

Voter Registration Provision in Higher Education Amendments of 1998

Pub. L. No. 105-244, 112 Stat. 1581 (1998)

[20 U.S.C. § 1094\(a\)\(23\)\(A\)](#)

The Higher Education Amendments of 1998 added a new provision to the [Program Participation Agreements](#) that requires institutions to make a good faith effort to distribute voter registration forms to each student in attendance. This law does not apply in states without a voter registration requirement, or if the voter can register at the time of voting. The institution requests and receives the forms from the state and must make the forms “widely available” to each student enrolled in a degree or certificate program and physically in attendance at the institution. According to H.R. Conf. Rep. No. 105-750, at ___ (1998), *reprinted in* U.S.C.C.A.N. ____, ____, “[t]he process for distributing forms should be designed to ensure that each student . . . is offered the form or the opportunity to receive a form from the institution. This may include, but is not limited to, providing a phone prompt when the student registers via telephone or a similar prompt during registration that is carried out via the internet or by facsimile.” The institution must request the forms from the state 120 days prior to the deadline for registering to vote. If the state does not send sufficient forms to the institution within 60 days prior to the voter registration deadline, the institution is not liable for failure to comply with the law for that election year.

Updates to law in the HEOA: The Higher Ed Amendments of 2008 added the following text to the Voter Registration Act **effective August 14, 2008**.

(D) The institution shall be considered in compliance with the requirements of subparagraph (A) for each student to whom the institution electronically transmits a message containing a voter registration form acceptable for use in the State in which the institution is located, or an Internet address where such a form can be downloaded, if such information is in an electronic message devoted exclusively to voter registration.

See the [NAICU HEA Quick Guide](#) for more information on this change.

Online Registration Forms in TN

Many states have voter registration forms online.

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<http://www.state.tn.us/sos/election/registration.htm>

See Your Voice Your Vote for ideas on how to publicize voter registration information.

This law applies to general and special elections for federal office (defined in Section 301(3) of the Federal Election Campaign Act of 1971, 2 U.S.C. § 431(3), as the office

of President or Vice President, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress) and the election for governor or other chief executive within such state.

Failure to comply with any of the provisions of the Higher Education Program Participation Agreements can result in liability not to exceed \$25,000 for each violation.

Other Resources:

<https://www.usvotefoundation.org/vote/state-elections/state-election-dates-deadlines.htm?gclid=COGq0YOF8L4CFQjUfgodnTUA2A>

<http://www.rockthevote.com/election-center/voter-registration-deadlines-by-state.html>

See [*Your Vote Your Voice*](#) for ideas on how to publicize voter registration information.

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