



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF SOCIAL SERVICES

### *Office of the Commissioner*

Anthony Conyers, Jr.  
COMMISSIONER

May 12, 2008

Ms. Brenda Wright, Legal Director  
Demos: A Network for Ideas and Solutions  
358 Chestnut Hill Avenue, Suite 303  
Brighton, Massachusetts 02135

Dear Ms. Wright:

Thank you and your colleagues for taking the time to meet with my staff at the Virginia Department of Social Services (VDSS) on May 5, 2008. Please consider this a summary of the points of agreement discussed at that meeting as well as the follow-up response to your letter of April 10, 2008.

The VDSS is committed to ensuring compliance with the National Voter Registration Act (NVRA). To this end, we have reviewed our policies, procedures, and documents and begun necessary revisions where weaknesses were identified. Following that review, and as discussed at the May 5, 2008 meeting, VDSS has taken additional steps to strengthen its forms and training opportunities relative to the NVRA.

In order to improve the NVRA-related language on the standard Application for Benefits form, we have revised the electronic version that is available to individuals over the internet and local agencies over our intranet; copies were shared with you at the May 5 meeting. The revised forms are now available electronically. To address the 116,000 old applications currently in our warehouse, we have developed a standalone certification form that local staff will have our customers complete. We are currently in the process of getting this form printed and will ship an initial distribution to all local agencies by May 23, 2008. Additionally, we will issue a broadcast outlining the appropriate instructions for use of the form. We will revise the hard copy application to mirror the electronic version once the existing supply of applications have been exhausted. For your convenience, I have enclosed a copy of the revised page from the electronic application along with a copy of the standalone certification form.

Brenda Wright, Legal Director  
May 12, 2008  
Page Two

Subsequent to receipt of your letter, VDSS issued a broadcast to the local departments of social services outlining their responsibilities relative to NVRA compliance; the broadcast also contained links to the NVRA guidance in the appropriate program manuals. A copy of the broadcast was provided to you at the May 5 meeting.

VDSS has also agreed to implement a number of additional actions to bring Virginia into compliance with the NVRA. These actions include:

- Providing access to additional NVRA-related training and require local staff to complete the training. Local agencies will be required to maintain a certification list of local staff participating in the initial training session. This will be completed by June 30, 2008.
- Updating the NVRA program guidance in the Medicaid manual to be consistent with the Temporary Assistance for Needy Families (TANF) and Food Stamp manuals. This will be included in the July 2008 release.
- Requiring local agencies to designate a site coordinator within their agency to ensure the ordering and availability of voter registration forms and related documents and conduct, monthly reporting. Site coordinators will be in place by June 30. We are also committed to monthly reporting of voter registrations submitted by local agencies; however, we are still assessing opportunities for electronic reporting so I cannot provide you with an implementation date at this time. We will notify you as our plans are developed further.
- Notifying local agencies of the requirement to maintain completed certification forms in the client's case record. This will be completed by May 31, 2008.
- Performing monthly reviews of NVRA statistical submissions by local agencies.
- Issuing a broadcast semi-annually reminding local agencies of their responsibilities relative to compliance with the NVRA.
- Including NVRA compliance as an element of the federal Food Stamp Management Evaluation (ME) reviews. The United States Department of Agriculture has granted approval to include NVRA compliance in the ME review process beginning for reviews completed for the month of June 2008.
- Notifying local agencies of the availability of voter registration-related display posters and other visual aids from the State Board of Elections and encourage their use.
- Providing information flyers and contact information regarding restoration of voting rights to individuals who have lost their right to vote. This information will be distributed to the extent that the materials are made available to VDSS at no cost.

I believe that these initiatives, along with continued consultation with you and your colleagues, will allow VDSS to come into full compliance with the NVRA. Additionally, my staff will be glad to meet with you periodically as you deem necessary to review the Commonwealth's progress in coming into compliance with NVRA requirements.

Ms. Brenda Wright, Legal Director  
May 12, 2008  
Page Three

If you have any questions, please do not hesitate to contact Tom Steinhauser, Director of Benefit Programs, at (804) 726-7362 or [tom.steinhauser@dss.virginia.gov](mailto:tom.steinhauser@dss.virginia.gov).

Sincerely,

  
Anthony Conyers, Jr.

Enclosures

cc: Adisa Muse - Virginia ACLU  
King Salim Khalfani – Virginia State Conference NAACP, Executive Director  
Winnett Hagens – Democracy South, Executive Director  
Allegra Chapman – Dēmos, Counsel, Democracy Program  
Joe Szakos – Virginia Organizing Project, Executive Director  
Garry Ellis, State Board of Elections  
Al Wilson, Office of the Attorney General



# Commonwealth of Virginia Voter Registration Agency Certification



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

- Yes. I would like to register to vote (please fill out the voter registration form).
- I do not want to register to vote.

**IF YOU DO NOT CHECK ANY BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.**

Applying to register to vote or declining to register to vote will not affect the assistance or services that you will be provided by this agency.

If you decline to register to vote, this fact will remain confidential. If you do register to vote, the office where your application was submitted will remain confidential, and may be used only for voter registration purposes.

If you would like help in 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:**

**Secretary of the Virginia State Board of Elections  
Ninth Street Office Building  
200 North Ninth Street, Room 101  
Richmond, VA 23219-3497  
(804) 864-8901**

Applicant Name	Signature	Date

**for agency use only**

Voter Registration Form completed:  Yes  No

Voter Registration Form given to applicant for later mailing (at applicant's request):

Yes  No

Agency Staff Signature	Date

# YOUR RESPONSIBILITIES (READ THIS SECTION CAREFULLY BEFORE SIGNING THIS APPLICATION)

## CHANGES

You must report the following changes for the Medicaid Program within 10 days. You must report these changes for the Auxiliary Grants and General Relief Programs the day the change occurs or the first day that the agency is open after the change occurs.

- 1) Change of address and any changes in shelter costs due to the move
- 2) Change in the persons in the household - person left, person born, etc.
- 3) Change in source of income, getting a new job, stopping a job, other benefits, etc.
- 4) Change in work hours from part-time to full-time or full-time to part-time
- 5) Change in rate of pay per hour/day, etc.
- 6) Change in the amount of monthly income received other than from a job, including the loss of SSI benefits
- 7) Change in resources, including transferring assets/property
- 8) Change in motor vehicles owned
- 9) Change in marital status
- 10) Person in home is no longer disabled
- 11) Change in dependent care expenses
- 12) Change in insurance
- 13) Termination of a pregnancy
- 14) Other changes that may affect eligibility

You must report the following changes for the Food Stamp and Temporary Assistance for Needy Families (TANF) Programs within 10 days, but no later than the 10<sup>th</sup> day of the month after the change occurs.

- 1) Change in household income that exceeds 130% of the Federal poverty level. See the Change Report for amounts.
- 2) Change in address.
- 3) An eligible child has left the home.
- 4) Changes needed for VIEW (TANF work program).
- 5) Change in work hours for some food stamp recipients.

## PENALTIES FOR FOOD STAMP VIOLATIONS

You must not give false information or hide information to get food stamps. You must not trade or sell EBT cards. You must not use food stamp benefits to buy non-food items, such as alcohol, tobacco or paper products. You must not use someone else's, EBT card for your household.

If you intentionally break any of these rules you could be barred from the Food Stamp Program for 12 months (1<sup>st</sup> violation), 24 months (2<sup>nd</sup> violation), or permanently (3<sup>rd</sup> violation); subject to \$250,000 fine, imprisoned up to 20 years, or both; and suspended for an additional 18 months and further prosecuted under other Federal and State laws.

If you intentionally give false information or hide information about identity or residence to get food stamps in more than one locality at the same time, you could be barred for 10 years.

If you are convicted in court of trading or selling food stamps of \$500.00 or more, you could be barred permanently.

If you are convicted in court of trading food stamps for a controlled substance, you could be barred for 24 months for the 1<sup>st</sup> violation, permanently for the 2<sup>nd</sup> violation.

If you are convicted in court of trading food stamps for firearms, ammunition, or explosives, you could be barred permanently for the first violation.

## INFORMATION ABOUT THE DIVISION OF CHILD SUPPORT ENFORCEMENT (DCSE)

In order to receive TANF, you are required to assign all of your rights to financial support paid to you and to everyone else for whom you are receiving TANF. You must give to DCSE any support payments you receive after you receive your first TANF check. By accepting the TANF check, you are agreeing to assign these rights.

## PENALTIES FOR TANF VIOLATIONS

You must not knowingly give false information, hide information, or fail to report changes on time in order to receive TANF or to receive supportive or transitional services such as child care or assistance with transportation.

If you are found guilty of intentionally breaking these rules, you will be ineligible to receive TANF for yourself for 6 months (1<sup>st</sup> violation), 12 months (2<sup>nd</sup> violation), or permanently (3<sup>rd</sup> violation). In addition, you may be prosecuted under Federal or State law.

Anyone convicted of misrepresenting his or her residence to get TANF, Medicaid, Food Stamps or SSI in two or more states is ineligible for TANF for 10 years.

Anyone convicted of a drug-related felony for actions that occurred after August 22, 1996, could be barred permanently.

## PENALTIES FOR MEDICAID FRAUD/ABUSE

You must not deliberately withhold or hide information or give false information to get Medicaid or FAMIS Plus benefits. Medicaid fraud also occurs when a provider bills for services that were not delivered to a Medicaid recipient, or when a recipient shares the Medicaid number with another person to get medical services.

If you are convicted of Medicaid fraud in a criminal court, you must repay the program for all losses (paid claims or managed care premiums) and cannot get Medicaid for one year after conviction. In addition, the sentence could include a fine up to \$25,000 and up to 20 years in prison. You may also have to repay any claims and managed care premiums paid when you were not eligible for Medicaid due to acts that are not considered criminal. Fraud and abuse should be reported to your local social services office or to the Department of Medical Assistance Services Recipient Audit Unit at (804) 765-0156.

## VOTER REGISTRATION

If you are applying for TANF, Food Stamps or Medicaid, check one of the following:

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

- Yes, I would like to register to vote. (If you would like help filling out the voter registration application form, we will help you. The decision to accept help is yours. You also have the right to fill out your voter registration application form in private.)
- I do not want to apply to register to vote today.

**IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED NOT TO REGISTER TO VOTE AT THIS TIME.**

Applying to register or declining to register to vote will not affect the amount assistance or services that you will be provided by this agency. 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 to vote, or your right to choose your own political party or other political preference, you may file a complaint with: Secretary of the Virginia State Board of Elections, Ninth Street Office Building, 200 North Ninth Street, Richmond, VA 23219-3497, (804) 864-8901.