right now, please check the "I am homeless" box. If you are homeless but you have a mailing address, please check the box and type your address in here.

I am homeless right now.

Street#: _____ Street Direction: _____ * Street Name: _____

APPENDIX D (cont.)

Screen Shot of Voter Registration Question in Georgia Department of Human Services Benefit Application

<input type="text"/>	<input type="text"/>	<input type="text"/>
Street Type: <input type="text"/>	Apt#: <input type="text"/>	Lot Number: <input type="text"/>
* City: <input type="text"/>	* State: Georgia	* Zip: <input type="text"/>

Mailing Address

If you don't want us to send any letters about your benefits to the address you've given above, please give us the mailing address where we should send your letters instead.

If it's okay to send letters to the address listed above, please leave this blank.

Street#: <input type="text"/>	Street Direction: <input type="text"/>	PO Box or Street Name: <input type="text"/>
Street Type: <input type="text"/>	Apt#: <input type="text"/>	Lot Number: <input type="text"/>
City: <input type="text"/>	State: <input type="text"/>	Zip: <input type="text"/>

Previous Addresses

Has the household lived at any other addresses in the past 2 years?

Yes No

Contact Information

Please tell us how we can get in touch with you. For the phone numbers, please be sure to include area codes. If you don't have one of the items we ask for, just leave it blank.

Primary Phone:	<input type="text"/>	-	<input type="text"/>	-	<input type="text"/>
Alternative Phone:	<input type="text"/>	-	<input type="text"/>	-	<input type="text"/>
Work Phone:	<input type="text"/>	-	<input type="text"/>	-	<input type="text"/>
Ext:	<input type="text"/>				
Email Address:	<input type="text"/>				

What is the best way to get in touch with you during the weekday?

If you're deaf or hard of hearing and you've asked us to get in touch by phone, what method do you use?

What is the best time to call you during the weekday?