

NVRA Implementation:

A Guide for Public Libraries



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Office of the Secretary of State

Elections Division

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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, including public libraries, 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. The Texas Election Code (TEC) designates each public library, including any branch or other service outlet, as a voter registration agency. Public library, as defined in the TEC § 20.001(c), refers to a library that:

- Is regularly open for business for more than 30 hours a week;
- Is operated by a single public agency or board;
- Is open without charge to all persons under identical conditions; and
- Receives its financial support wholly or partly from public funds.

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 public libraries 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 public libraries 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 public libraries must develop a plan for the implementation of all required voter registration procedures. This plan should be reviewed annually within the office to ensure continued compliance with state and federal law, or any changes and updates to the agency coordinator, days and hours open.

Additionally, public library 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 if anything is changed.

Finally, it is the responsibility of the voter registration coordinator to provide training for library 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. Public libraries 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

Public libraries must offer voter registration applications to the public when applying for or renewing library services. All libraries must provide the same degree of assistance in completing voter registration paperwork as the library would provide for assistance with library related documentation. This includes, but is not limited to, bilingual assistance.

VOTER REGISTRATION FORMS

Voter Registration Application

Public libraries designated as voter registration agencies may use the Secretary of State prescribed voter registration application form or may use a library created form that is approved by the Secretary of State. To ensure voter registration applications meet all statutory specifications, all library created forms must be approved by the Secretary of State. Public libraries are encouraged to contact the Secretary of State for application orders.

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

Library employees must provide all assistance to an applicant during the voter registration process that is routinely provided for library services. However, an employee of a public library 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 library 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.

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

If a question arises concerning voter registration that the library 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, library 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 library services.

COLLECTION AND DELIVERY OF APPLICATIONS

Upon receipt of completed voter registration applications, library 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 a library employee. If a library services citizens in more than one county it is recommended that the voter registration application(s) be delivered to the appropriate county.

Information regarding the library 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 library 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.