

National Voter Registration Act Guidance

Requirement: Section 394.4574, F.S.

Frequency: Data collection report due quarterly

Due Dates: April 5th, July 5th, October 5th, January 5th

The purpose of this document is to provide guidance as to the National Voter Registration Act¹ (NVRA), in relation to community behavioral health services funded by the Department of Children and Families (Department) through LSF Health Systems. As a Voter Registration Agency (VRA),² the Department must provide consumers with an opportunity at admission or when they change their address, to either register to vote or update an existing voter registration.³

Application

Pursuant to Florida law, the Department and its subcontracted entities are considered VRAs and thereby required to ensure implementation of the NVRA.⁴ Because the Department contracts with Managing entities⁵ to administer and manage community behavioral health services, this duty is incumbent on each Managing Entity. This will require:

- Inclusion of NVRA provisions in each subcontract that serves clients;
- Quarterly data collection, and reporting to Department contract managers; and
- Oversight of the implementation of the NVRA by subcontracted providers.

Process

To implement the NVRA, provider agencies will:

- Designate a Voting Registration Activities Coordinator and notify the LSFHS Network Manager of such designation.⁶
- At admission, offer each consumer the opportunity to register to vote or update his or her voter registration.
- Upon notification of a change of address of a consumer, offer the opportunity to update voter registration to reflect this change.

¹ Enacted by the National Voter Registration Act of 1993, Pub. L. 103-31 (1993), and codified at 42 U.S.C. s. 1973gg., *et. seq.*

² Statute defines a Voter Registration Agency (VRA), as any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library. s. 97.021(44), F.S. Pursuant to the Americans with Disabilities Act of 1993 (ADA), disability is defined as:

(A) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;

(B) A record of such impairment; or

(C) Being regarded as having such an impairment. See, 42 U.S.C. s. 3602(h).

Further, recovery from a substance abuse disorder is considered a substantially limiting impairment. However, 28 C.F.R. s. 35.131, limits the extension of non-discriminatory practice to a person who may continue to use illicit substances. This does not include alcohol.

³ Section 97.058(1), F.S.

⁴ Section 97.058(10), F.S. Note, this section of statute requires that private providers that are also voter registration agencies, pursuant to s. 97.021, F.S., are contracted to comply with the NVRA. *See supra*, note 2.

⁵ Defined pursuant to s. 394.9082, F.S.

⁶ *See*, ch. 2.048, F.A.C.

- Implement a system to track and record activities conducted in compliance with the NVRA.
- On a quarterly basis, report to LSFHS through Carisk the activities conducted in compliance with the NVRA.
 - This will incorporate by reference, the following forms:
 - DS-DE77, the Voter Registration Agency Preference Form and Application, used to comply with the statutory requirements at admission and change of address;
 - DS-DE 18, the NVRA Complaint Form, for individuals to submit to the Department of State
 - DS-DE131, the Voter Registration Agency Quarterly Activities Report Form, to comply with the calendar year quarterly reporting requirement established in rule:⁷
- Ensure that VRA and NVRA responsibilities are passed to any agencies subcontracted for services under the instant contract and ensure a means for gathering activities to include in the Network Service Provider's quarterly report to LSFHS.
- Create agency policy and procedure outlining NVRA requirements.

Report Schedule

The Network Service Provider shall report the aggregate quarterly activities to the Managing Entity on the following schedule:

- First Quarter (Jan, Feb, Mar): April 5;
- Second Quarter (Apr, May, June): July 5;
- Third Quarter (Jul, Aug, Sept): October 5; and
- Fourth Quarter (Oct, Nov, Dec): January 5.

Monitoring

Compliance with the provisions of the NVRA and those contained herein is subject to monitoring by LSFHS. To ensure compliance, LSFHS representatives may review policies and procedures, interview staff or review tracking logs or systems.

References and Forms

- The DS-DE77 form to comply with the statutory requirements at admission and change of address is available at:
<http://dos.myflorida.com/elections/forms-publications/forms/>
- By rule, the Department of State has promulgated a calendar year quarterly reporting requirement (DS-DE131) in relation to agency quarterly activities which is available at:⁸
<http://dos.myflorida.com/elections/forms-publications/forms/>
- The Department of State has online training available at:

⁷ *Id.*

⁸ *Id.*

<http://dos.myflorida.com/elections/for-voters/voter-registration/national-voter-registration-act/>

The National Voter Registration Act Guidance will be administered according to DCF Guidance 25, which can be found at following link using the applicable fiscal year:
<https://www.myflfamilies.com/services/samh/samh-providers/managing-entities>