

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 are available below.

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.usa.gov/register-to-vote>

How to Register to Vote in Tennessee

In order to participate in an election, a qualified voter must be properly registered no later than thirty (30) days before the election. The election commission office will process any by-mail voter registration form that has been postmarked at least thirty (30) days before the election. T.C.A 2-2-109.

- [Register to Vote using our Online Form](#) or [Download, Print, and Mail a Paper Form](#)
- [Check Your Voter Registration Status](#)
- [Contact Your County Election Commission](#)
- [View our Frequently Asked Questions](#)

Steps to Register to Vote:

1. Check to see if you are eligible to register to vote in Tennessee

To be eligible to vote in Tennessee:

- You must be a citizen of the United States.
- You must be (18) years of age or older on or before the date of the next election.
- You must be a resident of Tennessee. [View Guidelines for Determining Residency](#) and special considerations for [Homeless Persons Residency](#) and [Non-resident Property Owners](#).
- If you have been convicted of a felony, your eligibility to register and vote depends upon the crime you were convicted of and the date of your conviction. If your conviction made you ineligible, you may

regain your eligibility if your conviction has been expunged or if you have had your voting rights restored, unless you were convicted of a crime that rendered you permanently ineligible to vote. [View Eligibility to Vote after a Felony Conviction.](#)

2. Register to Vote (if eligible)

There are many ways to register to vote in Tennessee. Use one of the following methods:

- Use [online voter registration](#) to conveniently register to vote or update your voter registration.
- Download and complete the [Voter Registration Application](#) and mail the application to your [county election commission](#).
- Pick up voter registration applications in person at the following locations:
 - County Election Commission Offices
 - County Clerk's Offices
 - Public Libraries
 - Register of Deeds Offices
- Register during a transaction with one of the following agencies:
 - Department of Health (WIC program)
 - Department of Human Services
 - Department of Intellectual and Developmental Disabilities
 - Department of Mental Health
 - Department of Safety (motor vehicles division)
 - Department of Veteran's Affairs