

THE STATUTORY LANGUAGE

(From 1998 Reauthorization of the Higher Education Act)

Title IV- Student Assistance, Part G- General Provisions §489. Program Participation Agreements

(b) Provision of Voter Registration Forms

(1) Program Participating Requirement: Section 487(a) (20 U.S.C. 1094(a) is amended by adding at the end the following:

- (23) (A) The institution, if located in a State to which section 4(b) of the National Voter Registration Act (42 U.S.C. 1973gg-2(b)) does not apply*, will make good faith effort to distribute a mail voter registration form, requested and received from the State, to each student enrolled in a degree or certificate program and physically in attendance at the institution, and to make such forms widely available to students at the institution.
- (B) The institution shall request the forms from the State 120 days prior to the deadline for registering to vote within the State. If an institution has not received a sufficient quantity of forms to fulfill this section from the State within 60 days prior to the deadline for registering to vote in the State, the institution shall not be held liable for not meeting the requirements of this section during that election year.
- (C) This paragraph shall apply to elections as defined in section 301 (1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1)), and includes the election for Governor or other chief executive within such State.
- (2) *Regulation Prohibited:* No officer of the executive branch is authorized to instruct the institution in the manner in which the amendment made by this subsection is carried out.

.. Under section 4(b), Idaho, Maine, Minnesota, New Hampshire, Wisconsin, and Wyoming are exempt from this provision because they have same-day registration. North Dakota is exempt because it has no voter registration.