



Texas High School Voter Registration

A How to Guide

SEPTEMBER 2017

Texas high schools must help students register

Twice a year, high school principals must offer students the chance to register to vote, if they are 18 or will turn 18 that school year. **It's a state law!** Plus, registering high schoolers is crucial in engaging students in the political process and increasing voter turnout among young people across the state.

The right to vote is a cornerstone of our democracy and we owe it to our students to help them become active participants in their communities through voting as early in life as possible. Registering students to vote on their high school campuses is a giant step in the right direction. To take advantage of this untapped opportunity, high school principals and community leaders must be informed on the ins-and-outs of high school voter registration. This guide is here to, hopefully, do just that.

TCRP's research found that significant numbers of school administrators are unaware of their duties to register high school students who are or will be 18 years of age or older during that semester. Moreover, many who have heard about this state law do not understand the exact requirements. With the information in this brochure, principals and community leaders can help increase awareness of the law and compliance across the state.¹

Texas high school principals have a duty to make sure their students have an opportunity to register to vote. To make this happen, Texas law designates principals as a special kind of voter registrar – a high school deputy registrar (HSDR).

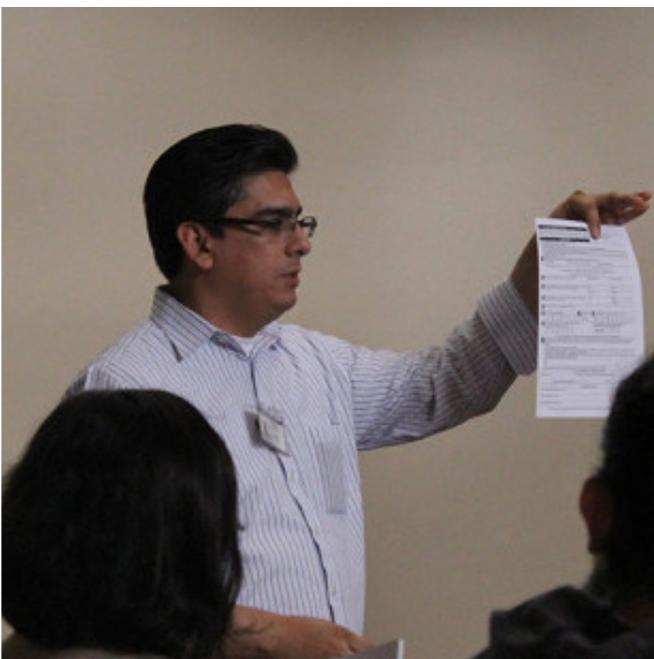
To accomplish this, HSDRs must distribute voter registration (“VR”) forms at least twice each academic year to all students who are 18 or who will soon turn 18.² HSDRs must also:

What must high schools do?

- ▶ Provide a notice about submitting completed VR forms
- ▶ Review each form for completeness³
- ▶ Deliver all forms to the county voter registrar in person or by mail⁴; and
- ▶ Ensure that every form is received by the county voter registrar by 5:00 p.m. on the 5th day after collection and no later than the 29th day before Election Day⁵



High school deputy registrar pitfalls



In Texas, it is possible for any deputy registrar to face criminal liability for the mishandling of VR materials. While this may sound scary, some basic knowledge can largely prevent high school principals from running afoul of the law.

Importantly, only one person at each school is permitted to collect and/or submit completed VR forms. By default, the principal is the HSDR, but principals can specifically assign one staff member or teacher as a designee to take over their duties.

Any other person, including other administrators, teachers and students, who handle a completed form commits a Class C misdemeanor, unless they have been deputized as a Volunteer Deputy Register (VDR) by county officials.⁶

Registration opportunities for everyone else



If you are not the HSDR, you can still help register students – or any other citizen over the age of 18 - to vote. Teachers, members of the PTA, grassroots groups, student organizations, and others can and should organize VR drives. To do so, however, you must first be deputized as a VDR in a particular county.

The difference between HSDRs and VDRs is that HSDRs use a special VR form issued by the Secretary of State for use on campus and they must offer students the opportunity to register twice per academic year at their schools. VDRs can host VR drives anytime throughout the year and can register people anywhere, so long as each would-be voter is a resident of the county in which the VDR is deputized.

Frequently asked questions

Who can be a High School Deputy Registrar?

All high school principals serve as HSDRs. A principal may designate ONLY ONE administrative staff person or teacher employed at the school to act in lieu of the principal. If a principal designates someone else as the HSDR, the principal has to provide that designated representative with a form or card identifying the representative as a HSDR.⁷ The Secretary of State will email this form to all high school principals twice each year with a reminder of their HSDR responsibilities.

Who can be a Volunteer Deputy Registrar?

The majority of Texans can become VDRs by completing several steps. An eligible voter over 18 years of age will qualify to be a VDR unless he or she has been convicted of certain crimes involving fraudulent use or possession of identifying information or has a felony conviction which has not been finally discharged.⁸ If they meet the eligibility criteria, VDR hopefuls must complete a training course and may be required to take an examination.⁹ If successful, they will then be issued a certificate of appointment by the voter registrar of the county.¹⁰ Everyone who completes these steps can become an official VDR and start registering people to vote.

Who can pass out blank mail-in VR forms and encourage voting?

Everyone! There are no restrictions on who can pass out blank forms, answer questions about VR and voting and encourage students to make their voices heard at the polls. State laws kick in only when a person handles a completed VR form for someone else.¹¹

Who can register to vote with the High School Deputy Registrar?

HSDRs may only register students and school employees, not members of the general public.¹²

How often can HSDRs distribute registration forms?

HSDRs must offer an opportunity to register to vote at least twice each school year to all students who are or will be 18 years old during that year.¹³ The Secretary of State has made clear that HSDRs should distribute VR forms when interest in voter registration is likely to be at its peak — September and January. However, HSDRs may distribute VR forms to students and employees who request them at any time of the year.¹⁴

How do HSDRs get voter registration forms?

School principals should receive blank VR forms in the mail from the Secretary of State's office. If a school does not receive the forms, they have to contact the Secretary of State for the registration forms, not the county voter registrar.¹⁵

Figure 1. Regular VR Form

Figure 2. VR Form for use by HSDR

Can HSDRs help students complete the VR forms?

Of course! Students and employees can ask for help from the HSDR when they are filling out the VR form. When the student or employee finishes filling out the form, the HSDR must review it for completeness, which may be done out of the applicant's presence. If the HSDR notices the VR form is incomplete or does not include the required signature, the HSDR should find the applicant and explain what the VR form is missing.¹⁶ The applicant can complete the form and give it back to the HSDR.¹⁷

How can voters return their VR forms?

Once a voter completes a VR form, it needs to get to the county voter registrar. This can happen in one of several ways. The voter can hand it to the HSDR or to any VDR from that county.¹⁸ The voter can also mail it directly to the county voter registrar. However, if the voter personally mails the form, he or she must find the address for the voter registrar and write it on the form before mailing it.

To find the address for a county's voter registrar,

please visit: <http://www.sos.state.tx.us/elections/voter/votregduties.shtml>.

How do HSDRs return completed VR forms?

If a student or employee returns a completed VR form to a HSDR, it is the responsibility of the HSDR to deliver the completed form to the county voter registrar, either by hand delivering it in person or by mailing it in an envelope or package. If an HSDR collects multiple VR forms at the same time, he or she can bundle them together to mail to the county voter registrar.

How long do HSDRs have to return the completed VR forms?

An HSDR should make sure that VR forms are received by the county voter registrar as soon as possible, but always within 5 days. This means the VR forms must actually be in the voter registrar's office within 5 days (not just post-marked), so HSDRs must be careful to mail VR forms soon after receiving them.

HSDRs should also be aware if an election is coming up soon because VR forms must be delivered no later than 5 p.m. of the 29th day before the election day, even if the HSDR received the VR form less than 5 days prior.¹⁹ If a student tries to submit a VR form to a HSDR after 5 p.m. on the 29th day before election day, the HSDR needs to explain that he or she cannot submit the form and refer the student to the county's voter registrar. A voter can cast a ballot thirty days after he or she submits a complete VR form to the HSDR.²⁰

If a high school enrolls students who live in multiple counties, the HSDR should be cautious to separate the VR forms for individual counties and mail them to the correct county's office. Failing to return completed VR forms within these deadlines is a criminal offense, so HSDRs should pay close attention to these rules.²¹

How can a HSDR avoid criminal sanctions?

A principal may appoint ONLY ONE HSDR. Other staff members can also register students and other staff members, but only after being deputized (See "Who can be a Volunteer Deputy Registrar?" above). Anyone who is not a HSDR or a VDR cannot collect a VR form and/or deliver it to the county voter registrar. However, HSDRs and VDRs should feel free to assist in this way. To stay within the legal parameters, remember these tips:

▶ Only handle a completed VR form if you are a designated HSDR or VDR.

▶ Only deliver VR forms to the county voter registrar if you are a designated HSDR or VDR

▶ Return the forms to the county voter registrar ASAP, but at least within 5 days

▶ Anyone can distribute the general VR forms available at the county voter registrar office

If a HSDR does not adhere to these rules, he or she can face a Class C misdemeanor.²² If a HSDR intentionally fails to deliver the VR forms by the deadline, the penalty can be even higher, subjecting the HSDR to a Class A misdemeanor.²³ One way for a HSDR to use the utmost caution is to confer with the county voter registrar or elections administrator of the county or counties in which the students and employees of the high school reside before passing out or collecting VR forms on campus.²⁴

Need more information?

For clarification, feel free to review the Texas Administrative Code, Title 1, Rule 81.7, entitled “Directive for High School Deputy Registrars.” Additionally, Sections 13.039, 13.041, 13.042, and 13.046 of the Texas Election Code describe obligations for HSDRs.

For further information on voter information, please visit www.VoteTexas.gov. If you have any questions about the voter registration process, you may email Louri O’Leary at elections@sos.texas.gov or contact her by phone at 800-252-VOTE (8683).

Endnotes

¹ For more information, see TCRP’s Human Rights report entitled “Democracy in Texas?: Texas’ Faulty Voter Registration Procedures” at <https://www.texascivilrightsproject.org/en/wp-content/uploads/2016/06/TexasVotingRightsReport.pdf>

² TEX. ELEC. CODE § 13.046(d).

³ TEX. ELEC. CODE §§ 13.039, 13.046(f).

⁴ TEX. ELEC. CODE §§ 13.042; 13.046(f).

⁵ TEX. ELEC. CODE §§ 13.042; 13.046(f).

⁶ TEX. ELEC. CODE § 13.044.

⁷ TEX. ADMIN. CODE § 81.7(c).

⁸ TEX. ELEC. CODE § 13.031; For more information, see the Secretary of State’s website for complete information on becoming a VDR: <http://www.sos.state.tx.us/elections/conducting/index.shtml>.

⁹ TEX. ELEC. CODE § 13.048.

¹⁰ TEX. ELEC. CODE § 13.033.

¹¹ See *Voting for Am., Inc. v. Steen*, 732 F.3d 382, 390–91 (5th Cir. 2013).

¹² TEX. ELEC. CODE § 13.046(d).

¹³ Id.

¹⁴ TEX. ADMIN. CODE § 81.7(d)(2).

¹⁵ TEX. ADMIN. CODE § 81.7(d)(1).

¹⁶ TEX. ADMIN. CODE § 81.7(d)(2)(C)(i).

¹⁷ Id.

¹⁸ TEX. ADMIN. CODE § 81.7(d)(2)(A), (B), (C).

¹⁹ TEX. ADMIN. CODE § 81.7(d)(3)(A); TEX. ELEC. CODE §§ 13.046(f); 13.041; 13.042.

²⁰ TEX. ADMIN. CODE § 81.7(d)(3)(B).

²¹ TEX. ADMIN. CODE § 81.7(d)(4).

²² TEX. ADMIN. CODE § 81.7(d)(4); TEX. ELEC. CODE § 13.046(g).

²³ Id.

²⁴ TEX. ADMIN. CODE §§ 81.7(c)(3)(B); 81.7(e)(1).



TEXAS
CIVIL RIGHTS
PROJECT

Michael Tigar Human Rights Center
1405 Montopolis Drive
Austin, TX 78741
512-474-5073

info@texascivilrightsproject.org