



Reply to
Attn. of: SF-115

OCT 04 1994

Subject: WIC Policy Memorandum: 95-1
Questions and Answers on Implementation of the National Voter
Registration Act of 1993 (NVRA)

To: Regional Program Directors
Supplemental Food Programs
All Regions

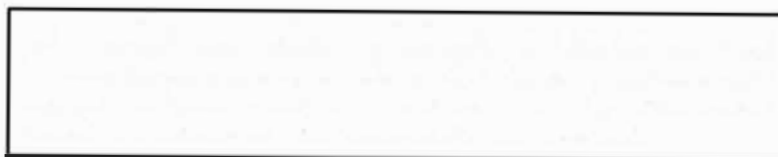
Policy Memorandum: 94-4, dated March 31, 1994, provides information on the requirements of the National Voter Registration Act of 1993 (NVRA) and the responsibilities of WIC offices to provide voter registration services. This policy memorandum provides additional WIC-related information to State agencies, including Indian State agencies, in implementing the NVRA.

Attached is a set of Questions and Answers to assist WIC State agencies in implementing the NVRA and to identify issues and decisions which may require consultation with State election officials. As indicated in Policy Memorandum: 94-4, State agencies should integrate voter registration services in the least burdensome, most efficient manner.

As noted in Policy Memorandum: 94-4, however, each State and its election officials (or other designated officials) are responsible for the implementation of the NVRA. Implementation of the NVRA will not be uniform nationwide but will vary from State to State. In general, States have the authority to establish their own specific Federal election procedures within the framework of Federal laws and requirements.

The Food and Nutrition Service (FNS) is not responsible for interpreting the NVRA or overseeing and monitoring its implementation. Nor is FNS responsible for conducting reviews of voter registration procedures adopted by WIC State agencies or determining whether such procedures are in compliance with the NVRA. As a result, WIC State agencies will not be required to include voter registration procedures in State Plans. However, any WIC Program funds used to provide voter registration services must be documented and reported as set forth in Policy Memorandum: 94-4, and as with other program

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areas, such costs will be reviewed by State agencies and FNS during financial expenditure reviews. At the Federal level, we will continue to coordinate with the Federal Election Commission, the Department of Justice, and the Department of Health and Human Services to provide WIC State agencies with any additional information that may assist them in their implementation efforts.



STANLEY S. GARNETT

Director

Supplemental Food Programs Division

Attachment

1. Q: What type of voter registration training will WIC staff receive and how will it be paid for? Are there any alternatives to WIC staff providing the voter registration services?

A: State election officials are responsible for voter registration training of the WIC staff. Any training responsibilities agreed to and undertaken by a WIC State agency for WIC staff would be an allowable nutrition services and administration (NSA) cost.

As an alternative to using WIC staff to provide voter registration services, it may be possible to utilize volunteers from the League of Women Voters, church organizations, or other volunteers to assist/provide voter registration services in WIC offices. Volunteers can be effectively used in WIC clinics without sacrificing the confidentiality of applicant and participant information, as set forth in Policy Memorandum: 93-2. We would encourage State agencies to consult with their legal counsel on this issue and other confidentiality issues that may arise in implementing the NVRA.

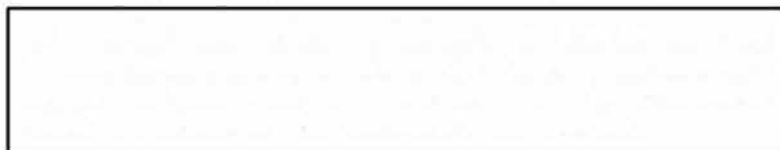
As a further alternative, it may be possible for a State health department, utilizing non-WIC staff, to provide voter registration services to all persons coming into a health department, not just WIC applicants. Such a decision to implement this strategy or any others should be made in consultation with State election officials.

2. Q: Are local WIC offices required to provide multiple language voter registration materials and forms?

A: The NVRA requires WIC offices to provide each applicant seeking to register to vote with the same degree of assistance in completing the voter registration form as is provided in completing program forms, unless such assistance is refused. Local offices which normally provide accommodations for applicants and participants with minority language needs should do the same for voter registration. State election officials should be alerted to this need so that they may provide appropriate voter registration materials.

3. Q: At what point in the WIC application process must voter registration services be offered? What degree of assistance must be provided? What if the applicant has already registered to vote?

A: WIC State agencies 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.



At that time, the applicant must be provided the same degree of assistance as is provided in completing the program forms, unless such assistance is refused. This applies to all program applicants, regardless of an eligibility determination. At the time of application, reapplication, and change of address, each applicant, including an applicant who has already registered to vote, must fill out a declination form, acknowledging the opportunity to register. Similarly, at the time of application, reapplication, and change of address, an applicant may update information previously provided on a voter registration form.

Any applicant prescreening voter registration procedures a State agency may wish to develop (i.e., determine registration status by phone or mail when the WIC appointment is scheduled) should be discussed with State election officials to ensure the procedures will comply with the requirements of the NVRA.

4. Q: How should "walk-ins" -- individuals who are not applying for WIC benefits for themselves or on behalf of others -- be handled? Would costs for walk-in registration be allowable NSA costs?

A: "Walk-ins" should be provided a mail voter registration application form, which upon completion may be submitted to the WIC office and transmitted by WIC to election officials. The NVRA does not require the provision of assistance to walk-ins, so WIC State agencies will need to consult with election officials on the procedures and degree of assistance required to accommodate walk-ins. The minimal costs of walk-ins would be considered allowable NSA costs.

5. Q: Must changes be made to current WIC Program applications (or joint program applications) in order to incorporate voter registration information?

A: No, separate forms, for example, for the declination information could be used. However, some State agencies may choose to incorporate this information as part of the WIC Program application forms. Both WIC Program regulations and the NVRA include confidentiality requirements for information obtained from applicants/registrants. In order to assure compliance with these requirements, WIC State agencies are encouraged to consult legal counsel prior to incorporating voter registration information on the WIC Program application forms or joint application forms.

Costs of developing and printing WIC program application forms or separate forms incorporating voter registration provisions would be considered allowable NSA costs. In addition, if a State agency chooses to modify its automated data entry system to incorporate voter registration provisions, such costs would be considered allowable NSA costs. State agencies are encouraged to discuss this issue with their appropriate FNS Regional Office



prior to any decision to modify WIC data systems because such modifications raise WIC issues such as program costs, cost allocation, and confidentiality.

6. Q: Should the State fail to implement the NVRA within the statutory timeframe, would the WIC State agency be considered noncompliant by FNS? What if the State implements the NVRA but the WIC State agency and/or any of its local agencies/clinics fail to do so?

A: The State, not the WIC State agency, is responsible for implementation of the NVRA and no liability would be ascribed to a State agency should a State fail to implement the NVRA. However, if the State implements the NVRA but a WIC State agency and/or any of its local agencies or clinics fail to do so, the Department of Justice may initiate legal action to ensure compliance.

