

MEMORANDUM

TO: ALL INTERESTED PARTIES

FROM: Disability Rights California

RE: Regional Center: Responsibility to Assist Regional Center Clients with Voter Registration

DATE: April 23, 2004

INTRODUCTION

In 1993 the United States Congress enacted the National Voter Registration Act, also known as the "NVRA" and the "Motor Voter Act". [42 U.S.C. 1973gg-5\(a\), \(b\)](#). The purpose of the Act is to enhance voting opportunities for every American and to remove the discriminatory barriers which have historically resulted in lower voter registration rates of ethnic minorities and persons with disabilities. In essence, the NVRA has made it easier for all Americans to exercise their fundamental right to vote.

AGENCY-BASED VOTER REGISTRATION

1. What is agency-based voter registration?

One of the major requirements of the "Motor Voter" Act is the "Agency-Based Voter Registration" provision. 42 U.S.C. 1973gg-5. In essence, this provision requires that each state designate the following agencies as voter registration agencies:

- All offices in the State that provide public assistance; and
- All offices that provide state-funded programs primarily engaged in providing services to persons with disabilities.

2. *What are the voter registration agencies required to do?*

Voter registration agencies are required to provide “voter registration opportunities” to anyone who applies to receive their services, as well as anyone who is already receiving services from the agency.

3. *What are voter registration opportunities?*

An agency must provide voter registration opportunities by:

- Giving you a voter registration form;
- Giving you a declination form;
- Assisting you in completing the forms, unless you refuse such assistance; and
- Forwarding your completed applications to the appropriate state official.

REGIONAL CENTERS

4. *Is my local Regional Center a voter registration agency?*

Yes and no. The State Department of Developmental Services (DDS) is responsible for designing and coordinating a wide array of services for California residents with developmental disabilities. DDS is a state-funded program “primarily engaged in providing services to persons with disabilities”. Therefore, it is a designated voter registration agency.

DDS provides many of its services through a statewide system of 21 locally-based regional centers. Regional centers are nonprofit private corporations that have offices throughout California to provide a local resource to help find and access the many services available to individuals with developmental disabilities and their families.

DDS carries out its voter registration responsibilities through the local regional centers. Therefore, your local regional center should provide you with voter registration opportunities.

5. *How do I take advantage of the voter registration opportunities through my regional center?*

Anyone at or near the age of 18 (the legal voting age) who applies for regional center services should be offered voter registration opportunities. Similarly, when a person already receiving regional center services turns 18,

the service coordinator should offer that person voter registration opportunities (see Question 3).

6. *Do I have to go to the regional center office to get the form or to get help filling it out?*

If the regional center provides services to you in your home, the “Motor Voter” Act requires them to provide voter registration opportunities to you at your home. [42 U.S.C. 1973gg-5\(a\)](#)

7. *Can my service coordinator tell me what political party I should register under?*

No. The Act specifically states that a designated voter registration agency cannot:

- seek to influence an applicant's political preference or party registration,
- display any such political preference or party allegiance,
- make any statement to an applicant or take any action, for the purpose or effect of discouraging the applicant from registering to vote, or
- make any statement to an applicant or take any action for the purpose or effect of leading the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits

8. *If I want to register, who should I speak to?*

You may register to vote if you meet the following criteria:

- you are a United States citizen,
- you are a resident of California,
- you are at least 18 years of age (or will be by the date of the next election),
- you are not in prison or on parole for a felony conviction, and
- you have not been judged by a court to be mentally incompetent to register to vote.

If you meet these criteria, you should contact your regional center service coordinator and ask them to assist you with voter registration. If you are not sure whether or not you meet these criteria, your regional center service coordinator should be able to help you.

9. What if my service coordinator refuses to help me register?

If you are otherwise eligible, the regional center cannot refuse to provide you with voter registration material because they do not think you are competent or capable of voting.

If your regional center service coordinator refuses to provide you with the appropriate voter registration materials (see question #3) or to assist you with registration, you should contact Disability Rights California at 1-800-776-5746 for assistance.