

Text of Regulatory Language:

Adopt Article 4, Section 6462, Voter Registration.

(a) Definitions:

(1) For purposes of this section “Applicant” means an individual engaged in a covered transaction through the Exchange.

(2) For purposes of this section a “covered transaction” means any of the following:

(A) An application submitted to the Exchange by an individual for eligibility for coverage in the Individual Exchange for himself or herself, or for a member of his or her household, excluding those individuals seeking eligibility for an exemption from the shared responsibility payment, or transmitted to the Exchange by an agency administering an insurance affordability program; for at least one of the following:

(i) Enrollment in a QHP through the Exchange; or

(ii) Medi-Cal and CHIP; or

(iii) Annual redetermination for enrollment in a QHP through the Exchange.

(B) A change of address request submitted to the Exchange by individuals who submitted an application pursuant to subdivision (a)(2)(A) of this Section.

(3) For purposes of this section a “voter registration form” means the affidavit of registration described in Elections Code Section 2150.

(4) For purposes of this section an “online voter registration form” means the online affidavit of registration on the Secretary of State’s website pursuant to Elections Code Section 2196(a).

(5) For purposes of this section “voter preference form” means the form described in Section 1973gg-5(a)(6)(B) of Title 42 of the United States Code and Elections Code Section 2401.(6)

(6) For purposes of this section an “Assister” means a Certified Enrollment Counselor or Navigator, or any other individual certified by the Exchange to provide in-person Consumer Assistance under Article 8 of this chapter.

(7) For purposes of this section a “Certified Insurance Agent” (CIA) is an agent certified by the Exchange under Article 10 of this chapter.

(b) When an Assister or CIA facilitates a covered transaction in person, as soon as CalHEERS has been programmed to display the voter preference form and allows an Applicant to answer questions related to voter registration, the Assister or CIA shall provide the Applicant the following voter registration services:

(1) For Applicants submitting an electronic covered transaction through CalHEERS, the Assister shall do the following when the voter preference form is displayed in CalHEERS:

(A) Ask the Applicant, “If you are not registered to vote where you live now, would you like to apply to register to vote here today?”

(B) Read aloud or allow the Applicant to read the “Important Notices” section of the vote preference form.

(i) If the Applicant selects the “Yes” option indicating that the Applicant would like to register to vote, the Assister or CIA shall mark the response on the online voter preference form, and shall provide assistance filling out the online voter registration form on the Secretary of State’s website, unless such assistance is declined by the Applicant.

(ii) If the Applicant selects the “No” option indicating that the Applicant would not like to register to vote, the Assister or CIA shall mark the response on the online voter preference form and shall not provide additional voter registration services.

(iii) If the Applicant selects the “Mail” option, the Assister or CIA shall mark the response on the voter preference form for the Exchange to mail a voter registration form to the Applicant.

(iv) If the Applicant does not indicate a selection the Assister or CIA shall select “Continue” on the application screen without marking a response to the voter preference form for the Exchange to send a voter registration form to the Applicant.

(2) For Applicants submitting a covered transaction using a paper application form, the Assister or CIA shall do the following when the voter preference form is displayed in the paper application:

(A) Ask the Applicant, “If you are not registered to vote where you live now, would you like to apply to register to vote here today?”

(B) Read aloud or allow the Applicant to read the “Important Notices” section of the vote preference form.

(i) If the Applicant indicates that he or she would like to register to vote, the Assister or CIA shall mark the “Send” option on the voter preference form, unless Internet service is directly available at the time the Assister or CIA is providing Consumer Assistance.

(ii) If the Applicant indicates that he or she would like to register to vote and Internet service is available, the Assister or CIA shall mark the “Online” option on the paper application and access the online voter preference form at CoveredCA.com. The Assister or CIA shall select “Yes” to open the Secretary of State’s online voter registration form, and shall provide assistance filling out that form, unless such assistance is declined by the Applicant.

(iii) If the Applicant selects the “No” option indicating that the Applicant would not like to register to vote, the Assister or CIA shall mark the response on the voter preference form and shall not provide additional voter registration services.

(iv) If the Applicant does not indicate a selection the Assister or CIA shall not mark a response on the voter preference form for the Exchange to send a voter registration form to the Applicant.

(c) When a CIA or Assister certified to provide phone assistance facilitates a covered transaction by phone, as soon as CalHEERS has been programmed to display the voter preference form, the CIA or Assister shall select the “Continue” option on the application screen without marking a response to the voter preference form for the Exchange to send a voter registration form to the Applicant.

(d) Assisters and CIAs providing voter registration services pursuant to this Section shall not:

- (1) Interfere with an Applicant’s right to register or decline to register to vote;
- (2) Make any statement to an Applicant that a decision to register or not register to vote will affect the availability of services or benefits that the Applicant may receive from the Exchange or Medi-Cal.
- (3) Seek to influence an Applicant’s political preference or party designation; or
- (4) Refuse to accept and transmit an Applicant’s voter registration application that was properly completed pursuant to this Section.

(e) When a Plan-Based Enroller (PBE) certified under Article 9 of this chapter facilitates a covered transaction, as soon as CalHEERS has been programmed to display the voter preference form, the PBE shall select the “Continue” option on the application screen without marking a response to the voter preference form for the Exchange to mail a voter registration card to the Applicant.

Note: Authority: Section 100504, Government Code. Reference: Sections 2400, 2401, 2403, 2406, and 2408, Elections Code; and 42 U.S.C. § 1973gg-5.