

APPENDIX



Implementing the National Voter Registration Act of 1993: Requirements, Issues, Approaches, and Examples

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PREFACE

This document was prepared by the Federal Election Commission (FEC) pursuant to 2 U.S.C. 438(a)(10) which requires the Commission to "serve as a national clearinghouse for the compilation of information and review of procedures with respect to the administration of Federal elections." In addition, the National Voter Registration Act of 1993 (NVRA) mandates that the FEC "provide information to the States with respect to the responsibilities of the States under this Act" [Section 9(a)(4)] while Section 9 of the Joint Conference Committee Report on the NVRA states that "the conferees expect the Commission to play an advisory role to the States and to facilitate the exchange of information among the States."

The purposes of this document are:

- to describe the requirements of the National Voter Registration Act (NVRA) of 1993 [Public Law 103-31, 42 U.S.C 1973gg et seq.]
- to identify the important issues relating to State implementation strategies and conforming State legislation, and
- to offer examples, where appropriate and available, of forms and procedures that have proved successful in jurisdictions around the nation.

It is very important to note, however, that the Federal Election Commission does *not* have legal authority either to interpret the Act or to determine whether this or that procedure meets the requirements of the Act. Indeed, the civil enforcement of the Act is specifically assigned to the Department of Justice.

THIS DOCUMENT, THEN, IS INTENDED ONLY AS A GENERAL REFERENCE TOOL. ANY SUGGESTIONS CONTAINED IN THIS DOCUMENT ARE PURELY HEURISTIC AND ARE OFFERED WITHOUT FORCE OF LAW, REGULATION, OR ADVISORY OPINION. NO DECISION REGARDING THE IMPLEMENTATION OF ANY FORMS, PROCEDURES, OR CONFORMING STATE LEGISLATION SHOULD BE MADE ON THE BASIS OF THIS DOCUMENT ALONE. SUCH DECISIONS SHOULD BE MADE ONLY AFTER CONSULTATION WITH YOUR STATE LEGAL AUTHORITY.

FORMS NEEDED FOR VOTER REGISTRATION LIST MAINTENANCE

The Act requires that States employ at least three forms in the list maintenance process: the acknowledgment notice reporting the disposition of each application, the outgoing confirmation notices, and the return notice for responding to confirmation mailings. In addition, although not required by the Act, States may want to require a final notice of removal for those whose names have been deleted from the registry.

In developing these forms, States should consider the following:

- the format and content of the acknowledgment notice to all applicants;
- the format and content of the outgoing confirmation mailing(s);
- the format and content of the confirmation return notices; and
- the format and content of the final notice of removal.

States will also want to be sure to take into account the needs of certain special populations noted in Chapter 1 when designing these notices.

The Format and Content of the Acknowledgment Notice to All Applicants

The Act requires voter registration officials to “send notice to each applicant of the disposition of the application” [Section 8(a)(2)]. As noted in the definitions portion of the Introduction and in Chapter 3 above, we at the FEC have come to call this notice the “acknowledgment notice” even though in some cases it may inform the applicant that the application is incomplete or, for some reason, denied. Please also note in Chapter 3 the important distinction between what we term a “verification mailing” and the acknowledgment notice — a distinction that hinges on whether the applicant is added to the voter registration list before or after the item is mailed.

The following are important aspects of the acknowledgment notice:

- the *format* of the notice, and
- the *content* of the notice.

The Format of the Acknowledgment Notice

The Act does not specify the format of the acknowledgment notice — leaving this to the discretion of the States. But as a practical matter, States might want to consider a standard, preprinted, first class, “return if undeliverable - address correction requested”, 12 x 6 inch with a fold crease four inches from the top, a perforation eight inches from the top, and perhaps a fold-over sealing flap at the top. (See postal

The Content of the Acknowledgment Notice

The Act does not specify the content of the acknowledgment form except to state that it should advise the applicant of the "disposition" of their application. But as a practical matter, States might want to consider pre-printing messages that the local registration official can check off as appropriate. Perhaps something like:

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___ Your application to register to vote has been received and accepted.
Your polling place is located at:

___ Your application to register to vote has been received incomplete.
Please contact our office at the telephone number or address listed below.

___ Your application to register to vote has been rejected because
(and list here the standard reasons why applications are rejected)

___ Other _____

If you have any questions about this notice, please contact (*local election official's title and phone number*).

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Alternatively, local jurisdictions could program their computers to provide acknowledgment notices with responses appropriate to the individual applicant. This information could occupy the top two thirds of the card.

At a minimum, the form should provide the telephone number and address of the election office so recipients can contact the office in the event that either the second or third items above are checked. The form could also provide additional information regarding, for example, the political districts the person is eligible to vote in, the availability of services to persons with disabilities, how to request an absentee ballot, or the like.