U.S. Department of Justice
Civil Rights Division
Voting Section

Frequently Asked Questions

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Under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), how many elections are covered by a voter’s request for absentee ballots for elections for federal office “through the next 2 regularly scheduled general elections”?

What federal law protects me from discrimination in voting?

The Voting Rights Act of 1965 protects every American against racial discrimination in voting. This law also protects the voting rights of many people who have limited English skills. It stands for the principle that everyone’s vote is equal, and that neither race nor language should shut any of us out of the political process. You can find the Voting Rights Act in the United States Code at 42 U.S.C. 1973 to 1973aa-6.

Where did the Voting Rights Act come from?

Congress passed the Voting Rights Act in 1965, at the height of the civil rights movement in the South, a movement committed to securing equal voting rights for African Americans. The action came immediately after one of the most important events of that movement, a clash between black civil rights marchers and white police in Selma, Alabama. The marchers were starting a 50-mile walk to the state capital, Montgomery, to demand equal rights in voting, when police used violence to disperse them. What happened that day in Selma shocked the nation, and led President Johnson to call for immediate passage of a strong federal voting rights law.

What does the Voting Rights Act do?

The Voting Rights Act bans all kinds of racial discrimination in voting. For years, many states had laws on their books that served only to prevent minority citizens from voting. Some of these laws required people to take a reading test or interpret some passage out of the Constitution in order to vote, or required people registering to vote to bring someone already registered who would vouch for their "good character." The Voting Rights Act made these and other discriminatory practices illegal, and gave private citizens the right to sue in federal court to stop them. In recent times, courts have applied the Act to end race discrimination in the method of electing state and local legislative bodies and in the choosing of poll officials.

What does the Justice Department do to enforce the Voting Rights Act?

Under Section 2 of the Act the Department may sue in federal court to challenge those practices that it has determined are racially discriminatory. Several lawsuits of this nature are filed every year. The Attorney General also has special administrative powers, under a part of the Act known as Section 5, to prevent the adoption of discriminatory voting practices in certain parts of the country. The Department also works with states and localities to help them understand the Voting Rights Act and avoid discrimination in voting, and may send federal observers to monitor elections to ensure their fairness to minorities when such monitoring is deemed necessary.

Will the Voting Rights Act expire?

No. The Voting Rights Act is a permanent federal law. Moreover, the equal right to vote regardless of race or color is protected by the Fifteenth Amendment to the U.S. Constitution, which has been part of our law since the end of the Civil War. And in case after case, our courts have held that the right to vote is fundamental. Voting rights will not expire.

However, some sections of the Voting Rights Act need to be renewed to remain in effect. When Congress amended and strengthened the Voting Rights Act in 1982, it extended for 25 more years—until 2007—the preclearance requirement of Section 5, the authority to use federal examiners and observers, and some of the statute’s language minority.
requirements. So, for those sections to extend past 2007, Congress will have to take action. But even if these special provisions are not renewed, the rest of the Voting Rights Act will continue to prohibit discrimination in voting.

**What is Section 5 of the Voting Rights Act?**

Section 5 is a special provision of the statute (42 U.S.C. 1973c) that requires state and local governments in certain parts of the country to get federal approval (known as "preclearance") before implementing any changes they want to make in their voting procedures: anything from moving a polling place to changing district lines in the county.

Under Section 5, a covered state, county or local government entity must demonstrate to federal authorities that the voting change in question (1) does not have a racially discriminatory purpose; and (2) will not make minority voters worse off than they were prior to the change (i.e. the change will not be "retrogressive").

Section 5 applies to all or parts of the following states:

- Alabama
- Alaska
- Arizona
- California
- Florida
- Georgia
- Louisiana
- Michigan
- Mississippi
- New Hampshire
- New York
- North Carolina
- South Carolina
- South Dakota
- Texas
- Virginia

The detailed list of "covered jurisdictions" is printed in the Code of Federal Regulations at the end of 28 C.F.R. Part 51. These are the Justice Department's Section 5 guidelines, which explain how the Section 5 review process works and help jurisdictions with terminology, deadlines and many other matters.

**What is the Justice Department's role under Section 5?**

Under Section 5, covered jurisdictions cannot enforce voting changes unless and until they obtain approval ("preclearance") either from the federal district court in Washington, D.C. or from the Attorney General. If the jurisdiction chooses to obtain preclearance from the Attorney General, s/he has 60 days after receiving all the necessary information to decide whether a governmental entity has shown that a proposed voting change is not discriminatory in purpose or effect.

The Justice Department investigates submissions carefully by studying documents, interviewing people in the affected community, and getting to know the facts. If the Attorney General decides that a proposed change was designed to discriminate against minority voters, or that, regardless of intent, it makes minority voters worse off than before, s/he will "object" to the change in a letter to the jurisdiction. If that happens, the change is legally unenforceable and cannot be put into effect, just as if the federal court had issued a ruling against the proposed change. If the jurisdiction disagrees with the Attorney General's objection, it can still take the matter to the federal court in Washington, D.C., where it will have to prove that its proposed change is not discriminatory either in purpose or in effect. If the Attorney General does not object, the change can be implemented. However, the Justice Department or a private party can still go to court under Section 2 of the Voting Rights Act and challenge the change as a racially discriminatory voting procedure.

http://www.usdoj.gov/crt/voting/misc/faq.htm

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What kinds of racial discrimination in voting are there, and what does the Voting Rights Act do about them?

The Voting Rights Act is not limited to discrimination that literally excludes minority voters from the polls. Section 2 of the Act (42 U.S.C. 1973) makes it illegal for any state or local government to use election processes that are not equally open to minority voters, or that give minority voters less opportunity than other voters to participate in the political process and elect representatives of their choice to public office. In particular, Section 2 makes it illegal for state and local governments to "dilute" the votes of racial minority groups, that is, to have an election system that makes minority voters' votes less effective than those of other voters. One of many forms of minority vote dilution is the drawing of district lines that divide minority communities and keep them from putting enough votes together to elect representatives of their choice to public office. Depending on the circumstances, dilution can also result from at-large voting for governmental bodies. When coupled with a long-standing pattern of racial discrimination in the community, these and other election schemes can deny minority voters a fair chance to elect their preferred candidates.

To show vote dilution in these situations, there must be a geographically concentrated minority population and voting that is polarized by race, that is, a pattern in which minority voters and white voters tend to vote differently as groups. It must also be shown that white voters, by voting as a bloc against minority-choice candidates, usually beat those candidates even if minority voters are unified or cohesive at the polls.

Anyone aggrieved by minority vote dilution can bring a federal lawsuit to stop it. If the court decides that the effect of an election system, in combination with the whole local circumstances, is to make minority votes less effective than white votes, it can order a change in the election system. For example, courts have ordered states and localities to adopt districting plans to replace at-large voting, or to redraw their election district lines in a way that gives minority voters the same opportunity as other voters to elect representatives of their choice.

Is it prohibited to draw majority-minority districts?

No. Over 30 years ago the Supreme Court held that jurisdictions are free to draw majority-minority election districts that follow traditional, non-racial districting considerations, such as geographic compactness and keeping communities of interest together. Later Supreme Court decisions have held that drawing majority-minority districts may be required to ensure compliance with the Voting Rights Act.

While it remains legally permissible for jurisdictions to take race into account when drawing election districts, the Supreme Court has held that the Constitution requires a strong justification if racial considerations predominate over traditional districting principles. One such justification may be the need to remedy a violation of Section 2 of the Voting Rights Act. While such a remedy may include election district boundaries that compromise traditional districting principles, such districts must be drawn where the Section 2 violation occurs and must not compromise traditional principles more than is necessary to remedy the violation.

I work for a covered jurisdiction and have the duty to make our Section 5 submissions. What do I need to do to comply with the law?

To learn what the Voting Rights Act requires of your jurisdiction, the best place to start is the Justice Department's Section 5 guidelines, 28 C.F.R. 51.01 to 51.67. The guidelines explain what should be in a submission, who should make the submission and when it should be made, how long the Department's review will take, what happens if the Attorney General objects to a change, and many other details you will want to know. You can find the guidelines in any copy of the Code of Federal Regulations, or you can request a copy of the guidelines from the Voting Section at the toll-free number.

Can individuals have their views considered in the Section 5 review process?

Yes. Anyone can write to the Attorney General or call the Voting Section with a comment for or against preclearance while the submission is pending. You don't need a lawyer or any special qualifications. We publish weekly notices showing the voting changes that have been submitted under Section 5. Those notices are posted on this Web site, and also can be requested from the Voting Section at the address listed below.

http://www.usdoj.gov/crt/voting/misc/faq.htm

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What other voting rights laws does the Justice Department enforce?

The National Voter Registration Act of 1993 (often referred to as the "motor voter" law) requires states to make voter registration opportunities available when people apply for or receive services at a variety of government agencies, from driver's license offices to social services agencies and public benefits offices. The law says states must not take voters off the rolls merely because they have not voted, and it requires states to keep their voter rolls up to date by removing the names of voters who have died or moved away. It may be found at 42 U.S.C. 1973gg to 1973gg-10.

The Uniformed and Overseas Citizens Absentee Voting Act of 1986 (42 U.S.C. 1973ff to 1973ff-6) requires states to make sure that members of our armed forces who are stationed away from home, and citizens who are living overseas, can register and vote absentee in federal elections.

The Voting Accessibility for the Elderly and Handicapped Act of 1984 (42 U.S.C. 1973ee to 1973ee-6) requires polling places across the United States to be physically accessible to people with disabilities. The Justice Department enforces each of these laws by working with state and local governments, advocacy groups, and private citizens, and by bringing lawsuits where necessary, to make sure the protections guaranteed by Congress are extended to all. Also, private citizens may file their own lawsuits under the Voting Accessibility for the Elderly and Handicapped Act and the National Voter Registration Act. "ADA Checklist for Polling Places"

What is a federal examiner?

Federal examiners are officials to whom complaints of voting discrimination can be made under certain circumstances. At the time the Voting Rights Act was passed, one of the problems faced by African Americans in the South was that many white county registrars kept them from registering to vote by applying state voter registration rules in a discriminatory way. To address this problem, Section 6 of the Voting Rights Act allows the U.S. Attorney General to "certify" a county (if it was already specially covered under the Act) for the appointment of federal officials, through the U.S. Office of Personnel Management (OPM), who would "examine" the applicants for voter registration and make a list of those who met state eligibility rules; the list would be given to the local county registrar, who had to put those names on the county's voter registration rolls. Those on the examiner's list are commonly called federally registered voters. The Act also requires the examiners to be available during each of the county's elections, and for two days afterward, to take complaints from any federally registered voters who claimed that they had not been allowed to vote. Besides the power the Attorney General has to see that examiners are appointed, a court can certify a county for federal examiners as relief in a voting rights lawsuit.

Even though the voter registration problems that made examiners so important have been effectively eliminated because of the Voting Rights Act's ban on literacy tests and other discriminatory practices, counties have been certified in recent years to allow federal observers to monitor polling place procedures. Federal examiners continue their role of taking complaints during and after elections in nearly all of the counties that have been certified for observers under the Act.

How can I give a complaint of voting discrimination to a federal examiner?

People in certified counties can contact a federal examiner by calling the U.S. Office of Personnel Management's toll-free numbers. For states West of the Mississippi River: 866-885-4122. For states East of the Mississippi River: 888-496-9455. The list of certified counties is set out in volume 45 of the Code of Federal Regulations, Part 801. Anyone who wants to know if a particular county has been certified can call OPM's toll-free number at 866-885-4122.

Does the Voting Rights Act protect language minorities?

Yes. The Voting Rights Act makes it illegal to discriminate in voting based on someone's membership in a language minority group. The idea behind the Voting Rights Act's minority language provisions is to remove language as a barrier to political participation, and to prevent voting discrimination against people who speak minority languages. The Justice Department enforces these protections by bringing lawsuits in federal court, by sending federal observers to monitor elections, and by working with local jurisdictions to improve their minority language election procedures.

Many jurisdictions with people of Hispanic, Native American, and Alaskan Native heritage are covered by Section 5 of the Act, according to the formula found in Section 4(f) of the statute (42 U.S.C. 1973b(f)), and must submit all their voting changes for preclearance just as other covered jurisdictions do. When we review voting changes from jurisdictions whose Section 5 coverage is for language minority voters, we look for discrimination (either in purpose or in effect) that voters in the language minority group suffer, no matter what their race.

The Voting Rights Act further protects minority language group members by requiring particular jurisdictions to print ballots and other election materials in the minority language as well as in English, and to have oral translation help available at the polls where the need exists. The formulas for determining which jurisdictions must do this are based on the share of the local population in need, and can be found in Sections 4(f) and 203 of the Voting Rights Act (42 U.S.C. 1973b(f) and 1973aa-1a). The Act requires bilingual election procedures in various states and counties for voters who speak Spanish, Chinese, Filipino, Japanese, Vietnamese, and more than a dozen Native American and Alaskan Native languages.

The list of jurisdictions covered by the Act's minority language requirements is printed in the Code of Federal Regulations at the end of 28 C.F.R. Part 55. These are the Justice Department's minority language guidelines; they set out the Department's interpretations of the law in detail, and explain how jurisdictions can best comply with it.

The guidelines start by saying jurisdictions should take "all reasonable steps" to enable language minority voters "to be effectively informed of and participate effectively in voting-connected activities." The guidelines also say that "a jurisdiction is more likely to achieve compliance... if it has worked with the cooperation... and to the satisfaction of organizations representing members of the applicable language minority group."

**What are federal observers?**

Federal observers are authorized by Section 8 of the Voting Rights Act to attend and observe voting and vote-counting procedures during elections. They are non-lawyers, hired and supervised by the federal Office of Personnel Management (OPM). They are trained by OPM and by the Justice Department to watch, listen, and take careful notes of everything that happens inside the polling place during an election, and are also trained not to interfere with the election in any way. They prepare reports that may be filed in court, and they can serve as witnesses in court if the need arises.

**How do I get federal observers to monitor an election?**

You can contact the Voting Section and explain where the need exists, what needs to be observed, and which minority voters are affected. We consider many such requests each year from organizations and individuals. The Attorney General can send federal observers to any jurisdiction covered by Section 5 or by a court order.

**What responsibilities does the Justice Department have with regard to voter fraud or intimidation?**

The administration of elections is chiefly a function of state government. However, federal authorities sometimes become involved in election fraud matters when a state prosecutor asks for federal assistance. In addition, the Justice Department can become involved when allegations arise that criminal vote fraud has occurred in a federal election. And, in some exceptional cases, where voting fraud or intimidation involving racial bias occurs in local or state elections, federal criminal charges may also be brought are handled by the Criminal Section of the Civil Rights Division.

If you have information about vote fraud, you should contact the nearest office of the FBI or your local U.S. Attorney's office. If you know of vote fraud that was driven by racial animus, you can either contact the Voting Section, or contact the Criminal Section of the Civil Rights Division:

Chief, Criminal Section  
Civil Rights Division  
Department of Justice  
950 Pennsylvania Ave., N.W. - PHB

http://www.usdoj.gov/crt/voting/misc/faq.htm

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What responsibilities does the Justice Department have with regard to campaign finance?

Generally, the Justice Department is not directly involved with campaign finance matters. Federal election campaign finance is the subject of a separate federal statute, the Federal Election Campaign Act of 1974. FECA matters are handled by the Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463. Intentional violations of federal campaign finance laws are federal crimes, and are handled by the FBI. If you have a question about campaign finance in state elections, contact your state elections office.

Can the Justice Department run elections to make sure they are fair?

The Justice Department does not administer elections; that is the responsibility of state and local election officials. The Department sometimes sends observers to monitor elections for compliance with federal civil rights laws. If you have a question about election practices, candidate qualifying rules, the location of polling places, or other voting procedures in your jurisdiction, contact your local or state election officials. If you have information about discrimination in voting, please call or write us.

If I lost my right to vote because I was convicted of a felony, how can I get it restored?

Each state has different rules on the rights of convicted felons to vote and on restoration of those rights once it has been lost. Contact your state election board for the most current law.

How can I make a discrimination complaint under the Voting Rights Act?

You can contact us. We encourage anyone with a complaint about voting discrimination to let us know what the problem is, where it is, and how it affects minority voters. There are no special forms to use or procedures to follow--just call us toll-free at (800) 253-3931, or write to us.

What is the role of the Civil Rights Division in enforcing HAVA?

Under Section 401 of HAVA, the Attorney General enforces the uniform and nondiscriminatory election technology and administration requirements that apply to the States under Sections 301, 302, and 303 of Title III. He has delegated responsibility for this task to the Civil Rights Division with primary responsibility assigned to the Voting Section, which will coordinate with the Disability Rights Section on HAVA’s disability provisions.

Does the Civil Rights Division distribute federal funds under HAVA?

The Civil Rights Division has no role in distributing federal funds under HAVA. Any questions regarding funding should be directed to the federal agencies with responsibility for those programs. For questions regarding Title I funding under HAVA and election reform reimbursements under Division J of the Consolidated Appropriations Resolution for 2003, contact Deborah Schilling (202/501-0719) at the U.S. General Services Administration (GSA). For questions regarding Title II funding under HAVA, contact Peggy Sims (866/747-1471) at the U.S. Election Assistance Commission (EAC). For questions regarding disability funding under Sections 261 and 291 of HAVA, contact Ms. Faith T. McCormick, (202/401-6970) at the Administration for Children and Families, U.S. Department of Health and Human Services (HHS).

To what elections does Title III of HAVA apply?

Title III of HAVA applies only to elections for federal office. HAVA does not contain a definition of the term "election for federal office." However, Section 3 of the National Voter Registration Act of 1993, 42 U.S.C. 1973gg-1 (1)&(2), defines "election" and "federal office" as those terms appear in the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1) & (3)). Other definitions or descriptions of the scope of elections for federal office appear in the

http://www.usdoj.gov/crt/voting/misc/faq.htm
Does Title III of HAVA apply to all States?

Section 901 of HAVA defines the term "State" to include all 50 States as well as the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands. However, some parts of Title III do apply differently depending on the State in question.

Does a State have to comply with Title III of HAVA if it does not seek or accept federal funding?

Unless a State is specifically excluded from one of HAVA's requirements, each State must comply with Sections 301, 302, and 303 of Title III of HAVA as of the effective dates in those sections. This is true regardless of whether that State chooses to accept federal funding under Title I or Title II.

If a person registers to vote by mail for the first time in a jurisdiction after January 1, 2003, is it possible they may have to produce identification when they vote for the first time in a federal election after January 1, 2004?

For certain persons who register to vote by mail for the first time after January 1, 2003, Section 303(b) of HAVA establishes specific requirements. If the voter does not qualify for one of the exemptions in Section 303(b)(3) (see following question), then he or she must submit one of the forms of identification required by Section 303(b)(2)(A) the first time that he or she votes in a federal election after January 1, 2004. If the voter does not present the required identification, Section 303(b)(2)(B) of HAVA provides that he or she may nonetheless cast a provisional ballot.

Does everyone who registers to vote by mail after January 1, 2003, have to produce identification when they vote for the first time in a federal election after January 1, 2004?

Sections 303(b)(3)(A)-(C) of HAVA create certain exemptions from the identification requirements for first-time, mail-in voters who register to vote for federal elections after January 1, 2003. An applicant who provides the specified identification documents with his or her registration application or who provides his or her driver license number or last four digits of their social security number, and the State is able to match this information against an existing state record, is exempt from the requirement to show identification the first time he or she votes in a federal election after January 1, 2004. These exemptions relate only to the means by which mail-in registrants may comply with HAVA's identification requirements. In addition, persons entitled to vote by absentee ballot under the UOCAVA, or entitled to vote other than in person under the VAEHA are exempt from HAVA's identification requirements.

Our state allows a voter to sign an affidavit as to his or her identity and then vote a regular ballot. Is this a permissible substitute for the identification requirements of HAVA for first time mail-in registrants?

Having a voter execute an affidavit as to his or her identity and then vote by regular ballot would not meet the identification requirements of Section 303(b)(2)(A) of HAVA for first-time, mail-in registrants in federal elections. Covered registrants who do not fall in one of the exemptions and who do not present the required identification must vote by provisional ballot under Section 303(b)(2)(B) of HAVA.

Does HAVA require that an application to register to vote in federal elections ask an applicant to provide his/her driver license number or last four digits of his/her social security number?

Section 303(a)(5) provides that a voter registration application for federal elections cannot be accepted or processed by a State unless the application includes the applicant's driver license number (if the applicant has such number) or the last four digits of the applicant's social security number (if the applicant does not have a driver license number). If the
applicant has neither such number, then the State must assign a unique identifying number. This requirement is effective as of January 1, 2004, or upon good cause extension from the EAC, as of January 1, 2006, and appears to apply to any registration application regardless of source. This requirement is optional only for those States permitted under Section 7 of the Privacy Act (5 U.S.C. 552a note) to ask, and which actually do ask, registrants for a complete social security number on registration applications.

If a registration application is received which does not include the applicant's driver license number or last four digits of the applicant's social security number, and does not affirmatively indicate that the applicant does not have either number, the State cannot process the application. Section 8(a)(2) of NVRA and Section 303(a)(5) of HAVA suggest that States should notify the applicant in writing of the disposition of his or her application and that it cannot be processed unless the applicant provides such a number or affirmatively indicates that he or she does not have such a number. If the applicant does have one of these numbers and refuses to provide it, then the application may not be processed. If the applicant does not have either number, then the State should process the application and provide a unique identifying number.

Non-exempt States should revise their registration applications for federal elections to include the Section 303(a)(5) requirement (see following question). For voter registration applications generated through the driver license process, it would seem most efficient to provide for the inclusion of newly assigned or existing driver license numbers of the voter registration application.

- **Have any states revised their voter registration forms after HAVA? Has the EAC revised the national mail form after HAVA?**

Section 303 of HAVA requires many States to undertake changes in their voter registration forms. The revised national mail voter registration form is available on the Election Assistance Commission website. The Department has also received a number of requests from States for examples of how other States have revised their forms and has obtained examples of registration forms from two States - one from a State covered by the NVRA, North Carolina (PDF)* and the other is from a State exempt from the NVRA, Wisconsin (PDF)*. Their inclusion here is in response to the requests for this information received from the States.

* Please note that the two pdf files are forms which have been produced by the respective states. If you have difficulty accessing the forms because of a disability, please contact the Voting Section at 1-800-253-3931 to receive a printed copy of the form.

- **May a State delay the effective date of a person's registration to give it time to undertake HAVA's verification procedures?**

There are two relevant federal law obligations. Section 8(a)(1) of NVRA requires that covered States to "ensure that any eligible applicant is registered to vote in an election" if the "valid voter registration form of the applicant" is submitted, accepted, received or postmarked, as the case may be, within 30 days before the federal election in question (or lesser period if allowed by state law). Under the new HAVA, Section 303(b) requires States to begin verifying certain information from mail-in registrants as of January 1, 2004, and Section 303(a)(5) requires non-exempt States to begin verifying certain information from all registrants as of January 1, 2004 or with a good cause extension from the EAC, as of January 1, 2006. The creation of an efficient verification process is critical because an applicant's registration cannot become effective until the information has been verified. If the verification cannot be completed between the close of registration and the election date, the prudent course would be to allow such voters to cast a provisional ballot and to count the ballot only if the registration information is later verified.

- **Does HAVA affect the manner in which States send disposition notices to mail-in registrants under NVRA?**

It does not appear that HAVA has amended or superceded the relevant parts of NVRA regarding the sending of disposition notices. Section 8(a)(2) of NVRA requires State election officials to send such a notice to each applicant regarding the disposition of his or her application. If a notice of disposition is sent by non-forwardable mail and is returned undelivered, Section 6(d) of NVRA allows the registrar to determine whether that person should remain on the voting rolls.

What are the disability access requirements for voting systems under HAVA?

Section 301(a)(3)(A) of HAVA requires that each voting system used in federal elections be accessible for persons with disabilities, including persons who are blind or have low vision. Specifically, each polling place can satisfy this requirement through the use of at least one direct recording electronic voting system or other voting system equipped to allow disabled voters the same opportunity for access and participation as other voters, including the ability to vote independently and privately. The EAC will eventually issue voluntary guidance as to what constitutes an accessible voting system. Until the EAC guidance is adopted, the voluntary guidance of the FEC can be used to determine the accessibility of voting machines. (These can be found at EAC at Section 2.2.7 of the Voting System Standards).

This disability access requirement includes any jurisdiction which conducts federal elections irrespective of its existing type of voting system (i.e., direct recording electronic, lever, punch card, optical scan, manually count paper ballots, etc.) As used in Section 301 of HAVA, the term "voting system" includes all of the existing systems in use in the country.

Does HAVA require a true statewide voter registration system?

Section 303(a)(1) contains a detailed requirement for States to create, for use in federal elections, a "single, uniform, official centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level," containing registration information and a unique identifier for every registered voter in the state. This requirement applies to all States, except any State that both now and in the future does not require voter registration for federal elections. This requirement would not be satisfied by counties continuing to maintain their own non-uniform voter registration systems where records are only periodically exchanged with the State. Rather, Section 301(a)(1) requires a true statewide system which is both uniform in each county and administered at the state level.

For States exempt from the NVRA under Section 4(b) of that statute, does HAVA require such States to maintain their list of registered voters in a particular way?

Section 301(a)(1) of HAVA requires States to have a computerized statewide voter registration list, unless the State does not have any voter registration requirement for federal elections. However, if a State is exempt from the NVRA, Section 303(a)(2)(A)(iii) of HAVA provides that it "shall remove the names of ineligible voters from the computerized list in accordance with State law." It appears that this deference to State law list maintenance standards applies to both Sections 303(a)(2) and (a)(4) of HAVA.

Who can I contact in the Civil Rights Division about HAVA?

If you have questions concerning HAVA, you may contact Chris Herren (202-514-1416) or Brian Heffernan (202-514-4755), who are attorneys in the Voting Section.

Has the Department of Justice compiled any information which states could draw on in creating their voter information postings under Section 302 of HAVA?

In response to requests from several states, that information is now available here.

Does anything in HAVA prohibit states from adopting voter identification requirements not required by HAVA?

No. Section 303(b) of HAVA requires that states obtain specific identification documentation from new registrants by mail either when they register the first time in a jurisdiction or the first time that they vote in an election for federal office. However, Section 304 provides that these are minimum requirements and nothing in HAVA prevents states from adopting stricter or additional identification provisions not required by HAVA, so long as they are uniform and non-discriminatory and otherwise comply with federal law. While some states have limited their voter identification requirements to those required by HAVA, other states have used the HAVA definition of acceptable identification in revising their existing voter identification requirements and in adopting new voter identification requirements for all voters in all elections.

Under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), how many elections are covered by a voter's request for absentee ballots for elections for federal office "through the next 2 regularly scheduled general elections"?

Section 104 of UOCAVA, an amendment made by the Help America Vote Act of 2002, provides that "If a State accepts and processes an official post card form (FPCA) submitted by an absent uniformed services voter or overseas voter for simultaneous voter registration and absentee ballot application for an absentee ballot for each subsequent election for Federal office held in the State through the next 2 regularly scheduled general elections for Federal office (including any runoff elections which may occur as a result of such general elections), the State shall provide an absentee ballot to the voter for each such subsequent election." Under the plain language of the statute, the "next 2 regularly scheduled general elections" includes any general election for federal office occurring after the date the FPCA is accepted and processed. To illustrate, if a member of the uniformed services submits a completed FPCA in July 2006, he or she would be allowed to request ballots for each remaining federal election held in 2006 and through the 2008 general election.

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Last Revised - March 20, 2006

http://www.usdoj.gov/crt/voting/misc/faq.htm

04/22/2006