



Voter Registration Agencies Under the National Voter Registration Act of 1993 (NVRA)

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A key purpose of the [National Voter Registration Act of 1993 \(NVRA\)](#) was to expand access to voter registration for federal elections, in part by providing registration opportunities at various government agencies that people commonly visit for services. NVRA’s “motor voter” provisions require state departments of motor vehicles (DMVs) to [provide a simultaneous application](#) for federal voter registration alongside an application for a driver’s license. NVRA also requires that states designate other state or local offices (and potentially federal or nongovernmental offices, with the agreement of those offices) as [voter registration agencies](#), which distribute voter registration applications; offer assistance for applicants completing these forms; and transmit completed applications to the appropriate state election official.

At times, Congress has shown interest in revising the NVRA voter registration agency requirements to, for example, specify participation by certain agencies or modify the registration-related requirements for designated voter registration agencies. On March 7, 2021, as part of [Executive Order 14019 \(Promoting Access to Voting\)](#), President Biden directed all federal agencies to explore ways in which they could provide access to voter registration alongside the provision of agency services and potentially participate as an NVRA voter registration agency, if requested by a state. This Insight provides background on NVRA’s voter registration agency requirements and briefly discusses related recent executive branch actions and legislative proposals from the 117th Congress.

Federal Voter Registration Agency Provisions

NVRA contains two types of voter registration requirements for agencies: one specifically for state DMVs and another for state-designated voter registration agencies. Section 5 of NVRA ([52 U.S.C. §20504](#)) requires a process described as “simultaneous application” whereby state DMVs ask individuals whether they would like to register to vote (or update an existing registration) on every motor vehicle license application or renewal application.

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Section 7 of NVRA ([52 U.S.C. §20506](#)) also directs states to designate certain other agencies as *voter registration agencies*, which must distribute voter registration applications; provide a form asking whether an individual wants to register to vote and explaining additional information; assist applicants with completing voter registration forms; and transmit completed applications to the appropriate state election official within an established timeframe. Voter registration agencies may not use any information related to an individual's choice to decline a voter registration application or registration opportunity for any purpose other than voter registration. NVRA specifies that a person providing assistance with applications at a voter registration agency cannot attempt to influence an applicant's political preference or party registration; display a political preference or party allegiance; make a statement or action with the purpose or effect of discouraging an applicant from registering to vote; or make a statement or action with the purpose or effect of leading the applicant to believe decisions related to registration have any bearing on the availability of agency benefits or services.

NVRA requires that voter registration agencies in states include all offices that provide public assistance and those that primarily administer state-funded services to persons with disabilities. Recruitment offices for the U.S. Armed Forces are also specified as voter registration agencies. Beyond these required entities, states are directed to designate other offices within the state as voter registration agencies, as well as federal and nongovernmental offices, with the agreement of those offices. To aid in this, NVRA directs federal executive branch departments, agencies, and entities to cooperate with states "to the greatest extent practicable" and encourages cooperation of nongovernmental offices as well. A separate provision from the [Higher Education Amendments of 1998](#) requires that covered colleges and universities in states [exempt from NVRA](#) "make a good faith effort" to request and distribute mail-based voter registration forms to enrolled students.

Recent Developments and Related Legislation

On [March 7, 2021](#), as part of [Executive Order 14019](#), President Biden directed the head of each federal agency to evaluate ways to encourage voter registration, including "ways to provide access to voter registration services and vote-by-mail ballot applications in the course of activities or services that directly engage with the public," and "to the greatest extent practicable, formally notify the States in which the agency provides such services that it would agree to designation as a voter registration agency pursuant to [NVRA]." Each agency head was directed to submit a strategic plan regarding voter registration promotion to the assistant to the President for domestic policy within 200 days. These agency plans were to include actions such as how to use agency websites and social media accounts to provide voter registration information; ways to distribute and assist with voter registration applications in the course of regular agency services; and consideration of whether any identity documents issued by the agency could be used to meet state voter identification requirements. On [September 28](#), the White House released a fact sheet summarizing the action plans various federal agencies submitted to implement E.O. 14019.

Legislative options related to federal voter registration agencies under NVRA have also been introduced in the 117th Congress. Generally, these measures would establish certain additional entities as NVRA voter registration agencies and/or provide certain requirements for voter registration agencies. For example, among other provisions, the Our Homes, Our Votes Act (H.R. 2215) would designate residential dwelling owners under certain federally assisted housing programs as voter registration agencies; the Filer Voter Act (H.R. 3288) would treat certain tax preparers as voter registration agencies; and the High School Voter Empowerment Act of 2021 (H.R. 6293) would require states to designate public high schools as voter registration agencies. Provisions in the For the People Act (H.R. 1, S. 1, S. 2093) and Voter Empowerment Act (H.R. 2358, S. 954) would designate certain institutions of higher education as voter registration agencies and specify certain additional requirements for those institutions. These bills and the Restoring Faith in Elections Act (H.R. 102) would also require voter registration agencies to

provide [automatic voter registration](#). To date, H.R. 1 is the only one of these measures passed by either chamber (agreed to by the House on March 3, 2021).

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