

**State of California
Office of Administrative Law**

In re:
California Health Benefit Exchange

Regulatory Action:

Title 10, California Code of Regulations

Adopt sections: 6462

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL File No. 2014-0922-01 E

This emergency rulemaking action by the California Health Benefit Exchange (Exchange) adopts section 6462, in Article 4, Title 10, of the California Code of Regulations relating to voter registration services provided to applicants. Elections Code, section 2197 (added by Statutes 2012, Chapter 505 (SB 35) requires the Exchange to implement a process and infrastructure to allow the submission of an affidavit of voter registration electronically on the internet website of the Secretary of State. The National Voter Registration Act of 1993 (NVRA), 42 U.S.C. § 1973gg-5, requires, among other things, that each state designate as voter registration agencies "all offices in the State that provide public assistance." On May 15, 2013, the Secretary of State declared the Exchange a Voter Registration Agency for purposes of the NVRA. This rulemaking implements the Exchange's duties pursuant to Elections Code, section 2197, and the NVRA.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 10/2/2014 and will expire on 10/2/2016. The Certificate of Compliance for this action is due no later than 10/2/2016.

Date: 10/2/2014



Kevin D. Hull
Senior Attorney

Original: Peter Lee
Copy: Gabriela Gonzales

For: DEBRA M. CORNEZ
Director

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

EMERGENCY

ENDORSED FILED
IN THE OFFICE OF

2014 OCT -2 PM 2:10

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-		2014-0922-0/E

For use by Office of Administrative Law (OAL) only

2014 SEP 22 AM 9:56

OFFICE OF ADMINISTRATIVE LAW

NOTICE REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
California Health Benefit Exchange

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Voter Registration	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 6462
	AMEND
	REPEAL
TITLE(S) 10	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)		<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON

Gabriela Ventura Gonzales	TELEPHONE NUMBER 916-228-8477	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) gabriela.ventura@covered.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Peter V. Lee</i>	DATE 9/22/14
TYPED NAME AND TITLE OF SIGNATORY Peter V. Lee, Executive Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

OCT 02 2014

Office of Administrative Law

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 Secretary of State’s 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 Voter Preference Form, version CCFRM604 (11/14) EN or the electronic voter preference form in CalHEERS consistent with Section 1973gg-5(a)(6)(B) of Title 42 of the United States Code and Elections Code Section 2401(a), which are hereby incorporated by reference,.

(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, 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 or CIA 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 and the Exchange will 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 and the Exchange will 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 and the Exchange will 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 and the Exchange will 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 and the Exchange will 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.

Step 3:

Please read and sign this application *(continued)*

You can register to vote

★ Covered California is a voter registration agency and is providing you the opportunity to register to vote. To register to vote, you must be a U.S. citizen and at least 18 years old by the next election.

If you are **not** registered to vote where you live now, would you like to apply to register to vote today?

- Yes, please send me a voter registration form.
- Yes, I will go online and register to vote at www.registertovote.ca.gov.
- No

*Note: If you do **not** check a box, you will be considered to have decided not to register to vote at this time and a voter registration form will be sent to you.*

1. Applying to register or declining to register to vote will **not** affect the amount of assistance that you will be provided by this agency.
2. If you would like help in filling out the voter registration form, we will help you. The decision whether to seek or accept help is yours. You may fill out the voter registration form in private.
3. You may file a complaint with the Secretary of State if you think 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.
4. To file a complaint, call **1-800-345-VOTE (8683)** or you may write to:
Secretary of State
1500 11th Street
Sacramento, CA 95814
5. To learn more about elections and voting, please visit the Secretary of State's website at www.sos.ca.gov.

Complete this section if you are a Covered California certified individual helping someone fill out this application.

I certify that as a Certified Enrollment Counselor, Certified Insurance Agent, or Certified Plan-Based Enroller, I helped the applicant complete this application and that this service was free of charge. I also certify that I gave true and correct answers to all questions on this application as far as I know. I explained to the applicant, in easy-to-understand language, the risk to the applicant of providing inaccurate information, and the applicant understood the explanation.

<input type="checkbox"/> Certified Enrollment Counselor Name: _____	CEC number
<input type="checkbox"/> Certified Enrollment Entity Name: _____	CEE number
<input type="checkbox"/> Certified Insurance Agent Name: _____	License number
<input type="checkbox"/> Certified Plan-Based Enroller Plan: _____ Name: _____	Certification number
Certified individual's signature ▶ _____	Date

The state will not compensate the Covered California Certified Enrollment Entity unless the Certified Enrollment Counselor fills out this section completely and correctly when the application is submitted.

¿Preguntas?

Llame a Covered California al **1-800-300-1506** (TTY: 1-888-889-4500). La llamada es gratuita. Usted puede llamar de lunes a viernes de 8 a.m. a 6 p.m. y los sábados de 8 a.m. a 5 p.m. O visite CoveredCA.com.

tmh4
tmh4@stc_supervisor_20
Application #: 1000000275

- START
- HOUSEHOLD
- PERSONAL DATA
- INCOME
- ELIGIBILITY
- ENROLLMENT

VOTER REGISTRATION

Covered California is a voter registration agency and is providing you the opportunity to register to vote.

To register to vote, you must be a U.S. citizen and at least 18 years old by the next election.

If you are not registered to vote where you live now, would you like to apply to register to vote today?

- Yes, open the California Online Voter Registration website in a new tab.
- Yes, please mail me a voter registration card
- No

NOTE: IF YOU DO NOT MAKE A CHOICE, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME AND A VOTER REGISTRATION CARD WILL BE MAILED TO YOU.

Important Notices

1. Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.
2. If you would like help in filling out the voter registration form, we will help you. The decision whether to seek or accept help is yours. You may fill out the voter registration form in private.
3. 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 preference or other political preference, you may file a complaint with the Secretary of State by calling toll-free (800) 345-VOTE (6833) or you may write to: Secretary of State, 1500 - 11th Street, Sacramento, CA, 95814. For more information on elections and voting, please visit the Secretary of State's website at www.sos.ca.gov.

Review Application

Voter Registration

Application Signature

Eligibility Results