



Interim Internal Procedure for Responding To State Requests to Change the Federal Form

U. S. ELECTION ASSISTANCE COMMISSION
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Background. The National Voter Registration Act of 1993 (NVRA) requires the U.S. Election Assistance Commission (EAC) to develop a Federal Mail Voter Registration Application Form (42 U.S.C. §1973gg-7(a)(2)), which must be used and accepted by states “for the registration of voters in elections for Federal Office.” (42 U.S.C §1973gg-4(a)). The registration form developed by the EAC for use by the states must be consistent with the content requirements and limitations found in Section 9 of the NVRA (42 U.S.C. §1973gg-7(b)). The NVRA also grants the EAC authority to prescribe regulations that are needed to carry out its responsibilities with respect to the form. The EAC is presently considering the transfer of regulations promulgated by its predecessor agency, the Federal Election Commission, which it will then work to amend. Alternatively, the EAC will work to promulgate new regulations.

Purpose. As the EAC works to develop its regulatory frame work, it expects to receive requests from states to amend the Federal form’s state specific instructions. The EAC has the obligation and authority under NVRA to act on these requests, even if it has not yet promulgated regulations which would assist the agency in these efforts. The purpose of this policy is to provide the EAC with written temporary procedures regarding the processing of state requests for changes to the Federal Registration Form’s state specific instructions. Written procedures will ensure that all request are treated the same. Additionally, they will help the EAC expedite its process.

Roles and Responsibilities.

1. Director of Election Administration Support. The Director of Election Administration Support (formerly Programs and Services) shall be responsible for receiving each request for changes to the Federal Form. The Director shall make the appropriate changes to addresses on the form per States’ request. All other state requests to change the form shall be forwarded to the Executive Director.
2. Executive Director. The Executive Director shall be responsible for presenting all state requests to amend the Federal Form forwarded by the Director of Election Administration Support to the Commissioners.
3. General Counsel. The Office of the General Counsel shall provide counsel upon request to the Executive Director or the Commissioners.
4. Commissioners. The Commissioners will make decisions on all state requests which have been presented by the Executive Director . The Commissioners shall also respond to requests by a state for reconsideration or an opportunity to be heard after a decision has been made.

Procedure.

1. Request for Changes. All State requests submitted to the EAC for changes to the Federal Form shall be forwarded to the Director of Election Administration Support for processing.
2. Processing. The Division of Election Administration Support shall be responsible for processing state requests. The Division shall:
 - a. *Change of address:* Intake and review of each address change request received by the agency. The Division shall acknowledge receipt of each request in writing and ensure that the requests are processed within seven business days.
 - b. *All other request for changes:* All requests other than address changes will be forwarded to the Executive Director to present to the Commissioners. All relevant information and materials will be gathered by the Director of Election Administration Support and forwarded to the Executive Director.
3. Executive Director Referral. Executive Director shall review materials received from the Director of Election Administration Support and shall ensure that package contains all information necessary for the Commissioners to make a determination. The Executive Director shall provide each Commissioner a copy of the package.
4. Commissioner Review. Upon receipt of the referral by the Executive Director, the Commissioners shall consider the State's request and vote on a decision.
5. Issuance of Decision. After review, the Decision Authority shall issue a determination on the request. Each decision shall be in writing.

Commissioners. The Commissioners shall issue a decision through a vote of the Commission. After a reasonable amount of time to review the materials, hold hearings as necessary, or collect additional information, the Chair of the Commission shall bring the State's request to a vote. The measure presented for a vote shall take the form of a written Commissioners' decision. The written decision shall clearly state a determination, any findings of the Commissioners, and identify any documents or information that served as the basis of the decision. The Federal Form shall not be amended unless three or more commissioners vote for such amendment, consistent with Section 208 the Help America Vote Act (42 U.S.C. §15328).