

Section 5531 of the Temporary Assistance for Needy Families Program Manual published 6/27/23.

5531 Voter Registration

The National Voter Registration Act (NVRA) requires that states provide customers the opportunity to register to vote when an application for assistance, recertification form, or a change of address is submitted for a public assistance program such as SNAP, TANF, Medicaid, LIEAP, and Child Care Assistance. The Voter Preference Question “If you are not registered to vote where you live now, would you like to apply to register to vote here today?” is included on all DSS application/recertification forms and the DSS-EA-214 Six Month Report form. If the customer marks “Yes” to this question or if they leave the question blank, EABS must send a Voter Registration Application to the customer to complete.

For all in-person transactions, DSS/DLR will provide the Voter Registration Application during the transaction itself, rather than mailing it to the client following the transaction.

When the customer reports a change of address, a Voter Registration Application is automatically sent to the customer when the address is updated on ACCESS. If a customer reports a change in address, it is important that the address be updated on ACCESS so that this form is automatically sent to the customer.

For changes of address conducted remotely:

For address changes reported by telephone, the employee who speaks with the customer shall inform the customer that they will receive a Voter Registration Application by mail and may seek assistance in completing the Voter Registration Application at any local DSS/DLR office.

For address changes reported by email, DSS/DLR will promptly email a confirmation notice to the customer notifying them that DSS will mail a Voter Registration Application and that they may seek assistance in completing the Voter Registration Application at any local DSS/DLR office.

For address changes submitted online, DSS/DLR will promptly notify the customer by email, text message, or other electronic means that DSS/DLR will mail a Voter Registration Application and that they may seek assistance in completing the Voter Registration Application at any local DSS/DLR office.

To register to vote in South Dakota an individual must:

- a. Be a United States citizen
- b. Reside in South Dakota
- c. Be at least 18 years old on or before the next election
- d. Not currently serving a sentence for a felony conviction which

- included imprisonment served or suspended, in an adult penitentiary.
- e. Not be judged mentally incompetent by a court of law.

The following services must be provided by a voter registration agency:

1. Distribution of voter registration applications and Voter Preference forms to applicants of public assistance;
2. Assistance in completing voter registration application forms unless the applicant refuses such assistance; and
3. Acceptance of completed voter application forms for daily transmittal to the County Auditor's Office to avoid missing deadlines.

The NVRA prohibits any person providing voter registration services from:

1. Seeking to influence an applicant's political preference or party registration;
2. Displaying any political preference or party allegiance;
3. Discouraging registration;
4. Implying in any way that the availability of Agency services or eligibility is dependent upon voter registration; or
5. Disclosing any applicant's voter registration information except as needed for the administration of NVRA or identifying agency's name on the application form.

Agency Responsibilities

DSS/DLR will help an individual complete the Voter Registration Application. You must "provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance." (52 U.S.C. § 20506(a)(6)(C))

Completed Voter Registration Applications must be stamp dated with the date it was received in the office. Completed Voter Registration Applications must be mailed to the county auditor no later than one business day after the office receives it. The original application must be mailed, not emailed, faxed, or scanned; as the county auditor must have the original signature. DSS/DLR will record the date each Voter Registration Application was transmitted to the county auditor and the method of delivery (first-class mail, hand delivery, etc.).

Training

New employees must receive NVRA training within 30 days of their hire. Yearly training will be provided to all staff. Local offices are required to submit a certification of all employees who attend the training to the Assistant Division Director for Economic Assistance within one month of the

training.

Specialist (EABS/ES)

The EABS will review the customer's response to the **Would you like to register to vote?** question on the EA-DSS-301. The ES will review the customer's response to the **Would you like to register to vote?** question on the EA-DSS-201. If the customer indicates "Yes" or the response is left blank, the EABS/ES will provide the applicant the opportunity to register to vote. The applicant must be verbally asked "Would you like to apply to register to vote here today?"

Customer answers "yes" or the question is left blank to the **Would you like to register to vote?** question on EA-DSS-301/201.

1. If the customer responds affirmatively, the EABS/ES will provide the customer with a SD Voter Registration form. The SD Voter Registration form can be downloaded from the SD Secretary of State's website: [SD Secretary of State](#) or in the [P:\Division of Economic Assistance](#).
2. The EABS/ES will ask the customer, "Would you like help filling out the voter registration form?" The same level of assistance must be provided for completing the voter registration application as is given in completing DSS/DLR forms.
 - a. If the customer responds affirmatively, the EABS/ES will assist the customer with completing the form.
3. The EABS/ES will offer to mail the Voter Registration form, with original signature, to the County Auditor's Office for the customer.
 - a. If the customer provides the completed Voter Registration form with original signature to the EABS/ES, the EABS/ES will give the completed form to the locally designated staff member.
 - b. The customer can decline having DSS/DLR mail the form to the County Auditor's Office.

NVRA Reporting on ACCESS

Local offices are responsible for submitting all voter registration applications with original signatures, to the County Auditor's Office on a daily basis. The EA Regional Manager and DLR Office Administrator are responsible for designating the local staff member who receive, and mail completed voter registration forms. The timely delivery of voter registration applications is extremely important to ensure that all individuals are properly registered to vote. When a customer completes the voter registration form, please use the following procedure:

1. The EABS/ES provide the completed Voter Registration form to the locally designated staff member.
2. The voter registration application is placed in a secure location away from public view as the document contains PII.
3. The South Dakota voter registration deadline is 15 days prior to the election. Local office staff should be aware of these deadlines and

transmit applications as soon as possible when a registration deadline is near.

In order to meet NVRA reporting requirements, special coding in ACCESS must occur. If the customer indicates that they do not want to register to vote or they have left the question blank, EABS update the STAT panel in the period working in with an "N". If they answered YES, update the STAT panel with a "Y".

Example: A customer comes into the DSS office on July 2 to apply for TANF for her grandchildren. On the 301 – Economic Assistance Application, the customer has selected "YES" to the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?" The EABS will provide the customer with the SD Voter Registration form. The EABS will then verbally ask the customer, "Would you like help filling out the voter registration form?" The EABS will assist the customer as necessary with the process. The EABS will then ask the customer, "Would you like our office to mail the Voter Registration form to the County Auditor's Office?". The EABS will assist the customer as necessary. The EABS updates the STAT panel in ACCESS and narrates their actions.

Example: At recertification interview on June 5th for the new certification period beginning in July 2020, a TANF customer wishes to register to vote. The customer checks "yes" on the DSS-EA 301, but does not return a completed SD Voter Registration form. The EABS will mail the SD Voter Registration form to the customer. During the recertification interview, the EABS will ask the customer, "Would like help filling out the voter registration form? We will be happy to assist you". The EABS updates the STAT panel in ACCESS and narrates their actions. The customer returns the completed form with other pending documents. The EABS give the completed form to the locally identified staff member to mail. The EABS narrates their actions.

Example: The customer reports in person to the Employment Specialist on June 27 that the household has moved. The ES sends an Outlook email to the EABS on this reported change. The EABS updates the address panel in ACCESS. The system will generate a report to State Office and a voter registration form is mailed by state office staff to the customer at the new address.