



TEXAS
CIVIL RIGHTS
PROJECT

High School Student Voter Registration:

How Texas *still* fails to engage the
next generation of voters

JULY 2018

JAMES SLATTERY

Senior Staff Attorney, Texas Civil Rights Project

Acknowledgements

This report is not just the work of the Texas Civil Rights Project, but is instead built on the work and support of a number of people and organizations that we would like to acknowledge. First and foremost, we are deeply thankful to the Democracy Fund for their generous support of the efforts and research contained in these pages—this report would literally not exist without them. We owe endless thanks to Dr. Jim Henson and Dr. Joshua Blank of Strategic Research Associates, LLC, for their invaluable assistance in collecting and analyzing the data that form the heart of this report. We are also grateful to the Ford Foundation and to the Houston Endowment for their ongoing support of our voting rights work, including our efforts to boost high school participation, and we appreciate the early investment in this project by NEO Philanthropy’s State Infrastructure Fund.

Finally, we applaud the efforts of all of the superintendents, principals, teachers, parents, students, grassroots organizations, and volunteers who are working hard to register students and educate them on their duties as citizens. They work tirelessly, with too little public recognition and under enormous pressure, to keep our democracy thriving. We remain in awe of everything they do.

About the Texas Civil Rights Project

We are Texas Lawyers for Texas Communities. The Texas Civil Rights Project believes in a state where everyone can live with dignity, justice, and without fear. In its twenty-seven year history, TCRP has brought thousands of strategic lawsuits and spearheaded advocacy to protect and expand voting rights, challenge injustices in our broken criminal justice system, and advance racial and economic justice for historically marginalized communities.

TCRP’s Voting Rights Program tackles the systemic issues that suppress democratic participation in Texas — from voter registration to the moment when an individual casts their ballot. Through litigation and advocacy, TCRP fights to turn the tide on the state’s abysmal voting rights record by removing barriers to voter registration, supporting grassroots voter mobilization efforts, and opposing new attempts to suppress voting.

www.texascivilrightsproject.org

Michael Tigar Human Rights Center
1405 Montopolis Drive
Austin, TX 78741



Table of Contents

1	Executive Summary
3	How the Law Works
5	Little Progress After 5 Years
7	Key Findings from 2017-2018 Data Set
9	A Deeper Dive into the Data and a Call to Action
15	Conclusion

Executive Summary

For five years, the Texas Civil Rights Project (TCRP), working with allies such as the Lawyers' Committee for Civil Rights Under Law and the Texas Organizing Project, has led the fight to boost compliance with a Texas law that requires every public and private high school in the state to distribute voter registration applications to eligible students at least twice each school year. Enacted in 1985, that law has the potential to make Texas a leader in youth registration and turnout.

Instead, as TCRP's research has repeatedly made clear, most recently in a report it published in September 2017 and now in this updated report, compliance by high schools with the law has been abysmal. This report is based on a Public Information Act request sent to the Texas Secretary of State, seeking copies of all requests for voter registration forms by high schools from the close of voter registration for the last presidential election (October 2016) to the close of voter registration for this year's first round primaries (February 2018).

We have reviewed and analyzed the data to give as much credit to schools as possible for their high school voter registration efforts, including giving credit to a school for having submitted at least one request for voter registration forms over the course of the four school semesters covered (in whole or in part) by this report. We have also given credit to high schools even where an individual school has not itself requested forms, but where its independent or consolidated school district has apparently requested forms on its behalf. We have also given schools credit for having requested forms even though there is little to no information as to how schools distributed the forms to their students. For instance, some schools may have kept forms in an office for distribution only when the students themselves asked for the forms, rather than proactively distributing them to students as they become eligible to register to vote, which is what the law requires. Essentially, we have given schools every reasonable benefit of the doubt in our research.

With that as background, our key findings include:

- We have been able to verify that only 28% of public high schools in Texas with 20 or more seniors requested voter registration forms from the Secretary of State—the key first step in registering students under the process mandated by Texas law.
- Some independent school districts also requested forms on behalf of their high schools. Assuming that these school districts distributed the forms to all of the high schools in their jurisdiction, adding those high schools to the total raises the compliance rate to 34%.
- We have been able to verify requests for high school voter registration forms from just two private high schools.
- 82 out of 232 counties in Texas that have public high schools with more than 20 seniors enrolled (i.e., 35% of such counties) did not make a single request for high school voter registration forms (either individually or through their school district) from October 2016 to February 2018, the time period covered in this report.

- The total 12th grade enrollment of students in schools that did not request voter registration forms equals 183,421 seniors. Although some portion of these students would not be eligible to register to vote, it is likely that the vast majority of these seniors were eligible to register to vote and should have been offered a voter registration form under the high school voter registration law.
- **At a minimum, therefore, two-thirds of Texas public high schools, with 183,421 seniors, continue to fail to take the first basic step in complying with the high school voter registration law: requesting forms from the Secretary of State.** As a result, hundreds of thousands of eligible young voters may be missing the chance to register to vote.

There are a number of common sense steps that the Texas Secretary of State — as the state’s chief elections officer — should take to address this urgent problem, including:

- The Secretary should devise and implement additional outreach methods to high schools, including a standard training for schools available online, to comprehensively and effectively educate school officials about the requirements of the law. The Secretary should also effectively bolster training for county elections officials on the requirements of the high school voter registration law.
- Rather than insisting that high schools request voter registration forms at the outset—thereby placing too much of the compliance burden on overworked school officials—the Secretary should instead affirmatively mail voter registration applications to each high school in Texas at the beginning of every school year, and preferably at the beginning of every semester.
- The Secretary should develop and implement systems to track which high schools are complying with the law and follow up with those that aren’t, to ensure they are taking immediate and effective steps to come into compliance. The Secretary should also make compliance information (such as which high schools are complying and which are not) public.
- The Secretary should make clear to high school principals that they can designate more than one additional person to act as a high school deputy registrar who can register students. Currently, the Secretary advises principals that they can name only one staff member as a “designated representative” to assist principals in registering students, but the text of the law and regulations do not preclude principals from naming more than one assistant. Enabling the designation of more than one assistant would greatly relieve the burden on high schools.

How the Law Works

The Texas Election Code mandates that the principal of each public and private high school in Texas, or the principal's designee, serves as the high school deputy registrar (HSDR) and must offer voter registration applications at least twice per school year, along with a notice explaining how the students may deliver the applications.¹ If the student chooses to return the voter registration form to the HSDR, then the HSDR must also review the applications for completeness, give assistance upon request, and collect them for delivery to the county registrar.²

HSDRs must request “a sufficient supply of voter registration applications and notice forms” from either “the school board administrator or Secretary of State.”³ In effect, this means that HSDRs can obtain the preferred voter registration forms in one of the following two ways: 1) from independent school district (also referred to herein as “ISD”) officials who have requested forms from the Secretary of State (also referred to herein as “Secretary” or “SOS”) and who take the lead in distributing the forms to their high schools; or 2) via a direct request from the high school to the Secretary of State. The latter option (a direct request for forms from individual high schools to the SOS) appears to be much more common.

The SOS offers schools the option of requesting forms either via a paper order form that can be submitted electronically or via an [online order form](#) powered by Survey Monkey.

Figure 1. Online VR Order Form for Use by the High School Voter Deputy Registrar

Use this form for requesting Voter Registration Applications.

- * 1. High School:
- * 2. Contact Person:
- * 3. Mailing Address:
- * 4. City:
- * 5. Zip Code:
- * 6. Phone Number:
- * 7. E-mail Address:
- * 8. Number of English Applications:
- * 9. Number of Spanish Applications:
- * 10. Total Number of Voter Registration Applications:

Although high schools may alternatively use forms obtained from their county voter registrar rather than the SOS,⁴ it is vital that they use voter registration (also referred to herein as “VR”) forms provided by the SOS: the SOS forms are specially coded to allow the Secretary to track applications requested and submitted by high schools.

The regulations implementing the law technically require that high schools distribute VR forms “during the final month of each semester to high school students who are or will be 18 years of age or older during that semester” (emphasis added).⁵ Due to advocacy efforts by TCRP and partner organization the Lawyers’ Committee for Civil Rights Under Law, the SOS recognizes that strictly adhering to this requirement would preclude eligible students from voting in elections that occur before “the final month” of the semester. Thus SOS now encourages high schools to distribute and collect voter registration applications in time for eligible students to vote for elections during the semester—even if that is before “the final month” of the semester.⁶

Indeed, the SOS suggests that schools “institute a program to register anyone who turned 18 over the [preceding school break] or who are at least 17 years 10 months when school starts.”⁷ Going further, the SOS advises schools that they “may want to establish a system where, as students in your school turn 18, you inquire of them whether they would like to register to vote.” Whatever method the schools choose, they must keep in mind that the goal is to “distribut[e] applications in a way that maximizes the number of students being offered the opportunity to register to vote.”

Figure 2. Paper VR Order Form for Use by the High School Voter Deputy Registrar

The State of Texas

Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.state.tx.us
www.VoteTexas.gov



Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Rolando B. Pablos
Secretary of State

ORDER FORM
HIGH SCHOOL VOTER REGISTRATION APPLICATIONS

PLEASE PRINT:

HIGH SCHOOL: _____

CONTACT PERSON: _____

MAILING ADDRESS: _____

CITY: _____

ZIP CODE: _____

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

_____ Number of English Applications

_____ Number of Spanish Applications

TOTAL NUMBER OF VOTER REGISTRATION APPLICATIONS

Please return form to: Office of the Secretary of State
Elections Division
ATTN: Mailroom
P.O. Box 12060
Austin, Texas 78711-2060
FAX: 512.475.2811

Email: elections@sos.texas.gov

Little Progress After 5 Years

Since at least 2013, TCRP has been investigating whether high schools are complying with Texas's high school voter registration law—and advocating for more aggressive steps by schools and the Secretary of State to boost compliance. Among the steps TCRP has taken:

- TCRP conducted a random sampling of Texas schools and school districts in 2013 to investigate compliance with the law, revealing that an estimated two-thirds of respondents were not meeting the requirement of the Texas Election Code to distribute voter applications at least twice per year.⁸ When representatives from TCRP met with the Director for the Texas Elections Division to share the results of the study, the State made it clear that it did not intend to take concrete steps to increase compliance.
- In 2015, TCRP began collecting information from schools through public information requests asking what documentation, if any, they received from the Secretary of State regarding high school voter registration and their internal policies for implementation. Of the 290 respondents to TCRP's requests, only 14% had any documentation on the topic at all.
- Next, TCRP began corresponding with the SOS Elections Division expressing our concerns that the Division was not doing enough to ensure high school students were regularly offered an opportunity to register to vote. The correspondence detailed the efforts of TCRP over the previous two years and asked that the SOS work with us to develop a comprehensive plan to achieve compliance. The correspondence revealed that the SOS had never conducted an analysis of compliance with the law and that the SOS did not track, in any way, voter registration forms received from high schools. Toward the end of 2015, the SOS stopped responding to TCRP's requests for meetings and demands for reform.
- The Lawyers' Committee for Civil Rights Under Law joined our efforts in 2016, and together with TCRP, wrote letters, made phone calls to, and participated in a meeting with the previous SOS, Carlos Cascos, to discuss ways to better implement and promote the statute. Meanwhile, grassroots groups such as the Texas Organizing Project began mobilizing on the local level, including holding a successful town hall in Houston, to educate school administrators and the public about the requirements and benefits of the law.
- As a result of those efforts, the SOS sent more detailed and more regular reminder letters to high school principals, explaining their duties under the law and encouraging them to request voter registration forms from their office prior to the 2016 voter registration deadline.
- But, in spite of these efforts, an investigation led by TCRP and The Lawyers' Committee for Civil Rights Under Law found that, in 2016, a mere 14% of Texas public high schools - and no private high schools in Texas - requested voter registration applications from the SOS.⁹

Our landmark report on high school voter registration compliance during the 2016 election contained other troubling findings, including¹⁰:

- 159 out of the 234 counties in Texas with public high schools, or 68%, did not request a single voter registration form.
- Of the five largest counties in Texas, none had more than 12% of their high schools request voter registration forms.
- Though Texas law requires that a voter registration form be distributed to “each student who is or will be 18 years of age or older,” even the schools that requested forms did not request nearly enough to cover all eligible students. Of the five largest counties, schools requested enough forms for just 3% of eligible students.

To boost this rock bottom rate of compliance, we suggested (among other proposed reforms) “a straightforward and simple remedy for addressing much of the noncompliance with the high school registration law – the SOS should eliminate the [requirement that high schools affirmatively request VR forms] and, instead, affirmatively mail voter registration applications to each high school in Texas.”¹¹ Putting the initial burden on overstretched school officials to request forms rather than on state election officials makes little sense and, as our multiple investigations have now shown, makes it much less likely that eligible students ever receive a VR form.

In response to our research into high school voter registration compliance during the 2016 election and advocacy on this front, the Secretary published op-eds in various Texas outlets declaring high school voter registration a “top priority” and calling for residents to encourage high school principals to abide by the law and cultivate teen voters. Secretary Pablos also asked school superintendents to sign a pledge promising “100% commitment from my district’s high school principals to participating in the Texas Secretary of State’s High School Voter Registration Initiative” to improve compliance.¹² Those who sign the pledge are then given credit for doing so on the Secretary’s website: 432 have signed the pledge to date.¹³

Key Findings from 2017 - 2018

Data Set

Similar to its previous rounds of research, TCRP submitted a Public Information Act request to the Texas Secretary of State requesting (among other documents) copies of all voter registration request forms submitted by high school principals in order to assess compliance with the law. Specifically, we requested copies of all such requests after the end of voter registration for the November 2016 general election to the end of voter registration for the March 2018 primary election (i.e., October 13, 2016-February 6, 2018).

This time period covered an entire calendar year (2017) and two full school semesters (Spring and Fall 2017). It also included three elections—the uniform election dates of May 6 and November 7, 2017, and the primary election on March 6, 2018. The documents we received included both requests from individual high schools for voter registration forms, and requests from independent school districts for forms for distribution to their high schools.

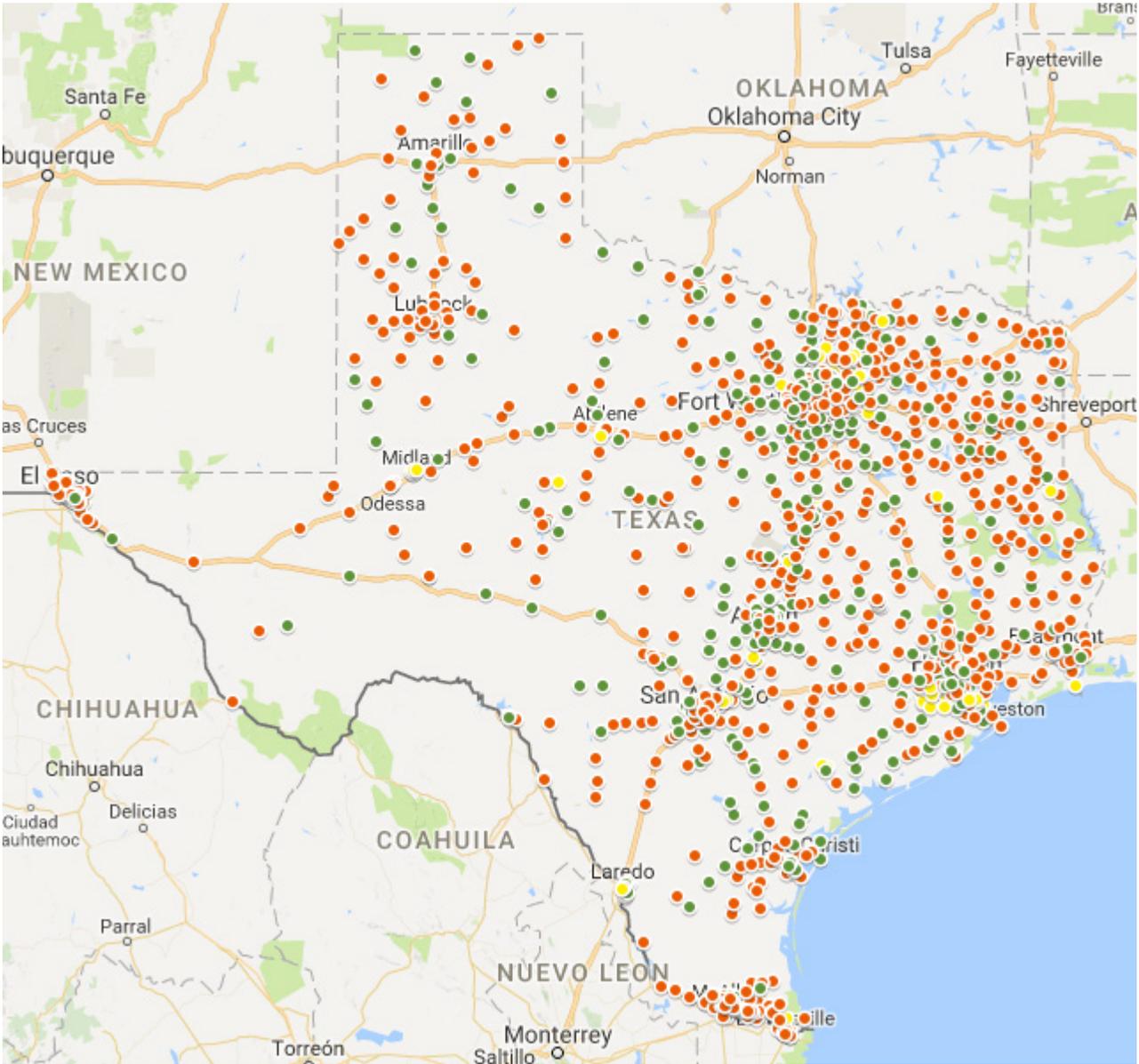
For this time period, we have been able to verify requests from 28% of public high schools in Texas with more than 20 seniors, up from 14% in our last compliance report. Adding in such public high schools who are part of an independent school district that requested forms (presumably on the schools' behalf), that figure rises to 34%. We have been able to verify requests from only two private high schools that include 12th grade students: Austin Tennis Academy in Austin, and Liberty Christian School in Argyle.

As part of our efforts to monitor compliance, we have created a Google map (which will be available online) that visually displays which schools have requested high school voter registration forms from the Secretary pursuant to the law, and those schools for which we have not been able to verify compliance. Each green dot in the image below represents a school for which we have been able to verify such a request; each yellow dot is a school in an ISD that requested forms on its behalf; and each red dot represents a school for which we have not been able to verify a request for forms from the Secretary.

Other key findings include:

- 82 out of 232 counties in Texas with public high schools with more than 20 seniors, or 35%, did not have a single high school request a voter registration form. If you give credit to those high schools that did not individually request forms but are part of an independent school district that did request forms, that still means that 80 out of 232 counties in Texas that have public high schools with more than 20 seniors, or 34%, did not request a single high school voter registration form over the time period covered.
- The total 12th grade enrollment of students in schools that did not request voter registration forms equals 183,421 seniors. Although some portion of these students would not be eligible to register to vote, it is likely that the vast majority of these seniors were eligible to register to vote and should have been offered a voter registration form under the high school voter registration law.

Figure 3. Map of all Texas high schools in compliance or noncompliance with the state's high school voter registration law.



A Deeper Dive into the Data and a Call to Action

It is encouraging to see that compliance with the high school voter registration law has improved since our last report. It is not entirely clear why compliance went up in 2017 and early 2018, but one likely reason is the spotlight that TCRP and other organizations have put on this issue, increasing pressure on the Secretary to make compliance a higher priority than previously.

There is some evidence that high schools responded to the Secretary's efforts. At least one high school principal, in an email to the SOS, directly referenced reading the Secretary's op-ed about high school voter registration in the Dallas Morning News when asking for voter registration forms. There also appears to be a substantial increase in requests from school districts for high school voter registration forms since our previous research. It also seems logical that increased attention by superintendents to this issue, following a very public commitment by them to seek 100% compliance with the law, would lead to greater efforts by the high school principals within their jurisdictions.

And yet, even though compliance has improved since our last report, it could hardly have been more dismal to begin with, and compliance remains abysmal. Under even the most charitable reading of the data, two-thirds of public high schools in the state of Texas with 20 or more seniors did not receive a voter registration form from the Secretary of State—despite a clear and longstanding requirement under state law that high schools must offer voter registration forms to their students.

At least 183,000 seniors attend these non-compliant schools, the vast majority of whom are eligible to vote and should have been offered a voter registration form by their high school. Although some number of these seniors may have been registered to vote through other means—including voter registration drives conducted in their high schools by third party organizations—such efforts do not relieve these schools of their obligations under state law to request voter registration forms from the Secretary and actively offer them to eligible students.

Our review of the documents provided by the SOS to TCRP, pursuant to an open records request, suggests a major reason why compliance is still so awful: the Secretary's efforts to inform high school principals and other relevant school officials about their responsibilities under the high school voter registration law remain woefully insufficient, leaving many of them either totally ignorant of the high school voter registration law or greatly confused about how to comply. Add in the fact that registering eligible students is but one of many pressing responsibilities that principals must juggle on a daily basis, one for which the accountability mechanisms are very few, and it is no wonder that the level of compliance is so low.

The Secretary communicates the requirements of the high school voter registration law to high school principals via a mass email to them at the beginning of each semester, with attachments to guide them through their responsibilities and to order voter registration forms. Below is an image of the most recent such email, for Spring 2018:

Figure 4. Mass email sent by the SOS to all Texas high school principals.

Jennifer Williams

From: Elections Internet
Sent: Monday, January 22, 2018 3:42 PM
To: Elections Internet
Subject: MASS EMAIL--High School Principals (1621)--Voter Registration Materials
Attachments: 2018 January High School Principal Letter Voter Registration.pdf; 2018 January High School FAQ.pdf; Notice to high school students.pdf; SOS High School Principal Order Form 2017.docx; Texas Administrative Code provisions.pdf; Sections of the Texas Election Code Relating to High School(1).pdf

Dear High School Principals,

Attached is information regarding your duty as deputy voter registrars at your high school. Please let us know if you have any questions. Please take note of the opportunity to order your voter registration applications from us online at this link: <https://www.surveymonkey.com/r/hsvoterregistrationorderform> and the notice to students can also be printed at this link: <http://www.sos.state.tx.us/elections/forms/notice-to-high-school-students.pdf>."

Keith Ingram
Director, Elections Division
Office of the Secretary of State
800-252-VOTE(8683)

www.sos.state.tx.us/elections/index.shtml

For Voter Related Information, please visit:



The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved. To better serve you, the Texas Secretary of State is conducting a "Customer Satisfaction Survey". Your responses are confidential and will be used only for the purposes of evaluating our services. Please consider taking the survey, and thank you for your time.

A number of emails sent by schools to the SOS, however, suggests that many relevant school officials either don't receive this email in the first place, or still remain confused about the basic requirements of the law even after receiving it. Indeed, one email from a county elections official shows that confusion about the law extends even beyond school officials.

A sampling of some of these emails below makes this point clear:

- The student activities manager of a high school asked whether a high school principal has to be a "registered deputy," and whether teachers are allowed to mail in the completed VR cards. The email is dated several weeks after the SOS sent the mass email to principals for Fall 2017.
- A government teacher at a high school requested 45 forms, saying her principal had not received the email with the order form.
- The principal of a school asked for VR forms and noted that "[t]here were no instruction[s] in the email to my knowledge about needing to order these." It is not clear which "email" she meant, but her confusion may be the result of a mis-reading of the mass email sent to principals in August 2017 concerning high school voter registration.

- The Elections Administrator of one county emailed the SOS expressing a great deal of confusion about high school voter registration: “Can you tell me if we have any Training Manuals available for High School Principals [sic] or HSDRs to help me with a training/informational class I am trying to provide to our local schools? Most of the information I have found contradict themselves in one way or another[,] ie[,] you must be 18 years old that year or you must be 18 years old that semester[,] or simply must be 18 years or soon to be 18 (very confusing for the HSDRs) in order to apply[,] I personally would have said 17 years and 10 months at time of application but am not sure if this holds true for the HSDRs. Also not clarified is can HSDRs take application[s] from any employee of the High School or any employee in the School District? I would really like our school to be better informed of what their [sic] capable of but don’t actually have all the data to inform them myself. Any help you could provide or direction you could give me would be appreciated.”
- A principal asked for voter registration forms, saying, “I believe they need to be Code 42. The information provided to me as a principal did not specify that I needed to send order information. Just FYI.”
- An assistant principal emailed because he could not find the form to request the applications: “I am trying to locate the form we used last year to request Voter Registration Application cards for our HS Senior students. I am an assistant principal at [a high school] and have been given the task to do so but do not have this form and do not know where to acquire it in order to get this task done. Please advise.”
- A Social Studies Instructional Coach for an ISD requested VR cards, after trying to get them from the local courthouse first: “I am requesting voter registration cards for our students. I went by the local court house and they gave me a few cards, but asked me to please contact your office for additional registration cards.”
- A high school teacher asked for 450 forms, noting that “I’m not sure if we missed the letter in the mail this year with everything going on. But please send 450 voter registration cards to. . .”
- A secondary social studies specialist asked: “What is the best way for high schools to request high school voter registration cards for their students? Also, what is the difference between the regular VR Form and the VR Form for use by high school deputy registrars?”
- Principal: “I am not too sure if this is the correct means to requesting [sic] voter registration forms, but I could not figure out how to order more cards than 5 from the website. I am requesting 500 English voter Registration Cards and 500 Spanish Registration Cards.” In response, the SOS stated it would send the applications and did not make the principal fill out a form.
- Principal: “I have not received the email to request voter registration forms be sent; how do I get those this year?”
- Counselor asks for “information on where I can request voter registration forms for high school students. I need approximately 75.”

- A College & Career Readiness Coordinator sent in the request form, saying “I had tried to go to my local county registrar, but they told me I had to order the voter registration cards from you all.”
- A government teacher at a high school emailed SOS: “I just found out that students should fill out a different form to become voters. My school is having a big push for students to register to vote. I even became a Deputy Registrar and I was just told today that we need a different form. Can I get these sent to us ASAP or is there a way I can download it[?]”
- A social studies coordinator for a school district emailed: “Where can I request copies of voter registration cards to be sent to our high school campuses to ensure that Seniors have the possibility to register to vote?”

The Secretary’s mass email to principals no doubt informs some, perhaps even many, high school principals of their obligation to register high school students, and how to do so. But as these examples make clear, the mass email is not sufficient (nor the Secretary’s op-eds) to adequately communicate to every relevant school official about the high school voter registration law.

Under the Secretary’s current process, therefore, too many high schools are left out at sea about how to comply with the law. The Secretary must devise and implement additional outreach methods—including a standard training for schools available online—to comprehensively and effectively educate high schools about the requirements of the law, and bolstered training for county elections officials on the requirements of the high school voter registration law.

Further, these emails reveal that it is often other school officials--not the principal--who are the driving forces behind pushing high school voter registration forward. The fact that principals rely so heavily on other school officials is understandable given their many competing priorities. To further relieve the burden on principals, the Secretary should make clear that principals can designate more than one additional person to act as a high school deputy registrar. Currently, the Secretary advises principals that they can name only one staff member as a “designated representative” to assist principals in registering students, but the text of the law and regulations do not preclude principals from naming more than one assistant.

The fact that many of these emails revolve around requests for VR forms suggests another reason why compliance is so low: the Secretary insists on requiring high schools to affirmatively request voter registration forms at the outset. The Secretary could instead affirmatively mail voter registration applications to each high school in Texas at the beginning of every school year—but has chosen not to.

This common sense reform would greatly ease the burden on already overworked principals and totally eliminate the confusion that school officials have repeatedly expressed to the Secretary as to how to obtain the forms. This step is clearly a bottleneck in the process that prevents many eligible students from ever seeing a voter registration form.

TCRP suggested this modest change in its 2017 report. Our argument then appears doubly true in light of the above:

- Compliance with the law has long been dismal and needs to be made easier for high school principals who are busy educating young Texans.
- The Secretary has an express statutory obligation to implement the law and should take substantive steps to do so, especially in light of the continued noncompliance.
- The Texas Education Agency makes the number of eligible seniors per school readily available on its website, providing the Secretary's office with the statistics it needs to conduct an annual mailing.
- The Secretary's office would have a full year to prepare to send out the applications on an annual basis, alleviating any strain on resources.
- The law already requires the distribution of an application to "each" eligible student – thus, if high schools fully complied with the law and requested the needed number of registration forms from the SOS, the Secretary would be obligated to mail out exactly the same number of applications that it would be required to mail if it adopted the suggested reform.

Indeed, a number of emails from school officials reveal that this request process regularly hinders the transmission of forms to high schools. For instance:

- The assistant principal of a high school noted problems he has had getting voter registration forms: "I have been trying to get voter registration forms for our school. Can you guide me[?] A call to the phone number results in a busy signal and the web-site shows a[n] error. I need 100 postage paid forms for our registration campaign. Please guide me."
- The assistant principal of another high school emailed: "I am the HSDR for [a] Texas high school. We have yet to receive our VR forms from the Secretary of State. We will have 418 eligible students this year. Please advise how we can receive these in a timely manner so that we can provide our students with an opportunity to register by the end of next week."
- An email from a history teacher: "[W]e have requested [VR forms] in the past but never received them. Maybe our [sic] request is lost in cyberspace somewhere. We have complied using uncoded registration cards to comply. Please send cards as soon as possible."

Further, our investigation shows one more major element missing from the Secretary's oversight of the high school voter registration law: effective tracking of high school voter registration compliance and accountability for schools that fail to comply. At the outset, we should note that the Secretary did take a major step forward in this regard, introducing in January 2018 a specially coded voter registration form uniquely coded for high schools (known as a "Code 18 form"), making compliance tracking much more possible.

But this is just one step of many that the Secretary should undertake to, first, track which high schools are complying with the law and, second, follow up with those that aren't to ensure they are taking immediate and effective steps to come into compliance. There is no apparent sign that the Secretary is yet taking this second, crucial step.

Indeed, several spreadsheets that the Secretary's office turned over to TCRP listing which high schools have submitted requests for VR forms are notable for what is missing: a list of high schools which have failed to make any request for VR forms in this school year, a key metric that the Secretary should be tracking in order to identify schools that need help (or nudging) in order to comply. Indeed, the Secretary appears to track which school superintendents have not signed the requested pledge of 100% compliance, so why not also track which schools have failed to comply with the law in the same way and send out reminders to school principals about their obligations throughout the semester? As the state's chief elections officer, the Secretary has the legal authority to ensure the uniform adherence to the state's election law — thus, he has a duty to bring schools into compliance.

Conclusion

Voting is the lifeblood of democracy, ensuring that the government remains responsive to the demands of its citizens and respects their liberties. Research has shown that the earlier in life you cast your first ballot, the more likely you are to become a regular and lifelong voter: “[P]eople who vote three times in a row, in the first three elections for which they are eligible, are more likely to be lifelong voters.”¹⁴ Indeed, voting tends to be contagious: some research suggests that voting by young adults also, in some cases, increases voting by their parents.¹⁵

The key first step in voting is registering to vote. We owe it to these young Texans to make sure they are equipped with the tools they need to participate in the democracy they will soon inherit from us. That includes making sure that every eligible high school student is offered the opportunity to register to vote as soon as they come of age, and educating them in all the duties of citizenship.

While we owe this to our children as a matter of course, Texas also mandates as a matter of law that voter registration be offered to eligible high school students at least twice each year. So far, we as a state have failed to fulfill this basic duty. If fully implemented and enforced, the high school voter registration law offers Texas the opportunity to become the nation’s leader in youth voter registration and turnout—in educating a generation of young people who are full participants in our democracy—if it chooses to seize this opportunity with the energy, boldness, and dedication that Texans are known for.

Endnotes

1 Tex. Elec. Code § 13.046.

2 Tex. Elec. Code § 13.046; Tex Admin. Code § 81.7.

3 Tex Admin. Code § 81.7(d)(1).

4 *See* Letter from Keith Ingram, Dir. of Elections, Tex. Sec’y of State, to High School Principals (Jan. 22, 2018) (on file with TCRP) (hereinafter “January 22 Letter”).

5 Tex Admin Code § 81.7(d)(2).

6 *See* January 22 Letter, *supra* note 4, at 1 (“Please note that Texas Administrative Code, Title 1, Rule 81.7, entitled Directive for High School Deputy Registrars’ (Rule 81.7) provides that voter registration forms must be distributed ‘during the final month of each semester’; however, in light of the above-referenced voter registration deadline for the March 6, 2018 Primary Election, we also encourage you to distribute and collect voter registration applications in time for the students to register on or before February 5.” (emphasis in original)).

7 High School Deputy Registrar FAQs, at 1 (on file with TCRP).

8 *See* “Democracy in Texas? Texas’ Faulty Voter Registration Procedures.”

9 Beth Stevens et al., The High School Vote: How Texas fails to engage the next generation of voters 1 (2017), <http://texascivilrightsproject.org/wp-content/uploads/2018/02/HSVR-Report.pdf>.

10 *Id.* at 5.

11 *Id.* at 7.

12 *See* Texas Superintendents’ High School Voter Registration Initiative Pledge Form, Tex. Sec’y of State, <https://www.surveymonkey.com/r/texasuperintendents> (last visited May 31, 2018).

13 *See* Texas Superintendents Commit to Cultivating Lifelong Voters, Tex. Sec’y of State, <http://www.sos.texas.gov/elections/projectvote/superintendents.html> (last visited June 8, 2018).

14 Perri Klass, M.D., *What Really Makes Us Vote? It May Be Our Parents*, N.Y. Times, Nov. 7, 2016, <https://www.nytimes.com/2016/11/07/well/family/what-really-makes-us-vote-it-may-be-our-parents.html>.

15 Jens Olav Dahlgard, *The surprising consequence of lowering the voting age*, Wash. Post, Mar. 1, 2018, https://www.washingtonpost.com/news/monkey-cage/wp/2018/02/28/the-surprising-consequence-of-lowering-the-voting-age/?utm_term=.ea06f183f26b.



TEXAS
CIVIL RIGHTS
PROJECT

www.texascivilrightsproject.org