



Memorandum

#15- 069

TO: WIC Regional Directors
WIC Local Agency Directors

FROM: Amanda Hovis, Director
Nutrition Education/Clinic Services Unit
Nutrition Services Section

DATE: June 5, 2015

SUBJECT: Policy Memo –Revised Policy: *Texas WIC Policy GA: 19.0 Compliance with the National Voter Registration Act of 1993*

This memo announces revisions to the subject policy as follows. The policy is effective July 1, 2015. At that time it will be posted and you may update your *Policy and Procedures Manual* by accessing the *WIC Website* at:

http://www.dshs.state.tx.us/wichd/policy/table_of_contents.shtm

Summary of Revisions

Texas WIC Policy GA: 19.0 Compliance with the National Voter Registration Act of 1993 was updated to reflect the current process for submitting voter registration cards.

If you have any questions or require additional information regarding *Texas WIC Policy GA: 19.0 Compliance with the National Voter Registration Act of 1993*, please contact Mary McCaffity, Policy & Special Projects Coordinator, at mary.mccaffity@dshs.state.tx.us or (512) 341-4564.

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Effective July 1, 2015

Policy No. GA:19.0

Compliance with the National Voter Registration Act of 1993

Purpose

To ensure all local agencies (LAs) are in compliance with the National Voter Registration Act (NVRA) of 1993.

Authority

Public Law 103-31

Policy

Each LA shall provide adult applicants/participants or adult parents/caregivers applying on behalf of a child with the opportunity to register to vote at application or subsequent certification and at the time a client reports a change of address. In addition, each LA shall document those who decline to register to vote.

Procedures

- I. All adult applicants/participants (i.e., pregnant, breastfeeding, or postpartum women) or adult parents/caregivers applying on behalf of a child shall be provided with the opportunity to register to vote at the time of certification, each subsequent certification, and any time the applicant/participant or parent/caregiver reports a change of address. (An adult is defined as an individual at least 17 years and 10 months of age. LA staff may determine a person's age solely by reviewing any available documents filed by the applicant. If an individual's age cannot be determined, the agency shall offer the individual the opportunity to register to vote.) Each LA may determine at what point in the application process to offer voter registration services. (In order to avoid any barrier effect, it may be advisable to provide such services after completion of the WIC application process.)

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- A. LA staff shall provide adult applicants/participants (i.e., pregnant, breastfeeding, postpartum women) with Form NVRA-WIC, Opportunity to Register to Vote.
- B. Adult parents/caregivers applying on behalf of a child may receive Form NVRA-WIC, Opportunity to Register to Vote, and shall be offered a voter registration application.
- II. If a pregnant, breastfeeding, or postpartum applicant/participant does not wish to register to vote, LA staff shall have the applicant/participant complete and sign the declination statement on Form NVRA-WIC, Opportunity to Register to Vote.
 - A. Staff shall provide assistance to the applicant/participant in understanding the declination process, if requested, including assistance in the appropriate language.
 - B. If the applicant/participant chooses not to sign Form NVRA-WIC, Opportunity to Register to Vote, the LA staff shall initial the appropriate box on Form NVRA-WIC designated "For Agency Use."
 - C. If the applicant/participant chooses not to sign Form NVRA-WIC, Opportunity to Register to Vote, but does choose to take a Voter registration application home, staff shall note on the form that an application was taken home by the applicant/participant.
 - D. Information relating to a declination to register to vote shall not be used for any purpose other than voter registration and internal WIC audit/review.
 - E. Completed declination statements (form NVRA-WIC, Opportunity to Register to Vote) shall be retained for 22 months at the LA.
 - 1. LAs shall either file the forms separately or in the client's file.
 - 2. The forms shall be available for audit/review.

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- III. LA staff shall provide assistance to any applicant/participant who requests help in reading or completing forms, including assistance in the appropriate language.
- IV. LA staff shall inform the applicant/participant that the decision whether or not to register to vote shall have no effect on the application for WIC benefits.
- V. Except for those applicants/participants who are not of voter registration age; i.e., under age 17 years and 10 months, LA staff shall not make a determination about her eligibility to register to vote.
- VI. Staff are prohibited from influencing an applicant's/participant's political preference or party registration, displaying any political preference or party affiliation, or making any statement or taking any action where the purpose or effect is to discourage the individual from registering to vote, or making any statement or taking any action whose purpose or effect is to lead the individual to believe that a decision whether or not to register has any bearing on the availability of WIC services or benefits.
- VII. If the applicant/participant or parent/caregiver chooses to register to vote, LA staff shall provide the individual with the mail-in voter registration application and any assistance necessary in understanding or completing the form, including assistance in the appropriate language.
 - A. The applicant/participant or parent/caretaker may choose to take the mail-in voter registration application home and complete it on his/her own and then mail to the Texas Secretary of State on his/her own or return to the LA and LA staff shall mail it to the Texas Secretary of State.
 - B. The applicant/participant or parent/caregiver may choose to complete the mail-in voter registration application while at the WIC appointment.

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1. The appropriate LA employee shall review the form for completeness in the presence of the client.
2. If the mail-in voter registration application does not contain all the required information and the required signature, the LA employee shall return the application to the client for completion.
3. Street addresses are required. Rural routes or post office boxes are not acceptable as a "Residence Address." Clients shall put a description such as "northwest corner of Elm and Maple" or "Bill Smith's Ranch" if their residence only has a rural route or post office box address. A homeless or displaced person shall use either a shelter address or describe where they sleep at night; for example, "under the south end of the 1st Street Bridge." In all cases, a mailing address shall be provided.
4. Clients who are not able to write may make a "mark" for their signature. WIC staff shall then print the client's name and sign their own name as witness. (A witnessing signature by WIC staff serves only as a declaration that the staff person witnessed the applicant make a signature mark and does not constitute a declaration that any or all of the information provided by the applicant is correct and true.)

VIII. The LA shall transmit the mail-in voter registration applications to the following address within five (5) days of receipt.

SECRETARY OF STATE
ELECTIONS DIVISION
PO BOX 12887
AUSTIN TX 78711-9972

- A. All registration forms collected in a five day period may be batched together and mailed in a single envelope.
- B. Mailing costs associated with transmission of the forms to the Secretary of State are allowable costs.

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- IX. If an LA provides certification or subsequent certification services during a home visit or in any other non-clinic setting, the client shall also be given an opportunity to register to vote following the procedures outlined above.

 - X. Each LA shall appoint a person to act as liaison with the county voter registrars in their service area.
 - A. The SA shall provide each LA with a listing of the voter registrars for each county in their service area. This is located on the internet at www.sos.state.tx.us/elections/voter/votregduties.shtml .

 - B. It is recommended that the NVRA liaison contact the voter registrars in their service area to encourage communication and to assure effective processing of the voter registration material.

 - C. It is recommended that the NVRA liaison be responsible for ensuring an adequate supply of forms are available at all sites, for periodically observing LA staff to ensure the requirements of NVRA are understood and met, for training new employees, and for resolving questions and problems that arise.

 - XI. An individual who visits a WIC site on a walk-in basis, but is not applying for WIC services for themselves or their child, may request and be provided with a voter registration application.
 - A. Staff shall not routinely provide the Form NVRA-WIC, Opportunity to Register to Vote, to such individuals.

 - B. Completed voter registration applications from such individuals shall be transmitted to the Texas Secretary of State along with the completed WIC client applications if the individual chooses to leave their completed application with the WIC staff.

 - XII. All costs associated with implementation of the NVRA are allowable WIC costs.

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- XIII. The SA shall provide training materials to the LA in order to ensure uniform application of the law and this policy and shall oversee and monitor LAs for compliance with the provisions of this policy.
 - XIV. In all cases where a client has a complaint, the client shall be provided with the Secretary of State's Election Division's toll-free number, 1-800-252-8683, and the number of the local county voter registrar.
 - XV. When a client question arises which the WIC staff cannot answer, LA staff shall first call the Secretary of State's Election Division's toll-free number for assistance while the client is present. If the line is continually busy, LA staff may then call the IRM staff at the state office for assistance.
 - XVI. Form NVRA-WIC, Opportunity to Register to Vote and/or the voter registration application shall not be revised by the LA.

Guidelines

- I. WIC staff may wish to advise clients who choose to register, that voter registrars, and not the local WIC office, shall send the voter a registration certificate if the application is valid and accepted or notify the voter that the application was rejected or challenged. Voters should hear from their county registrar in approximately 30 days from the receipt of the voter registration application.
- II. Because telephone numbers and gender are listed as "optional" on the voter registration application, LA staff may receive questions about the use of this data. Staff should refer clients to the toll free number operated by the Secretary of State for the most current information on what items on a voter registration application are available under open records laws.