

# **NVRA Implementation:**

## **A Guide for State Agencies**



**May 2023**

**Office of the Secretary of State**

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*The **Elections Division of the Office of the Secretary of State** has prepared this handbook for use by all state agencies designated as voter registration agencies. This handbook is merely intended to be a reference for implementing a voter registration program. It should be used in conjunction with all federal and state law including the National Voter Registration Act of 1993 and the Texas Election Code. Any questions or concerns should be directed to the Elections Division at the Office of the Secretary of State.*

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## **NATIONAL VOTER REGISTRATION ACT OF 1993**

The National Voter Registration Act (NVRA) of 1993 requires states to provide voter registration opportunities through state agencies that provide public assistance and services. The intent of this requirement is to increase voter registration opportunities, encourage voter participation, and protect the integrity of the electoral process.

## **TEXAS ELECTION CODE**

The State of Texas passed legislation to address the above requirements and to ensure compliance with the federal law. Chapter 20 of the Texas Election Code (TEC) outlines the programmatic requirements and specifically designates the following state agencies as voter registration agencies:

- Health and Human Services Commission (HHSC);
- Texas Workforce Commission (TWC);
- Department of Public Safety (DPS); and
- Any other agency or program as determined by the Secretary of State that primarily provides public assistance or services to persons with disabilities.

## **OFFICE OF THE SECRETARY OF STATE**

As the chief election official for the State of Texas, the Secretary of State is responsible for the coordination of all voter registration activities, including those of state agencies designated as voter registration agencies, to ensure compliance with both state and federal law. As such, it is the role of this office to work collaboratively with all designated state agencies by providing educational resources, stakeholder training, program oversight, and voter registration materials to assist with implementation planning and the provision of voter registration opportunities.

## **RESPONSIBILITIES OF A VOTER REGISTRATION AGENCY**

### **Implementation Planning**

Designated voter registration agencies must develop a written plan for the implementation of all required voter registration procedures. This plan should be reviewed annually to ensure all information including the agency coordinator is current and continued compliance with state and federal law and must be submitted to the Secretary of State. All voter registration agency plans will be available for public review.

Additionally, voter registration agency implementation planning must include the designation of one or more persons to serve as the coordinator for the voter registration program. The names and contact information for the program coordinators must be provided to the Secretary of State on an annual basis.

Finally, it is the responsibility of the voter registration coordinator to provide training for agency employees in all voter registration procedures and requirements. The Office of the Secretary of State will assist in providing educational resources and training as requested. State agencies designated under Chapter 20 of the Texas Election Code as voter registration agencies are not required to obtain additional certification as voter registrars.

### **General Responsibilities**

Voter registration agencies must offer voter registration applications to the public when applying for or renewing agency services. If these services are provided at the person's residence, the agency must also provide the opportunity to complete a voter registration application at that time. All agencies must provide the same degree of assistance in completing voter registration paperwork as the agency would provide for assistance with agency related documentation. This includes, but is not limited to, bilingual assistance.

## **VOTER REGISTRATION FORMS**

### **Voter Registration Application**

State agencies designated as voter registration agencies may use the Secretary of State prescribed voter registration application form or may use an agency created form. To ensure voter registration applications meet all statutory specifications, all agency created forms must be approved by the Secretary of State. Forms formatted for printing and additional specifications will be provided by the Elections Divisions.

### **Mail or Telephone Notices**

If the agency routinely provides applications or renewals of services by mail or telephone, the agency must also include the voter registration opportunity as part of that communication. If a voter registration application is provided by mail, the information must include a notice of application return options. This notice should include the name and delivery address of the voter registrar or a volunteer deputy registrar in the county in which the applicant resides.

### **Declination of Registration**

Applicants who decline the opportunity to complete a voter registration application should complete and sign a declination form. If the applicant does not complete a declination form, the agency employee should make a notation on the form with the applicant's information and keep the declination form as part of the agency's records. Declination forms must be preserved for at least twenty-two (22) months as part of the individual's agency file or in a separate declination file. Declinations are confidential and may only be used for voter registration purposes.

State agencies may create their own agency specific declination forms. An extensive list of specifications and inclusions for this form are outlined in TEC § 20.003.

## **VOTER REGISTRATION ELIGIBILITY**

To be eligible to vote in the State of Texas, all applicants must meet the following requirements:

- be a United States Citizen;
- be at least 17 years and 10 months old;
- be a resident of Texas;
- not have been finally convicted of a felony; and if so, have completed their term of incarceration, parole, or supervision, or completed a period of probation ordered by any court; and
- not have been declared totally or partially mentally incapacitated without the right to vote by a court of law.

## **PROVIDING ASSISTANCE**

Agency employees must provide all assistance to an applicant during the voter registration process that is routinely provided for agency services. However, an employee of a voter registration agency may not make any determination about a person's eligibility for registration other than whether or not a person is of voting age or a U.S. Citizen. A person's age and citizenship status may be determined only if such information is filed with the agency for

purposes other than voting. A person must be offered voter registration assistance even if the applicant's age and/or citizenship status cannot be determined.

Agency employees may review applications for completeness only if the applicant is present. If the agency employee determines that the application does not contain all required information and the required signature, the agency staff may return to the applicant for completion and resubmission.

If a question arises concerning voter registration that the agency employee cannot answer, the employee must provide the applicant with the following information:

- The toll-free number for Elections Division at the Office of the Secretary of State (800-252-8683).
- The telephone number of the voter registrar with whom registration applications are submitted within the county.

## **PROHIBITED ACTS**

While assisting individuals with voter registration, agency employees must not influence an applicant or seek to influence an applicant in any way. No political party material should be provided or visible in the voter registration area. All applicants should be informed that registering to vote has no effect on the provision of agency services.

## **COLLECTION AND DELIVERY OF APPLICATIONS**

Upon receipt of completed voter registration applications, agency employees should deliver the applications in person to the voter registrar of the county in which the agency office is located. All completed applications must be delivered to the appropriate state election official no later than the 5th day after the application is submitted to an agency employee.

Information regarding the agency or office to which an application is submitted is confidential and may be used only for voter registration purposes.

## **QUESTIONS ON VOTER REGISTRATION**

Any questions related to voter registration from agency employees or applicants should be referred to the Elections Division at the Office of the Secretary of State.

## **ADDITIONAL RESOURCES**

For additional resources including NVRA training presentations, implementation planning guidance, and voter identification and education materials, please visit [www.sos.texas.gov](http://www.sos.texas.gov).