

**IMPLEMENTATION OF THE
NATIONAL VOTER
REGISTRATION ACT
BY STATE VOCATIONAL
REHABILITATION AGENCIES**

**NATIONAL COUNCIL ON DISABILITY
October 1, 1999**

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IMPLEMENTATION OF THE NATIONAL VOTER REGISTRATION ACT BY STATE VOCATIONAL REHABILITATION AGENCIES

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LETTER OF TRANSMITTAL

October 1, 1999

The President
The White House
Washington, DC 20500

Dear Mr. President:

On behalf of the National Council on Disability (NCD), I am pleased to submit the report *Implementation of the National Voter Registration Act by State Vocational Rehabilitation Agencies*.

Voting is one of the most fundamental rights in a democratic society. In order to promote the exercise of this right, the National Voter Registration Act (NVRA) was enacted in 1993. Section 7 of NVRA specifies that each state shall designate, as voter registration agencies, all offices in the state that provide state-funded programs primarily engaged in providing services to persons with disabilities. One of the largest agencies serving people with disabilities in a state is the vocational rehabilitation agency.

To date, no study has been undertaken regarding the implementation of NVRA by state vocational rehabilitation agencies. The purpose of this report is to assess the experience of these agencies in implementing this critical legislation. NCD finds that state agency implementation is inconsistent and not well coordinated. The report offers recommendations for improving implementation of this critical law by state vocational rehabilitation agencies.

NCD stands ready to work with you and stakeholders outside the government to address the issues identified in this report and to empower persons with disabilities by facilitating their participation in the political process.

Sincerely,

Marca Bristo
Chairperson

(This same letter of transmittal was sent to the President Pro Tempore of the U.S. Senate and the Speaker of the House of Representatives.)

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PREFACE

Historically, people with disabilities have been subjected to discrimination and denied equal opportunity to participate in many aspects of American society. Segregation, exclusion, and denial of meaningful opportunities to participate in activities fundamental to living in a democratic society too often have relegated people with disabilities to second-class citizenship.

Discrimination is sometimes based on fear, ignorance, or prejudice; other times it is based on indifference or benign neglect. Still other times, discrimination is the result of the failure to make programs or services accessible.

In recognition of the need to ensure equal justice, the Americans with Disabilities Act (ADA) was signed into law on July 26, 1990, by President Bush. ADA, as an omnibus civil rights statute, reflects our nation's commitment to include people with disabilities in all aspects of American society.

The National Voter Registration Act (NVRA) extends the vision of ADA by requiring that voter registration be simple and convenient for all citizens, particularly for citizens with disabilities. By enacting NVRA, Congress has significantly increased the likelihood that people with disabilities will exercise the right to vote—one of the most fundamental rights in a democratic society.

NVRA has been in effect for most states since January 1, 1995. To date there has been no study of the implementation of NVRA. This report assesses the experience of a sample of state vocational rehabilitation agencies in implementing NVRA.

It is hoped that this report will help promote the full implementation of this landmark legislation by vocational rehabilitation agencies as well as other agencies serving people with disabilities.

ACKNOWLEDGMENTS

All research, data collection, and analysis for this study was conducted under contract for the National Council on Disability by the Center for the Study and Advancement of Disability Policy at The George Washington University School of Public Health and Health Services, Washington, DC. The principal researcher and lead author for this report is Robert Silverstein, J.D., with administrative assistance provided by Melanie Gabel.

We wish to thank the state directors of vocational rehabilitation who agreed to participate in the study, particularly those directors who agreed to provide detailed information concerning the administration of the programs in their states. These states are California, Connecticut, Georgia, Iowa, Michigan, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and Washington.

We also wish to thank Jim Dickson of the National Organization on Disability for his continued interest in advancing the empowerment of persons with disabilities through voter registration. In addition, we wish to thank Jo-Anne Chasnow of HumanSERVE, whose expertise in the technical details of National Voter Registration Act implementation provided critical insights regarding best practices for achieving the purposes of the Act.

EXECUTIVE SUMMARY

On May 20, 1993, President Clinton signed into law the National Voter Registration Act (NVRA). In a nutshell, the purpose of NVRA is to make registration convenient and accessible for all eligible voters, including persons with disabilities.

Section 7 of NVRA specifies that each state shall designate as voter registration agencies, all offices in the state that offer state-funded programs primarily engaged in providing services to persons with disabilities. One of the largest agencies providing services to persons with disabilities in every state is the state vocational rehabilitation agency, which provides assistance to persons with disabilities to prepare them to engage in gainful employment. In 1998, vocational rehabilitation agencies provided services to more than 1.2 million persons with disabilities, of whom 623,000 were new recipients of services.

These designated voter registration agencies are required to verbally or in writing offer an opportunity to register to vote to each person who is served, including providing services such as mailing voter registration application forms, assisting applicants in completing voter registration forms, accepting of completed forms, and transmitting of forms to appropriate election officials.

NVRA has now been in effect for most states since January 1, 1995. To date no survey has been undertaken of the implementation of NVRA by state vocational rehabilitation agencies. The purpose of this report is to assess the experience of state vocational rehabilitation agencies in implementing NVRA in a sample of states.

In keeping with the National Council on Disability's (NCD's) mission to advise the President and Congress on public policy that affects people with disabilities, NCD has taken an interest in the ability of Americans with disabilities to participate in the electoral process. NCD is hopeful that aggressive and coordinated implementation of NVRA by

state vocational rehabilitation agencies will result in greater voter participation by people with disabilities.

Key Findings and Conclusions, Recommendations

Six topics are analyzed in this report:

1. Overall approach to implementation of NVRA by state vocational rehabilitation agencies
2. Adoption of NVRA-mandated policies and procedures by state vocational rehabilitation agencies
3. Monitoring, data collection, recordkeeping, and reporting
4. Appointing coordinators to oversee implementation of NVRA
5. Training
6. Incentive systems to encourage implementation

1. Overall Approach to Implementation

Findings and Conclusions

States included in the survey reported a range of attitudes about and approaches to implementation of NVRA. Some embraced the objectives of NVRA; others resented NVRA as simply another "unfunded federal mandate" and adopted a minimal compliance approach; and still others were forced to comply by court order.

Recommendations

To ensure that all state vocational rehabilitation agencies provide the opportunities to register to vote envisioned by NVRA, NCD recommended the following:

- The Rehabilitation Services Administration (RSA) should monitor states' compliance with NVRA.

- The Client Assistance Programs and State Rehabilitation Councils established under title I of the Rehabilitation Act of 1973, as amended, should undertake ongoing oversight of the NVRA.

2. Policies and Procedures Mandated by NVRA

Findings and Conclusions

All the vocational rehabilitation agencies surveyed incorporate in their forms and written materials the specific requirements mandated by NVRA, such as the content of the registration forms, services that must be provided to clients, and prohibitions regarding influence.

There are, however, significant variations among states in the options applicants are provided on forms for describing whether or not they want to register to vote. The choices registrants are offered are unclear.

Recommendations

To help address these inconsistencies, NCD recommends the following:

- In its next report to Congress, the Federal Election Commission (FEC) should address the lack of clarity in the choices registrants are offered.
- States should adopt the following five categories from which applicants may describe their preferences (based on South Carolina's system):
 - ◆ Yes, I would like to register to vote.
 - ◆ I am not eligible to register to vote.
 - ◆ I am already registered to vote.
 - ◆ Registration assistance is offered, but I choose to register by mail (form provided).
 - ◆ No, I would not like to register to vote at this time.

3. Monitoring, Data Collection, Recordkeeping, and Reporting

Findings and Conclusions

Insufficient Data Reporting

Policies and procedures regarding monitoring, data collection, recordkeeping, and reporting vary considerably among states. Overall, there is a lack of meaningful aggregate data reported by vocational rehabilitation agencies regarding basic results of voter registration efforts. Without such data, it is difficult—perhaps impossible—to ascertain to what extent state vocational rehabilitation agencies are implementing NVRA. In states in which lawsuits have been filed and won, state agencies have been required to collect aggregate data.

Inclusion of NVRA Data in Agencies' Computerized Information Systems

Several states surveyed report that they have successfully included data reporting about implementation of NVRA in their computerized case management systems.

Single Combined Application Form for Voter Registration and Vocational Rehabilitation Services.

To facilitate the voter registration process, FEC recommends use of a single integrated voter registration form that is a perforated or pressure-sensitive part of the agency's own form for services. Most states surveyed do not use a single application form for vocational rehabilitation services and thus have not adopted the FEC recommendation.

Use of Site Identification Codes

Only a few states use site identification codes that allow election officials to ascertain how many persons registered or declined to register at a particular agency.

Recommendations

To improve recordkeeping and facilitate implementation of NVRA by state vocational rehabilitation agencies, NCD recommends the following:

- Every state vocational rehabilitation agency that has or is planning to adopt a computerized case management system should implement NVRA as a core component of the system.
- State vocational rehabilitation computer systems should be linked with statewide systems used by election officials.
- All states, whether or not a state adopts a computerized system, should collect the following data and tabulate results by agency:
 - ◆ number of clients served during the reporting month
 - ◆ number of clients who were offered a voter registration application
 - ◆ number of clients who declined to apply for registration
 - ◆ number of clients who declined to apply because they indicated that they are already registered to vote
 - ◆ number of applications taken by clients to be mailed or delivered
 - ◆ number of applications mailed or delivered by the agency
- Vocational rehabilitation agencies that adopt a single integrated application form for vocational rehabilitation services should include voter registration as a perforated or pressure-sensitive part of their agency's form.
- Vocational rehabilitation agencies should use site codes to report data to state election officials, enabling these officials and other stakeholders to ascertain the extent to which each agency is implementing NVRA.
- To monitor the effectiveness of agency registration programs, state election officials should be required to account for the number of voter registration applications received from each agency office.

4. Appointing Coordinators to Oversee Implementation

Findings and Conclusions

Research indicates that a principal component of a successful agency registration program is the appointment of a coordinator in each agency office to be responsible for all voter registration activities. All states reported that they appointed a coordinator at the state level; many states reported that they appointed a coordinator at the district level. A few states specified the responsibilities of coordinators in policy manuals.

Recommendations

NCD recommends the following:

- Every state should designate a coordinator within the state office who is responsible for monitoring the implementation of NVRA. The coordinator's job responsibilities should be described and documented so that expectations are clear.
- States that have district offices and private agency sites should designate a coordinator who is responsible for implementing NVRA, and the coordinator's responsibilities should be specified in writing.

5. Training

Findings and Conclusions

Research indicates that training is a significant factor in a successful agency voter registration program. The results of this study indicate that initial training occurred in most states shortly before NVRA went into effect or after a court decree was handed down or a legal settlement was reached. Some states report that training is ongoing. In other states the nature and extent of ongoing training is unclear.

Recommendations

NCD recommends the following:

- State policies should require that new employees receive training from either agency staff or the state agency responsible for voter registration.
- Existing employees should also receive periodic training.

6. Incentive System

Findings and Conclusions

Research indicates that good management includes the use of "carrots" as well as "sticks." Pennsylvania has adopted an incentive program that rewards agencies that register significant numbers of voters at their offices.

Recommendations

NCD recommends the following:

- Every state should consider establishing an incentive program.
Pennsylvania's model of public recognition and award for agency performance is one possible approach.
- Evaluations of employees who provide vocational rehabilitation services should include their implementation of NVRA.

INTRODUCTION

Background

Voting is one of the most fundamental rights in a democratic society. Yet in 1993 Congress found that almost 70 million eligible citizens did not participate in the electoral process because they were not registered to vote. [Senate Report No.103-6 at page 2]

To promote the exercise of this right, Congress enacted and President Clinton signed into law the National Voter Registration Act (NVRA) on May 20, 1993. [Public Law 103-31]

The purpose of NVRA is to make voter registration as simple and convenient as possible for all eligible voters, including persons with disabilities. NVRA accomplishes this objective for people with disabilities by requiring each state to designate as voter registration agencies all offices of state-funded programs primarily engaged in providing services to persons with disabilities, including state agencies providing vocational rehabilitation services.

NVRA is significant to persons with disabilities. According to data from the U.S. Bureau of the Census' Current Population Survey, only six out of ten adults with disabilities (62 percent) were registered to vote in the 1996 presidential elections, compared with almost eight out of ten (78 percent) among the nondisabled population, a significant gap of 16 percent. This finding was recently reported in a National Organization on Disability (NOD)/Lou Harris Survey of Americans with Disabilities (1998). The NOD/Lou Harris survey also found that only one in four adults with disabilities (25 percent) has been offered voter registration services from a government or community agency in the last five years.

A recent report prepared by Douglas L. Kruse, Ph.D., Kay Schriener, Ph.D., Lisa

Schur, J.D., Ph.D., and Todd Shields, Ph.D. for the Disability Research Consortium, Bureau of Economic Research, Rutgers University, and the New Jersey Developmental Disabilities Council titled *Empowerment Through Civic Participation: A Study of the Political Behavior of People with Disabilities* (April 1999) surveyed a random sample of 700 people with disabilities and 540 people without disabilities about voting in 1996 and 1998 and voter registration, among other things.

The major findings of the 1998 survey are as follows:

- People with disabilities were, on average, about 20 percentage points less likely than those without disabilities to vote and 10 points less likely to be registered to vote, after adjusting for differences in demographic characteristics (age, sex, race, education, and marital status).
- If people with disabilities voted at the same rate as those without disabilities, there would have been 4.6 million additional voters in 1998, raising the overall turnout rate by 2.5 percentage points.
- The one-third of people with disabilities who are employed were as likely as employed people without disabilities to vote, while the two-thirds who are not employed were 17 percentage points less likely to be registered, and 30 percentage points less likely to vote, than nonemployed people without disabilities.
- Close to one-fourth of respondents have registered to vote since NVRA took effect, close to one-tenth have registered at a state department of motor vehicles, and close to 1 percent have registered at a disability agency or other public assistance agency, in both the disability and nondisability samples.

Another recent report (1998) prepared by the Office of Election Administration of the Federal Election Commission (FEC) titled *Implementing the National Voter Registration Act: A Report to State and Local Election Officials on Problems and Solutions Discovered 1995–1996* [FEC Report at pages 1–4] found that over 24,600 separate sites in 41 states provided agency voter registration opportunities for their service recipients during the period studied by the report. Registration applications received at all agency sites combined represented 11.12 percent of the total number of applications in the United States. Public assistance agencies accounted for 6.33 percent of this figure, agencies designated by the state accounted for 4.18 percent, disability service agencies accounted for 0.43 percent, and armed forces recruitment offices accounted for 0.18 percent.

In *National Disability Policy: A Progress Report November 1, 1997–October 31, 1998*, the National Council on Disability (NCD) encouraged the President and Congress to recognize that the ability of a person with a disability to vote should not depend on the goodwill of the state election agency but instead should be guaranteed as a federally protected civil right, with real consequences when the right is violated. Accordingly, NCD also encouraged the President and Congress to enact legislation that would amend the Voting Accessibility for the Elderly and Handicapped Act to recognize the right of all people to vote independently; guarantee accessibility to all stages of the electoral process (from voter registration to election day procedures); require the Architectural and Transportation Barriers Compliance Board ("Access Board") to establish standards for the accessibility of polling places, polling methods, and registration materials; strengthen the law's enforcement mechanisms to ensure that private individuals are able to enforce their rights; and require regular and meaningful monitoring of access to elections for people with disabilities by FEC or other appropriate entity.

Purpose of Report

This report by NCD, an independent federal agency, analyzes the experience of state vocational rehabilitation agencies in implementing NVRA. NCD decided to focus on the experience of state vocational rehabilitation agencies because of the substantial number of persons with disabilities served by these agencies—well over 1.2 million persons on an annual basis. Of this number, approximately 623,000 are new recipients of services.

Topics analyzed in this report include the following:

- ◆ overall approach toward implementation adopted by the state vocational rehabilitation agency
- ◆ agency's adoption of policies and procedures mandated by NVRA
- ◆ monitoring, data collection, recordkeeping, and reporting
- ◆ appointing coordinators to oversee implementation of NVRA
- ◆ training
- ◆ incentive system to encourage implementation

Scope of the Report

This report describes policies and procedures related to the implementation of NVRA reported by a sample of state vocational rehabilitation agencies. The analysis did not attempt to ascertain whether the policies and procedures reported by these agencies are in fact being used or whether agency staff is implementing the policies and following the procedures. Nor did the analysis include interviews of persons with disabilities to ascertain their perspective. In other words, this report is not a compliance audit.

Research Approach and Activities

For 1996, 1997, and 1998, all state vocational rehabilitation agencies in the nation were asked to submit aggregate data regarding the numbers of persons they served and the number of persons who registered or declined to register to vote. In addition, 15 states (based on geographic diversity, size, and the extent to which aggregate data was available) were asked to share copies of written policies, procedures, forms, and training materials used to implement NVRA, describe quality assurance procedures used, and describe any problems or successes in implementing NVRA. The states providing information were California, Connecticut, Georgia, Iowa, Michigan, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and Washington.

Report Structure

This report has two parts. Part I describes the major provisions in NVRA applicable to implementation by vocational rehabilitation agencies. Part II describes the major findings of the study undertaken by NCD to determine what is known about the experience of state vocational rehabilitation agencies regarding the implementation of NVRA and then sets out NCD's conclusions and recommendations.

PART I:

DESCRIPTION OF THE MAJOR PROVISIONS OF THE NATIONAL VOTER REGISTRATION ACT

FINDINGS, OBJECTIVES, AND PRIMARY STRATEGIES

In enacting NVRA, Congress cited three critical findings. First, the right of citizens of the United States to vote is a fundamental right. Second, it is the duty of federal, state and local governments to promote the exercise of that right. Third, discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in federal elections. [Section 2(a)]

The overall objectives of NVRA are the following:

- ◆ To establish procedures that will increase the number of eligible citizens who register to vote in elections for federal office;
- ◆ To protect the integrity of the electoral process by ensuring that accurate and current voter registration rolls are maintained; and
- ◆ To enhance the participation of eligible citizens as voters in elections for federal office. [Section 2(b)]

Congress devised three primary strategies for accomplishing these objectives. The first strategy is to expand the number of locations and opportunities where eligible citizens may apply to register to vote. The second strategy is to require voter registration file maintenance procedures that, in a uniform and nondiscriminatory manner, identify and remove the names of only those people who are no longer eligible to vote. The third strategy is to provide certain fail-safe voting procedures to ensure that an individual's right to vote prevails over current bureaucratic or legal technicalities. [*Implementing the National Voter Registration Act of 1993: Requirements,*

Issues, Approaches, and Examples, prepared by the National Clearinghouse on Election Administration, Federal Election Commission, Washington, DC. [FEC *Guide* at page I-1]

APPLICABILITY OF THE LAW

NVRA applies to all states except those that satisfy specified criteria. NVRA includes two categories of exemptions. The first category includes states in which voter registration for federal elections is not required (so long as such a law was in effect continuously on and after March 11, 1993). The second category is for states that permit, in federal elections, election day registration at the polls (so long as such a law was in effect continuously on and after March 11, 1993, or else was enacted on or prior to March 11, 1993 and by its terms came into effect upon the enactment of NVRA). [Section 4(b)]

According to FEC, six states consider themselves exempt from NVRA: Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming. [1998 FEC *Report* at page 1-1]

EFFECTIVE DATE

In most states, the effective date of NVRA was January 1, 1995. [Section 13(2)] Some states, however, needed to amend their state constitutions in order implement NVRA. In these states, the effective date was extended either to January 1, 1996, or to 120 days after the date by which a constitutional amendment was legally possible without having to hold a special election (whichever date was later). [Section 13(1)]

THE ROLE OF FEDERAL AGENCIES

NVRA directly involves four federal agencies in its administration.

The Department of Justice is responsible for civil enforcement of NVRA [Section 10(a)] as well as criminal enforcement. [Section 12]

FEC is responsible for providing technical assistance to states describing their responsibilities and suggesting "best practices," developing a mail-in voter registration application form for federal elections, and submitting biennial reports to the Congress.

The U.S. Postal Service is directed to encourage states to use the National Change of Address files for the purpose of identifying voter registrants who have changed their addresses. [Section 8(c)(1)(A)]

NVRA requires that each state and the Department of Defense jointly develop voter registration application procedures at Armed Forces recruitment offices.

According to FEC, in addition to these four federal agencies, NVRA indirectly involves the Department of Education, the Department of Health and Human Services, and the Department of Agriculture because these departments oversee many of the agencies providing assistance to persons with disabilities and the public

assistance agencies that must provide voter registration services. [FEC *Guide* at page I-5]

DESIGNATION OF A STATE ELECTION OFFICIAL

NVRA requires each state to "designate a state officer or employee as the chief state election official to be responsible for coordination of state responsibilities under this Act." [Section 10] NVRA also assigns the chief state election official the duty of making national and state mail registration forms "available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs." [Section 6(b)]

NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR FEDERAL ELECTIONS

NVRA directs states to establish three broad categories of procedures to register people to vote in federal elections.

The first procedure allows voter registration with an application made simultaneously with an application for a motor vehicle driver's license. [Section 5]

The second procedure allows voter registration to vote by mail application. [Section 6]

The third procedure allows voter registration at specified federal, state, or nongovernmental offices. [Section 7] This third procedure was included in NVRA because Congress wanted the states to reach out to those sectors of the population that are not likely to have driver's licenses or other identification cards issued by a motor vehicle agency. [Senate Report No. 103-6 at pages 14, 28; House Report No. 103-9 at page 12; Conference Report No. 103-66 at page 19]

SPECIFIC AGENCY REGISTRATION PROVISIONS, INCLUDING PROCEDURES TO REGISTER TO VOTE FOR PEOPLE WITH DISABILITIES

Agencies serving people with disabilities. NVRA mandates that states give people the opportunity to register to vote in elections for federal office or change their registration address when applying for or receiving services or assistance at any office in the state that provides public assistance [Section 7(a)(2)(A)] or at or through any office in the state that provides state-funded programs primarily engaged in providing services to persons with disabilities. [Section 7(a)(2)(B)] State vocational rehabilitation agencies are included in this category. [See House Report No. 103-9 at page 12]

This provision of NVRA is intended to encompass not only people with physical disabilities but also people with cognitive disabilities and people with mental illness or other mental disabilities—state law permitting. [FEC *Guide* at page 4-3]

Congress also recognized that many people with disabilities are less likely to visit offices in order to obtain service or benefits. [House Report No. 103-9 at page 12]

As a result, NVRA requires that if a voter registration agency designated by the state provides services to a person with a disability at the person's home, the agency shall provide voter registration services at the person's home, as well. [Section 7(a)(4)(B)]

Congress mandated that these agencies provide assistance in voter registration because if the states are required to include these programs, "we will be assured that almost all of our citizens will come into contact with an office at which they may apply to register to vote with the same convenience as will be available to most other people under the motor voter program of the Act." [Conference Report No. 103-66 at page 19]

In addition, a state may, at its discretion, offer voter registration at offices providing services to persons with disabilities that are not within the mandatory category described above.

General requirements and prohibitions applicable to agency registration.

NVRA includes a number of specific requirements and prohibitions applicable to agency-based registrations.

NVRA specifies that people must be provided the opportunity to register to vote at the time of their original application for services or assistance and when filing any recertification, renewal, or change of address relating to such services or assistance. [Section 7(a)(6)(A)]

Those who decline to register to vote must do so in writing or by not checking a box on a form that contains wording specified in the Act. [Section 7(a)(6)(A) and (B)]

If an individual does register to vote, the particular agency at which the applicant submits a voter registration application may not be publicly disclosed. [Section 8(a)(6) and 8(I)(1)]

Agencies providing voter registration services must offer the same degree of assistance to people in completing a voter registration form as they offer to people in completing the agency's own forms, unless the applicant refuses such assistance. [Section 7(a)(4)(ii) and 7(a)(6)(C)]

The person who provides such services in the agency is prohibited from:

- ◆ seeking to influence an applicant's party preference or party registration,
- ◆ displaying any political preference or party allegiance,
- ◆ making any statement or taking any action whose purpose or effect is to discourage the applicant from registering to vote, or
- ◆ making any statement or taking any action whose purpose or effect is to lead the applicant to believe that a decision whether or not to register has any bearing on the availability of services or benefits.

[Section 7(a)(5)]

The form to be used in applying for voter registration in an agency. NVRA specifies that agencies distribute to each applicant a mail-in registration form that is either the national mail registration form or the "office's own form if it is equivalent to" the national mail registration form, unless the applicant declines in writing to register to vote. [Section 7(a)(4)(A)(I) and Section 7(a)(6)(A)]

NVRA also specifies some of the language that must appear as part of the

declination form. [Section 7(a)(6)(B)] In addition, NVRA specifies that "no information relating to a declination to register to vote in connection with an application made at an agency office...may be used for any purpose other than voter registration." [Section 7(a)(7)]

NVRA specifically requires the following components of the declination:

- ◆ "If you are not registered to vote where you live now, would you like to apply to register to vote here today?"
- ◆ if the agency provides public assistance, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency."
- ◆ "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME" (with yes and no boxes provided).
- ◆ "If you would like help filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."
- ◆ "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with..... (the blank being the name, address, and phone number of the appropriate officials to whom such a complaint should be addressed)."

The transmission of voter registration applications from agency offices to the appropriate state election official. There are two ways in which agency voter registration can be transmitted to the appropriate election official—by the agency itself or directly by the applicant. If applicants submit voter registration applications to the state

agency, NVRA specifies that the agency must transmit the registration applications to the appropriate election officials within ten days after acceptance, or, if accepted within five days before the close of registration, within five days of acceptance. [Section 7(d)]

RECORDKEEPING AND REPORTING REQUIREMENTS

NVRA requires voter registration officials to maintain for at least two years and to make available for public inspection (and where available, for photocopying at a reasonable cost), "all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered." [Section 8(I)(1)]

According to FEC, in addition to retaining the documents described above, election officials may also want to have retained for their own purposes declination statements completed by applicants for public assistance. [FEC *Guide* at page 7-4] The Election Crimes Branch of the Department of Justice has indicated that declination statements may fall under the 22-month document retention requirements of 42 USC 1974 et seq. [FEC *Guide* at page 7-4]

According to FEC, ideally, the declination statement completed by each applicant for public assistance—whether it indicates that the applicant wishes to register to vote or declines to do so—would contain the name of the applicant and the date the statement was completed. This could be accomplished preferably by having the applicant sign and date the completed statement or else by having the service agent note the name and date on the statement. If the name and date are affixed to the declination statement, it could then be removed from the applicant's case file and retained separately by the agency under secure and confidential conditions. [FEC *Guide* at page 7-4]

PART II:

FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

INTRODUCTION

Part II of this report is divided into six sections:

- ◆ Overall Approach to Implementation
- ◆ Adoption of Policies and Procedures Mandated by NVRA
- ◆ Monitoring, Data Collection, Recordkeeping, and Reporting
- ◆ Appointing Coordinators to Oversee Implementation
- ◆ Training
- ◆ Incentive System

Each section addresses a specific topic and includes findings, conclusions, and recommendations.

OVERALL APPROACH TO IMPLEMENTATION

Findings. NCD finds that the overall attitude about and approach to implementation of NVRA varied significantly among the state vocational rehabilitation agencies included in the survey. Several agency officials expressed support for and endorsement of the primary objective of NVRA—to empower people with disabilities by expanding the number and range of locations where eligible citizens may obtain and complete the voter registration process. On the other hand, some states viewed NVRA as "an unfunded federal mandate" and as an intrusion on a state's right to set its own policy agenda.

In fact, after enactment, some states refused to implement the law and were forced to comply by court action (e.g., California, Michigan, Pennsylvania, South Carolina, and Virginia). As one state official explained to staff members at his vocational rehabilitation program,

We do not have any options nor can we say "no" to doing it (the governor tried this already, the state was sued, and the court ordered us to get with it), and so it [voter registration] needs to become a routine part of every intake because it is here to stay.

For some states and their vocational rehabilitation agency, implementation of NVRA is a low priority. One vocational rehabilitation official expressed the opinion:

We have not devoted a lot of resources to staff development or quality assurance to this program. We do not track anything in our vocational rehabilitation database pertaining to voter registration. We have not established an incentive system. While we respect the importance of voter registration, we do not feel we have resources to commit to intensive efforts [regarding] recordkeeping and tracking of this ancillary function that is not part of our primary business.

When NVRA was initially enacted, there was some concern that implementation would create significant problems for public agencies, such as agencies administering vocational rehabilitation programs. According to the Office of Election Administration of FEC in the 1998 *FEC Report* (page 4-1), states reported "experiencing far fewer problems than were forecast."

These general findings are consistent with the findings of this study:

- ◆ "No difficulties have been reported." (California)

- ◆ "We have had minimal difficulty implementing NVRA and we were able to work through initial difficulties with accessibility." (Oklahoma)
- ◆ "No significant problems." (Pennsylvania)
- ◆ "No problems are known at this time." (Virginia)

Where problems were identified, they related to counselors' acceptance of voter registration as part of the responsibilities:

- ◆ "The only difficulty we have is getting counselors to ask clients if they want to register to vote." (Rhode Island)
- ◆ "The most problem is getting counselors to make this a part of their normal procedures." (Iowa)

Conclusions and Recommendations. It is critical that vocational rehabilitation agencies implement NVRA in a manner that will maximize the likelihood that all applicants for vocational rehabilitation services and all current clients are provided a meaningful and effective opportunity to register to vote.

NCD recommends that the Rehabilitation Services Administration include compliance with NVRA in its monitoring of states carried out in accordance with the provisions of title I of the Rehabilitation Act of 1973, as amended.

In addition, Client Assistance Programs and State Rehabilitation Councils established under title I of the Rehabilitation Act of 1973, as amended, should be required to undertake ongoing oversight to ensure that all state vocational rehabilitation agencies provide the opportunities to register to vote envisioned by NVRA. These oversight efforts should include a review of state policies and procedures and data documenting implementation, as well as interviews with a random sample of people with disabilities applying for assistance under the vocational rehabilitation program, to determine their perspectives about the opportunities the agency provided to register to vote.

ADOPTION OF POLICIES AND PROCEDURES MANDATED BY NVRA

Background. As explained in Part I of this report, NVRA includes specific requirements governing the implementation of the Act by state registration agencies, including agencies administering vocational rehabilitation programs.

Requirements specified in NVRA govern, among other things, the content of registration forms, the services that must be provided to clients (e.g., distributing mail-in voter registration application forms, offering assistance to applicants in completing forms, and accepting forms and transmitting them to state election officials), prohibitions regarding influence, assurances of confidentiality, and the right to file complaints.

Findings. All the state vocational rehabilitation agencies surveyed incorporated in their forms or written materials the policies required by NVRA pertaining to voter registration. In some states, the policies were set out in policy directives; in other states, the policy appeared in manuals.

As described in Part I of this report, NVRA specifies that a registration form developed by a state must include 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 form must also include boxes to indicate whether the applicant would like to register or declines to register to vote (failing to check either box is considered a declination to register), together with the following statement in prominent type: "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME."

There was, however, significant variation reported among the states concerning the options on forms applicants were provided for describing whether or not they wanted to register to vote. The variation concerned how to characterize three categories of people:

- ◆ persons already registered to vote
- ◆ persons ineligible (e.g., because of age, competency, or criminal record)
- ◆ persons who take a voter registration form home rather than register at the office

For example, the voter registration form used in Connecticut adopts the language included in NVRA. In addition, the form includes a separate space for use by agency personnel only to indicate, by checking a box, whether or not a voter registration form was completed, or whether a voter registration form was given to applicant for later mailing at applicant's request.

In New York, applicants who are already registered to vote or who requested and received a mail-in registration form are considered to have "declined" to register to vote.

In California and Virginia, applicants are offered three choices:

- ☐ I am already registered to vote at my current address or I am not eligible to register to vote and do not need an application to register to vote.
- ☐ Yes I would like to register to vote (please fill out the attached form).
- ☐ No, I do not want to register to vote.

Note: If you do not check any box, you will be considered to have decided not to register to vote at this time.

In California, the form also includes a line for the agency employee to complete, stating, "Voter Registration form completed Yes ___No ___," followed by space for employee's initials. A note on the form to the agency employees states that if the employee gives the applicant a form to register to vote but the applicant decides to take it home, fill it out, and return it him or herself, the employees should check the box

indicating that no registration form has been completed since it will not be possible to determine whether or not the voter follows through with completing the form.

In Virginia, the form includes a space for agency use only, stating, "Voter registration form completed: Yes ___ No _____. Voter registration form given to applicant for later mailing (at applicant's request)." But state policy specifies that if clients indicate to their caseworkers a desire to complete the application at a later date, they are counted under "Yes, I would like to apply to register to vote."

In Pennsylvania, applicants are offered four choices:

- ☐ Yes, customer mailed/delivered application
- ☐ Yes, agency mailed/delivered application
- ☐ No, already registered
- ☐ No, no reason

If no box is checked, you will be considered to have decided not to register to vote at this time.

In South Carolina, applicants are offered five choices:

- ☐ A. I am not eligible to register to vote.
- ☐ B. I am already registered to vote.
- ☐ C. Registration assistance is offered but I chose to register by mail, form provided.
- ☐ D. Yes.
- ☐ E. No.

If no box is checked, you will be considered to have decided not to register to vote at this time.

Conclusions and Recommendations. All of the state vocational rehabilitation agencies surveyed incorporated in their forms and written materials the requirements specified in NVRA. Significant variation among the states, however, was reported

regarding the options describing whether or not applicants wanted to register to vote. The variation related to three categories of people—persons already registered to vote, persons ineligible to vote, and persons who take a voter registration form home with them rather than register at the office.

The categories "Yes, I want to register" and "No, I declined to register" specifically included in NVRA are too broad and as a result are confusing. In addition, these categories do not provide sufficient information for policy makers to determine whether or not the objectives of NVRA are being achieved.

NCD recommends that FEC address this issue in its next report to Congress. NCD also recommends that states adopt South Carolina's five questions from which applicants may choose to describe their preference:

- ☐ Yes, I would like to register to vote.
- ☐ I am not eligible to register to vote.
- ☐ I am already registered to vote.
- ☐ Registration assistance is offered, but I chose to register by mail (form provided).
- ☐ No, I would not like to register to vote at this time.

MONITORING, DATA COLLECTION, RECORDKEEPING, AND REPORTING

Background. As explained in Part I of this report, NVRA and the implementing regulations specify mandatory policies governing data collection, recordkeeping, and reporting. Of particular relevance to this report are policies governing the implementation of NVRA by state registration agencies, including vocational rehabilitation agencies.

The final regulations promulgated by FEC require that every state report the number of registration applications received by, among other categories, all state-funded agencies primarily serving persons with disabilities. The federal report does not require that the state disaggregate the data among particular agencies serving people with disabilities within the state. Nor does the federal report require information about the number of declinations.

FEC, however, concludes, "information regarding the total number and rate of persons registered by each social service agency might prove valuable to local election officials and public interest groups even if such detailed information is not requested by FEC". [FEC *Guide* at page 7-5] FEC also explains that each agency should retain declination information to provide an audit trail of all agency transactions should there be subsequent official or legal inquiries. [FEC *Guide* at page 7-5]

FEC also recommends that states that have not yet done so voluntarily develop and implement a statewide computerized voter registration database, ensure that all local registration offices are computerized, and link the statewide system, where feasible, with the systems of public agencies relevant to NVRA (e.g., vocational rehabilitation agencies). [1998 FEC *Report* at Appendix A]

Furthermore, FEC found that to monitor the effectiveness of agency registration programs, many jurisdictions have found it useful to account for the number of registration applications received from various agency offices. [1998 FEC *Report* at page 4-5]

Findings regarding aggregation of data and computerization. This report surveyed all 50 states' vocational rehabilitation agencies to ascertain their experience in implementing NVRA. For 1996, 1997, and 1998, aggregate data was requested regarding

five items described below. "Aggregate data" is defined as data that currently exists or is stored in a computerized system and can easily be retrieved by the vocational rehabilitation agency or state election official. To the extent aggregation was not implemented in a state, the agency was asked to inform the researchers that such data did not exist in aggregate form.

The five data items sought were the following:

1. The total number of persons served by the vocational rehabilitation agency (new referrals).
2. The total number of persons who check the box on the voter registration application form saying that they would like to register to vote.
3. The total number of persons who check the box on the voter registration application form saying that they decline to register to vote.
4. The total number of persons who do not check either box on the voter registration application form.
5. The total number of completed voter registration application forms accepted by the agency for transmittal to the appropriate state election official.

Responses were received from 30 states. Of the states responding to the survey, only five reported aggregate data for the items requested (California, Michigan, New Jersey, New York, and South Carolina). In other words, there is a lack of meaningful aggregate data in most states regarding the basic results of voter registration efforts. Without such data, it is difficult and perhaps impossible to ascertain to what extent state vocational rehabilitation agencies are implementing NVRA. In states in which lawsuits have been filed and won, state agencies have been required to collect aggregate data.

There seem to be two recordkeeping and reporting trends: First, a number of states are computerizing their voter registration systems. For example, in 1997 Pennsylvania developed new forms that include voter registration options and shifted to an electronic data collection process.

Second, several states have decided to include implementation of NVRA in their new computerized case management systems. For example, in New Jersey, when applicants for vocational rehabilitation services reach a certain stage in the application process for vocational rehabilitation services and the counselor has not yet documented whether or not an individual with a disability was offered the opportunity to register to vote, the computer rejects the case.

In South Carolina, the voter registration process is handled through their computer system. In Michigan, a new case management system will be going online in 1999, and implementation of NVRA will be included as part of the system. A similar effort is under way in New York.

In contrast, some states that have computerized their system have not included items to allow for NVRA implementation (e.g., California).

Findings regarding scope of the data elements included in reports. As explained in this report, there is a need to fine-tune the type of information included in voter acceptance/declination forms. New monthly reports developed by several states reflect best practice for collecting this information. For example, in Pennsylvania every agency must now report the following data:

- ◆ number of clients served during the reporting month
- ◆ number of clients who were offered a voter registration application
- ◆ number of clients who declined to apply for registration

- ◆ number of clients who decline to apply because they indicate they are already registered to vote
- ◆ number of applications taken by client to be mailed or delivered
- ◆ number of applications mailed or delivered by the agency

South Carolina now requires collection of the following data:

- ◆ number of clients served during the reporting month
- ◆ number of persons not eligible to register to vote
- ◆ number of persons already registered to vote
- ◆ number of persons to whom registration assistance is offered but who chose to register by mail, form provided
- ◆ number of persons who would like to register to vote at the agency
- ◆ number of persons who declined to register to vote at this time

Findings regarding single combined form for voter registration and application for vocational rehabilitation services. To facilitate the voter registration process, FEC recommends a single integrated form to be used in which the voter registration form is a perforated or pressure-sensitive part of the agency's own form for services. [FEC *Guide* at page 4-5] Most of the states surveyed currently do not use a single integrated form. For example, in California an applicant for vocational rehabilitation

services fills out seven separate forms to qualify for vocational rehabilitation services and a separate voter registration form.

Findings regarding use of site identification codes for disaggregation. An additional issue concerns disaggregating data by each agency serving people with disabilities. Agencies must report data without breaching NVRA confidentiality requirements. These include the prohibition against public disclosure of information

regarding any individual's declination to register or regarding the specific public assistance agency through which any particular individual registered.

Some states do not include any information that permits state election officials to ascertain the source of the registration (e.g., California and Connecticut). In contrast, vocational rehabilitation sites in New Jersey, New York, Virginia, and Pennsylvania have specified codes to identify agencies while at the same time maintaining confidentiality for individual registrants.

Findings regarding accountability of agency forms. Several of the states included in the survey reported that to monitor the effectiveness of agency registration programs, they are required by their election officials to account for the number of registration applications that are received from the various agency offices.

Conclusions and recommendations. To improve monitoring, data collection, recordkeeping and reporting, NCD makes the following recommendations. First, every state vocational rehabilitation agency that has computerized or is planning to computerize its case management system should include implementation of NVRA as a core component in the system, including an automatic case "reject" element if applicants for vocational rehabilitation services have not been offered voter registration assistance as of a specified time.

Second, whether or not the state adopts a computerized system, states should include the data elements in their reports used by Pennsylvania and South Carolina.

Third, vocational rehabilitation agencies that adopt a single integrated application form for vocational rehabilitation services should include the voter registration form as a perforated or pressure-sensitive part of the agency's form.

Fourth, vocational rehabilitation agencies should report data to state election officials by using site codes to enable state election officials and stakeholders to ascertain the extent to which each agency serving persons with disabilities is implementing NVRA.

Fifth, to monitor the effectiveness of agency registration programs, election officials should be required to account for the number of registration applications that are received from the various agency offices.

APPOINTING COORDINATORS TO OVERSEE IMPLEMENTATION

Background. According to FEC, research suggests that a principal component of a successful agency voter registration program is appointing a coordinator in each agency office to be in charge of, responsible for, and enthusiastic about voter registration activities, including ensuring an adequate supply of forms, monitoring voter registration activities, training new employees, and resolving questions and problems that arise in coordination with state or local election officials. Such a task need not be full time, but it must be ongoing. (FEC *Guide* at page 4-9)

Findings. All the states surveyed designated statewide coordinators to be responsible for implementing NVRA. Many of the states appointed coordinators at district offices to be responsible for NVRA implementation. In Pennsylvania, specific responsibilities of coordinators at district offices are specified in manuals (e.g., maintaining an adequate supply of applications, recordkeeping and reporting, monitoring voter registration activities, training new employees, resolving questions and problems). The manual also describes counselors' responsibilities (do's and don'ts) and the responsibilities of district offices. In New York there is a program coordinator at each district office and 33 private agency sites.

Conclusions and recommendations. NCD recommends that every state designate a coordinator within the state office who is responsible for monitoring

implementation of NVRA. NCD also recommends that the specific responsibilities be described and documented so that expectations are clear. When coordinators leave their jobs, replacements can refer to documents to understand the job responsibilities.

Similarly, in states that have district offices and private agency sites, a coordinator should be designated as responsible for implementation of NVRA, and the coordinator's responsibilities should be specified in writing.

TRAINING

Background. According to FEC, in addition to appointing coordinators to be in charge of implementing NVRA, a second component to a successful agency registration program is the adequate training of all agency employees involved in voter registration. [FEC *Guide* at page 4-9] Training includes helping employees know how to ensure that voter registration forms are completed and signed correctly, how to offer and provide assistance to registrants, how to transmit applications to the state official responsible for voter registration, and how to complete periodic reports. FEC also explains that after an initial training of all current employees, the training of new employees can be the responsibility of the agency person appointed to be in charge of the program. [FEC *Guide* at page 4-9]

Findings. It appears that initial training occurred in most states immediately before or after the law went into effect or after a court decree was handed down or settlement reached. Some states, such as California, have comprehensive training manuals. In New York, comprehensive training is provided at least twice a year by the state official responsible for voter registration. Other states appear to have few if any training materials, and it is difficult to ascertain the extent to which training is ongoing. One state reported "no ongoing training and no specific training materials."

Conclusions and recommendations. The extent to which training is occurring on an ongoing basis for new employees in most states is uncertain. NCD recommends

that state policies be amended to require that new employees receive training either from agency staff or from the state agency responsible for voter registration. In addition, NCD recommends that current staff be required to undergo periodic retraining.

INCENTIVE SYSTEM

Background. In addition to using "sticks" to ensure implementation of NVRA, good management practice includes the use of "carrots."

Findings. Only one state, Pennsylvania, has adopted an incentive program under which voter registration agency offices earn a Voter Registration Certificate of Achievement Award. The award is called the "Secretary of the Commonwealth's Outstanding Voter Registration Agency Award."

The award is given in three categories: Gold, Silver, and Bronze. The state has adopted criteria for making awards, of which the most significant is the number of people the agency assisted in registering to vote by completing the form in the agency's office. Gold is awarded for 75 percent or more, Silver for 50 to 74 percent and Bronze for 25 to 49 percent.

Conclusions and recommendations. NCD recommends that states implement creative approaches that reward employees who embrace their responsibilities under NVRA, such as the incentive program described above. Pennsylvania's model of public recognition and award for agency performance is one approach that both rewards and gives visibility to NVRA implementation effort. In addition, evaluations of employees' performance in providing vocational rehabilitation services should also evaluate employees' implementation of NVRA.

CONCLUSION

Registering people with disabilities to vote, in a simple and convenient manner, is of critical importance to ensure full participation in our democracy. By increasing voter registration, state employees will empower people with disabilities as full citizens to exercise their right to vote. The purpose of the National Voter Registration Act (NVRA) is to help reach this goal.

This report examines the implementation of NVRA by state vocational rehabilitation agencies and includes a number of specific recommendations for improving aspects of the Act's implementation by these agencies.

Although this report is limited to a review of implementation by state vocational rehabilitation agencies, the recommendations will also be helpful in improving implementation by other state and local agencies serving people with disabilities.

APPENDIX

MISSION OF THE NATIONAL COUNCIL ON DISABILITY

Overview and Purpose

NCD is an independent federal agency with 15 members appointed by the President of the United States and confirmed by the U.S. Senate.

The overall purpose of NCD is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all individuals with disabilities, regardless of the nature or severity of the disability; and to empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

Specific Duties

The current statutory mandate of NCD includes the following:

- Reviewing and evaluating, on a continuing basis, policies, programs, practices, and procedures concerning individuals with disabilities conducted or assisted by federal departments and agencies, including programs established or assisted under the Rehabilitation Act of 1973, as amended, or under the Developmental Disabilities Assistance and Bill of Rights Act; as well as all statutes and regulations pertaining to federal programs that assist such individuals with disabilities, in order to assess the effectiveness of such policies, programs, practices, procedures, statutes, and regulations in meeting the needs of individuals with disabilities.
- Reviewing and evaluating, on a continuing basis, new and emerging disability policy issues affecting individuals with disabilities at the federal, state, and local levels and in the private sector, including the need for and coordination of adult services, access to personal assistance services, school reform efforts and the impact of such efforts on individuals with disabilities, access to health care, and policies that act as disincentives for individuals to seek and retain employment.
- Making recommendations to the President, Congress, the secretary of education, the director of the National Institute on Disability and Rehabilitation Research, and other officials of federal agencies about ways to better promote equal opportunity, economic self-sufficiency, independent living, and inclusion and integration into all aspects of society for Americans with disabilities.

- Providing Congress, on a continuing basis, with advice, recommendations, legislative proposals, and any additional information that NCD or Congress deems appropriate.
- Gathering information about the implementation, effectiveness, and impact of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).
- Advising the President, Congress, the commissioner of the Rehabilitation Services Administration, the assistant secretary for Special Education and Rehabilitative Services within the Department of Education, and the director of the National Institute on Disability and Rehabilitation Research on the development of the programs to be carried out under the Rehabilitation Act of 1973, as amended.
- Providing advice to the commissioner with respect to the policies and conduct of the Rehabilitation Services Administration.
- Making recommendations to the director of the National Institute on Disability and Rehabilitation Research on ways to improve research; service; administration, and the collection, dissemination, and implementation of research findings affecting persons with disabilities.
- Providing advice regarding priorities for the activities of the Interagency Disability Coordinating Council and reviewing the recommendations of this council for legislative and administrative changes to ensure that such recommendations are consistent with NCD's purpose of promoting the full integration, independence, and productivity of individuals with disabilities.
- Preparing and submitting to the President and Congress an annual report titled *National Disability Policy: A Progress Report*.

International

In 1995, NCD was designated by the Department of State to be the U.S. government's official contact point for disability issues. Specifically, NCD interacts with the special rapporteur of the United Nations Commission for Social Development on disability matters.

Consumers Served and Current Activities

While many government agencies deal with issues and programs affecting people with disabilities, NCD is the only federal agency charged with addressing, analyzing, and making recommendations on issues of public policy that affect people with disabilities regardless of age, disability type, perceived employment potential, economic need, specific functional ability, status as a veteran, or other individual circumstance. NCD

recognizes its unique opportunity to facilitate independent living, community integration, and employment opportunities for people with disabilities by ensuring an informed and coordinated approach to addressing the concerns of persons with disabilities and eliminating barriers to their active participation in community and family life.

NCD plays a major role in developing disability policy in America. In fact, it was NCD that originally proposed what eventually became the Americans with Disabilities Act (ADA). NCD's present list of key issues includes improving personal assistance services, promoting health care reform, including students with disabilities in high-quality programs in typical neighborhood schools, promoting equal employment and community housing opportunities, monitoring the implementation of ADA, improving assistive technology, and ensuring that persons with disabilities who are members of minority groups fully participate in society.

Statutory History

NCD was initially established in 1978 as an advisory board within the Department of Education (Public Law 95-602). The Rehabilitation Act Amendments of 1984 (Public Law 98-221) transformed NCD into an independent agency.