

Implementing the National Voter Registration Act and Chapter 20 of the Texas Election Code



What is the NVRA?

The National Voter Registration Act of 1993 (NVRA) is a federal voting rights law that requires voter registration at certain state and local government offices.

The NVRA seeks to reach those populations that are least registered:

- Low Income
- People with Disabilities
- Youth
- Populations with high residential mobility



Goals and Objectives of NVRA and Ch. 20 of Texas Election Code (TEC)

- Increase Voter Registration
- Enhance Voter Participation
- Protect the Integrity of the Electoral Process



VOTE!



What is required under the law: Voter Registration Agency Designation

- The NVRA requires that each state designate offices that provide services to persons with disabilities as “voter registration agencies.”
52 U.S.C. § 20506
- Chapter 20 of the Texas Election Code (“TEC”) was added to implement the NVRA in Texas
 - Chapter 20 of the code designates libraries as voter registration agencies



State Law Designates “Public Libraries” as Voter Registration Agencies

- TEC Section 20.001(c)
- Public Library is defined as a library that:
 1. is regularly open for business for more than 30 hours a week;
 2. is operated by a single public agency or board;
 3. is open without charge to all persons under identical conditions; and
 4. receives its financial support wholly or partly from public funds.



Designation of Agency Coordinator

- A voter registration agency shall designate one or more persons to coordinate the agency's voter registration program. The agency shall notify the secretary of state of the name of each coordinator.
- The registration coordinator shall conduct training for agency employees in voter registration procedures with the assistance of the secretary of state.

TEC Sec. 20.004



Training for Employees

- Training of employees on duties of a voter registration agency should be conducted regularly
- Training should be attended by all regular staff of the library
 - However, volunteers are welcome to attend if they choose
- Training should discuss eligibility, completion, review and submission of application



Responsibility of Public Library as VR Agency:

- You must provide to each person of voting age who applies in person for an original or renewal of a library card an opportunity to complete a voter registration application form.
- If an applicant chooses to submit the completed VR application to a library employee (rather than taking the form home with them), the library employee must attempt to ensure proper completion of the form by the applicant.
- If the applicant submits the completed VR application form to the library employee, the agency must timely submit the form to the local county voter registrar.



Best Practices to Ensure Compliance

- Employee training on responsibilities under the NVRA/Texas Election Code should occur frequently.
- Employee training should occur before contact with clients
- Each local agency office must be stocked with an adequate supply of voter registration application forms. An adequate supply is the number of forms needed to distribute with each covered transaction for a period not less than two months. The agency should determine the number required for an adequate supply and order them from the SOS as needed.



Requesting VR applications from SOS

- Libraries should only use “Code 42” voter registration applications obtained from SOS
- To request Code 42 VR applications, notify SOS at elections@sos.texas.gov or Terry Kays at (512) 462-5587
- Your request should include:
 - Number of applications requested
 - Language of requested applications
 - Your contact information
 - Where the applications should be sent



Degree of Assistance

A voter registration agency shall provide the same degree of assistance, including any necessary bilingual assistance, to a person in completing a voter registration form as is provided to a person in completing the agency's forms, unless the assistance is refused. TEC Sec. 20.005.

- You are not required to hire a bilingual employee to fulfill this duty. If your agency already employs bilingual workers who can assist an applicant with the voter registration process – great! If not, you may have the applicant contact our office – our toll-free number is listed on the application.

If a question arises concerning voter registration that an agency employee cannot answer, the employee shall provide the person:

- the toll-free telephone number of the Elections Division of the Office of the Secretary of State; and
- the telephone number of the local county voter registrar to whom registration applications are submitted, if available.

TEC Section 20.008



Eligibility to Register to Vote

Applicant must:

- 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, unless a person's sentence is completed, including any probation or parole); and
- not have been declared mentally incapacitated by a court of law.

TEC Section 13.001



Determination of Eligibility

- An employee of a voter registration agency may not make a determination about a person's eligibility for registration other than a determination of whether the person is of voting age or is a United States citizen.
- A person's age or citizenship may be determined by the employee only if the age or citizenship can be readily determined from information filed with the agency by the person for purposes other than voter registration.
 - Note, this is unlikely to be available on an application for a library card.
- A person shall be offered voter registration assistance even if the person's age or citizenship cannot be determined.

TEC Sec. 20.006.



Texas Voter Registration Application		For Official Use Only	
Prescribed by the Office of the Secretary of State VR42.2011E.13 Please complete sections by printing LEGIBLY. If you have any questions about how to fill out this application, please call your local voter registrar.			
1 These Questions Must Be Completed Before Proceeding (Check one) ☐ New Application ☐ Change of Address, Name, or Other Information ☐ Request for a Replacement Card			
Are you a United States Citizen?		☐ Yes ☐ No	
Will you be 18 years of age on or before election day?		☐ Yes ☐ No	
If you checked 'No' in response to either of the above, do not complete this form.			
Are you interested in serving as an election worker?		☐ Yes ☐ No	
2 Last Name Include Suffix if any (Jr, Sr, III)	First Name	Middle Name (if any)	Former Name (if any)
3 Residence Address: Street Address and Apartment Number. If none, describe where you live. (Do not include P.O. Box, Rural Rt. or Business Address)		City	TEXAS
		County	Zip Code
4 Mailing Address: Street Address and Apartment Number. (If mail cannot be delivered to your residence address.)		City	State
			Zip Code
5 City and County of Former Residence in Texas			
6 Date of Birth: (mm/dd/yyyy) 	7 Gender (Optional) ☐ Male ☐ Female		8 Telephone Number (Optional) Include Area Code
9 Texas Driver's License No. or Texas Personal I.D. No. (Issued by the Department of Public Safety) 		If no Texas Driver's License or Personal Identification, give last 4 digits of your Social Security Number XXX-XX-	
☐ I have not been issued a Texas Driver's License/Personal Identification Number or Social Security Number.			
10 I understand that giving false information to procure a voter registration is perjury, and a crime under state and federal law. Conviction of this crime may result in imprisonment up to 180 days, a fine up to \$2,000, or both. Please read all <u>three</u> statements to affirm before signing.			
- I am a resident of this county and a U.S. citizen; - I have not been finally convicted of a felony, or if a felon, I have completed all of my punishment including any term of incarceration, parole, supervision, period of probation, or I have been pardoned; and - I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote.			
X		Date / /	
Signature of Applicant or Agent and Relationship to Applicant or Printed Name of Applicant if Signed by Witness and Date.			

The SOS provides quarterly reports to the US Department of Justice detailing how many voter registration applications come from each designated agency. In order to provide accurate reports, each agency has been dedicated their own "code." When applications are received in the voter registrar's office, this code is entered into their voter registration system. Public Libraries have Code 42.



Fold on line and seal before mailing

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 4511 AUSTIN, TX

POSTAGE WILL BE PAID BY ADDRESSEE

**SECRETARY OF STATE
ELECTIONS DIVISION
PO BOX 12887
AUSTIN TX 78711-9972**



Fold on line and seal before mailing

Qualifications

- You must register to vote in the county in which you reside.
- You must be a citizen of the United States.
- You must be at least 17 years and 10 months old to register, and you must be 18 years of age by Election Day.
- You must not be finally convicted of a felony, or if you are a felon, you must have completed all of your punishment, including any term of incarceration, parole, supervision, period of probation, or you must have received a pardon.
- You must not have been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote.

Filling out the Application

- Review the application carefully, fill it out, sign and date it and mail it to the voter registrar in your county or drop it by the Voter Registrar's office.

- All voters who register to vote in Texas must provide a Texas driver's license number or personal identification number issued by the Texas Department of Public Safety. If you don't have such a number, simply provide the last four digits of your social security number. If you don't have a social security number, you need to state that fact.
- Your voter registration will become effective 30 days after it is received or on your 18th birthday, whichever is later. Your registration must be effective on or before an election day in order to vote in that election.
- If you move to another county, you must re-register in the county of your new residence.

Please visit the Texas Secretary of State website, www.sos.state.tx.us, and for additional election information visit www.votetexas.gov.

Este formulario está disponible en español. Favor de llamar a su registrador de votantes local para conseguir una versión en español.



VR App is pre-addressed to SOS.

Postage paid

VR App includes a list of the qualifications to register to vote as well as instructions for completing the application.

Completing the Application

Section 1 - the applicant must:

- Let the voter registrar know if this is a new application, a change of address, name or other information, or a request for a replacement card
- Declare their citizenship status; and
- Declare whether he or she will be 18 years old on or before election day.
 - Only if the applicant checked “yes” to BOTH of these questions should he or she continue with completing the application.
- The applicant MAY select whether he or she is interested in serving as an election worker (this will not affect the registration).

Section 2 - The applicant must provide his or her last name, first name, middle name, if any, and former name (for instance, a married woman’s maiden name).

Section 3 - Residence address. If the applicant does not have a street address, he or she must give a physical description of the location where he or she lives so the voter registrar can place them in the proper voting precinct.



Completing the Application, cont.

Section 4 - If the applicant receives mail at an address other than the residence address, he or she can provide it here.

Section 5 – City and county of former residence in Texas (if any)

Section 6 - Date of Birth must include the month, day and year of birth.

Section 7 – Gender (optional)

Section 8 – Telephone # (optional)

Section 9 - Driver's License number or Personal Identification number issued by the TX DPS or last 4 digits of SSN

– If the applicant does not have a Texas issued Driver's License or Personal Identification number, he or she will need to check the box indicating that fact



Completing the Application, cont.

- Allow the applicant some privacy while s/he fills out the application, but be accessible to him or her in case s/he has questions or needs assistance.
- Once the applicant has completed filling out the form, s/he must **sign and date** the application. Please be sure to explain or make sure s/he has read the statements above the signature line before signing the application.
- By signing the voter registration application, the applicant is affirming that the information s/he provided is true and correct and is aware that providing false information is a crime under state and federal laws.
- If the applicant is unable to sign their name for any reason, you make act as a witness for the applicant by witnessing their mark on the application.



Review of Application

Most people will pick up a VR application and take it away with them to complete at a later time, then submit the application to the voter registrar themselves. Sec. 20.034.

However, IF the applicant submits the completed application form back to the library employee:

- the appropriate agency employee shall review it for completeness in the applicant's presence.
- If the application does not contain all the required information and the required signature, the agency employee shall return the application to the applicant for completion and resubmission. Sec. 20.032(c).



Submission and Delivery of VR Applications

If the VR applicant submits the completed Voter Registration form to the library employee (Sec. 20.035):

- The agency shall deliver each completed registration application submitted to an agency employee to the voter registrar of the county in which the agency office is located.
- The application (or a set of applications received from multiple applicants) must be **hand delivered** to the local voter registrar
 - Each application is postage-paid as business reply mail and pre-addressed to the Secretary of State, so there is no cost to the applicant for submitting the application(s) by mail themselves, if they choose to do so.
- An application shall be delivered to the registrar **not later than the 5th day after the date the application is submitted to the employee.**



Submission and Delivery of VR Applications – Best Practices

- When hand-delivering the VR applications, it would be helpful for the library employee to show some kind of proof, such as an employment ID, that the individual is a representative of the public library and is legitimately delivering these applications to the Voter Registrar.
- Hand delivery of the voter registration application of another is generally limited to relatives designated as Agents, certified Volunteer Deputy Registrars, or VR Agency personnel



Additional VR Information

- The applicant's voter registration will become effective 30 days after it's received or on their 18th birthday, whichever is later
 - The date of submission of a completed registration application to the agency employee is considered to be the date of submission to the county voter registrar for the purpose of determining the effective date of registration.
 - When an applicant mails the application him or her self, the effective date of the registration is the post-marked date on the application.
- If the applicant moves to another county, they must re-register in the new county of residence.
- Information regarding the agency or office to which an application is submitted is confidential and may be used only for voter registration purposes. TEC Sec. 20.032(d)



Prohibited Acts

An employee of a voter registration agency may not:

- influence an applicant
- display political party materials
- seek to influence an applicant's party preference
- discourage or mislead an applicant in any way; or
- imply that registering to vote has any affect on the patron receiving agency services.

