



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

Updated April 15, 2024

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 NVRA’s 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 federal agencies to explore ways in which they could provide voter registration opportunities alongside regular agency services and potentially participate as an NVRA voter registration agency, if requested by a state. In the 118th Congress, legislation has also been introduced related to E.O. 14019. This Insight provides background on NVRA’s voter registration agency requirements and briefly discusses related legislative proposals and E.O. 14019.

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 “simultaneous application” whereby state DMVs ask individuals whether they would like to register to vote (or update registration) on every license or renewal application.

Section 7 of NVRA ([52 U.S.C. §20506](#)) also directs states to designate other offices as *voter registration agencies*, which must distribute voter registration applications; provide a form asking whether an

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individual wants to register to vote and explaining additional information; assist applicants with voter registration forms (if requested); 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 for any purpose other than voter registration. NVRA specifies that a person providing assistance 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 voter registration; 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 [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 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. A separate provision from the [Higher Education Amendments of 1998](#) requires that covered colleges and universities "make a good faith effort" to request and distribute mail-based voter registration forms to enrolled students.

E.O. 14019 and Recent Legislative Developments

On [March 7, 2021](#), as part of [E.O. 14019](#), President Biden directed 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 and outreach to the assistant to the President for domestic policy.

Legislative options related to federal voter registration agencies under NVRA have also been introduced in the 117th and 118th Congresses. Some legislative provisions seek to provide additional oversight of E.O. 14019 and some would block or limit certain aspects of it. For example, in the 118th Congress, provisions in H.R. 3072, H.R. 4494, and H.R. 4500/S. 1398 would prohibit any federal agency from using funds to implement certain activities related to E.O. 14019 until the agency reported to its appropriate congressional committees about any voter registration or mobilization plan submitted to the Biden Administration. H.R. 4563 and H.R. 6493 specify that E.O. 14019 "shall have no force or effect," and any federal agency contract or arrangement related to Sections 3 and 4 shall be abrogated. Each of the aforementioned bills also contains provisions to prohibit agency funds from being used to solicit or enter into agreements with nongovernmental organizations for voter registration or mobilization.

Some legislation also proposed prohibiting FY2024 federal agency funds to implement E.O. 14019, but none of these provisions were included in the enacted FY2024 appropriations bills (P.L. 118-42; P.L. 118-47). Examples of these proposals include H.R. 4367, [as amended](#) and passed by the House, which would have prohibited use of FY2024 Department of Homeland Security appropriations to implement any part of E.O. 14019 other than Sections 7, 8, and 10. [An amendment](#) to H.R. 5894 would have prohibited using FY2024 funding for the Departments of Labor, Health and Human Services, and Education, and related agencies for implementation of E.O. 14019. H.R. 4664 would have prohibited any FY2024 appropriations from being used related to E.O. 14019.

Other measures in recent Congresses propose establishing additional entities as NVRA voter registration agencies and/or providing requirements for voter registration agencies. For example, in the 118th

Congress, some bills would require states to designate United States Citizenship and Immigration Services field offices (H.R. 7179/S. 3712) or certain tax preparers (H.R. 2629); [emergency shelters](#) (H.R. 5294/S. 2971); or [public institutions of higher education](#) (H.R. 5293/S. 2985) as voter registration agencies. Some similar measures were also introduced in the 117th Congress, as was a bill that would have required states to designate public high schools as voter registration agencies (H.R. 6293). Other bills from the 117th Congress would have required all voter registration agencies to provide [automatic voter registration](#) (H.R. 1/S. 1/S. 2093, H.R. 102, H.R. 2358/S. 954), or would have required certain voter registration agencies to provide automatic voter registration (H.R. 2215).

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