



June 22, 2020

Cash Assistance Manual Transmittal Letter No. 152

TO: All Cash Assistance Manual Holders
FROM: Kimberly Hall, Director
SUBJECT: **Five year rule review: Voter Registration Requirement.**

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 07/01/2020

Chapter 1000

5101:1-2-15 "Voter Registration Requirement."

The rule describes the policy for the administration of the National Voter Registration Act (NVRA) of 1993 and the role of the county agency. The Office of Family Assistance (OFA) has amended this rule. Changes to the rule include:

- Removed the reference to Disability Financial Assistance (DFA) from this rule due to the repeal of the DFA program in accordance with section 812.40 of the Ohio Revised Code;
- Reordered paragraph (B)(1)(a) to (B)(1)(d) for clarity;
- Reordered paragraph (B)(2)(b)(ii) to (B)(2)(b)(iii) for clarity;
- Language in paragraph (B)(5) is amended to transmit voter registration forms to the local county board of elections "within" five days after the receipt by the county agency;
- Added paragraph (B)(8) to instruct the county agency to provide the individual with the opportunity to register to vote if the county learns an individual has not been given the opportunity;
- The term "reapplication" was replaced with "recertification" to align with rule 5101:1-2-20 of the Administrative Code;
- Added paragraph (C) to describe what the county agency is not permitted to do;
- New paragraph (D)(3)(b) is amended to include the first annual training session must occur no later than September of each year; and
- Minor language changes were made for clarity.

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5101:1-2-15

Voter registration requirement.

(A) What is the National Voter Registration Act (NVRA) of 1993?

- (1) The NVRA, 52 U.S.C. 20501 (1993), establishes procedures to increase the number of eligible citizens who register to vote in elections for federal office.
- (2) The NVRA requires ~~each state~~ states to provide voter registration services ~~at designated government agencies to all government agencies that provide public assistance, including county agencies. In Ohio, the designated agencies include the county agencies.~~

(B) What is the role of the county agency?

The county agency shall do the following:

- (1) In accordance with the NVRA and section 329.051 of the Revised Code, make voter registration applications available, as set forth in paragraph (B)(2) of this rule, to individuals applying for or in receipt of the following programs:
 - (a) Ohio works first (OWF);
 - ~~(b) Disability financial assistance;~~
 - ~~(c) Prevention, retention and contingency~~ (PRC);
 - ~~(d) Medical assistance~~ Supplemental nutrition assistance program (SNAP); and/or
 - ~~(e) Food assistance~~ Medicaid.
- (2) Provide the following forms with every application, ~~reapplication~~ recertification or change of address:
 - (a) The JFS 07200-VR "Voter Registration and Information Update Form" ~~(06/2014)~~ or the national mail voter registration application. The voter registration form shall be attached to all applications, ~~and reapplication~~ recertifications and change of address materials.
 - (b) The JFS 07217 "Voter Registration Notice of Rights and Declination" ~~(8/2009)~~, or the county-created equivalent form or the ~~computer~~ statewide automated eligibility system generated equivalent. When the county agency creates its own form, the questions and statements set forth in the NVRA and section 3503.10 of the Revised Code must be on the form.

- (i) Individuals who wish to register should check the "yes" box and individuals who do not wish to register should check the "no" box. Failure to check either box will be deemed a decision not to register to vote at that time.
 - ~~(ii) The secretary of state does not require the submission of the notice of rights and declination form.~~
 - ~~(iii)~~(ii) When an individual checks "no" on the notice of rights and declination form, but completes the voter registration form, the county agency shall send the form to the local county board of elections.
 - (iii) The secretary of state does not require the submission of the notice of rights and declination form.
 - (iv) Information relating to a declination to register to vote in connection with an application made at the county agency shall not be used for any purpose other than voter registration.
- (3) Assist the individual in completing the voter registration forms, unless the individual refuses such assistance. Each individual shall be provided the same degree of assistance with completion of the voter registration form as is provided with the completion of any public assistance form.
 - (4) Accept the completed voter registration form regardless of whether the form was distributed by the county agency. Completed voter registration forms may be returned to the county agency in person or through another person. When voter registration forms are accepted, they shall be date stamped using a date stamp that will not disclose the identity of the county agency or if no such date stamp is available, the date may be written on the voter registration form.
 - (5) Transmit completed voter registration forms to the appropriate local county board of elections ~~no later than~~ within five ~~calendar~~ days after the date of receipt by the county agency. The JFS 07218 "Agency-Based Registration Voter Registration Transmittal" ~~(8/2009)~~ shall be used for this purpose.
 - (6) Maintain confidentiality in voter registration procedures. The identity of the county agency from which voter registration forms are received shall remain confidential except as required by the secretary of state for record-keeping purposes.
 - (7) Establish an internal procedure for collection of all voter registration forms. The internal procedure shall include the selection of a designated individual

within the agency to serve as coordinator for all activities related to the voter registration program. The requirements of the coordinator are listed in paragraph ~~(C)~~(D) of this rule.

- (8) Provide the individual with an opportunity to register to vote with instructions when the county agency learns the individual was not given the opportunity to register to vote.

(C) What is the county agency not permitted to do?

- (1) Seek to influence an individual's political preference or party registration;
- (2) Display any such political preference or party allegiance;
- (3) Make any statement to an individual or take any action with the purpose or the result is to discourage the individual from registering to vote; or
- (4) Make any statement to an individual or take any action with the purpose or the result is to lead the individual to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

~~(C)~~(D) What is the role of the county agency voter registration coordinator?

The voter registration coordinator is responsible for administering all aspects of the voter registration program within the county agency as prescribed by the secretary of state and has the following specific responsibilities:

- (1) Collect all voter registration forms.
- (2) Transmit voter registration forms to the local county board of elections.
- (3) Train all county agency employees who provide assistance in processing applications, ~~reapplications~~ recertifications, and changes of address with respect to the voter registration requirements:
 - (a) New county agency staff who have NVRA-related responsibilities shall receive training within the first month of their employment or before their first public contact, whichever occurs first.;
 - (b) Current county agency employees shall receive training at least annually, with the first session occurring no later than September of each year.
 - (c) Records of staff training shall be maintained by the county agency and provided to the Ohio department of job and family services upon request.

- (4) Maintain an adequate supply of the applications and forms identified in paragraphs (B)(2)(a) and (B)(2)(b) of this rule.
- (5) Monitor voter registration activities.
- (6) Resolve questions and problems that arise, in coordination with state or county election officials.
- (7) Administer all aspects of the voter registration program for the county agency as prescribed by the secretary of state.
- (8) The coordinator shall receive no additional compensation for performing such duties.

Effective: 7/1/2020

Five Year Review (FYR) Dates: 3/18/2020 and 07/01/2025

CERTIFIED ELECTRONICALLY

Certification

06/18/2020

Date

Promulgated Under: 119.03

Statutory Authority: 5107.05

Rule Amplifies: 329.051, 3503.10, 5101.54, 5107.05, 5108.02

Prior Effective Dates: 07/01/1998, 11/01/2002, 07/01/2005, 07/01/2007,
01/01/2010, 04/01/2015