

Guidance 25 National Voter Registration Act Guidance

Contract Reference: *Sections A-1.1 and C-2.2.3.5*
Authority: *Section 97.058, F.S.*
Frequency: *Data collection report due quarterly*
Due Dates: *April 10th, July 10th, October 10th, January 10th*
Discussion:

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). As a Voter Registration Agency (VRA),² the Department must provide people with an opportunity at admission or when they change their address, to either register or update their voter registration.³

Application:

Pursuant to Florida law, the Department, as a VRA, is required to ensure that contractors are implementing 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, the managing entity will:

- Ensure that subcontracts with providers that serve clients should be updated to include the NVRA implementation requirement. The contract amendment must address quarterly activity reports, completed by the provider, to be collected by the managing entity. 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;⁶
- The managing entity shall report, the aggregate quarterly activities to the appropriate regional contract

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(43), 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 *Id.*

manager, on the following schedule:

- First Quarter: April 10. (Jan, Feb, Mar). Department aggregate report due to Department of State – April 15;
- Second Quarter: July 10. (Apr, May, June). Department aggregate report due to Department of State – July 15;
- Third Quarter: October 10. (Jul, Aug, Sept). Department aggregate report due to Department of State – October 15;
- Fourth Quarter: January 10. (Oct, Nov, Dec). Department aggregate report due to Department of State – January 15.

The regional contract manager will transmit the quarterly reports to the Department's SAMH Voting Registration Coordinator for submission to the Department of State.

The Department of State has published all form referenced herein, along with online training and additional guidance to implement NVRA at:

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