



Texas Association of School Boards

Legal Services

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Serving Texas Schools Since 1949

Student Participation in Elections

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Texas requires school districts to educate students about voting and the electoral process and to make voter registration applications available for eligible students. Texas also provides opportunities for youth to serve as student election clerks. A primary objective of the Texas public education system is to “prepare students to be thoughtful, active citizens.” Tex. Educ. Code § 4.001(b). When schools help youth participate in democracy, they build a stronger citizenry and a stronger future for our country.

Required Education

The Texas Essential Knowledge and Skills (TEKS) require students to be taught about voting in every grade level, with increasing complexity. As early as kindergarten, schools are required through state standards to establish the foundations for “responsible citizenship in society,” and students are expected to learn about citizenship by using “voting as a method for group decision making.” 19 Tex. Admin. Code § 113.11(a)(1), (b)(9). In middle school, a student is expected to “identify examples of responsible citizenship, including obeying rules and laws, staying informed on public issues, voting, and serving on juries.” 19 Tex. Admin. Code § 113.20(b)(19)(C). By high school, the United States history standards involve understanding Jim Crow laws and other obstacles and suppression of voting rights. 19 Tex. Admin. Code § 113.41(c)(9)(B). In addition, students are expected to describe the voter registration process and the criteria for voting. 19 Tex. Admin. Code § 113.44(c)(13)(C). Ideally, students who are taught these TEKS throughout their school career develop an understanding and an engagement in the electoral process and become informed voters. However, the turnout rate for young voters remains dramatically lower than the turnout rate for older voters. U.S. Census Bureau, [Voting Rates by Age](#) (May 10, 2017). By fulfilling their statutory obligations to educate students about voting rights and responsibilities, school districts play a key role in encouraging young voters to engage in the electoral process.

Registering Students to Vote

Individuals who vote when they are young are more likely to become lifelong voters. The Texas Election Code requires each high school principal to serve as a high school deputy registrar (HSDR) for the county in which the school is located. Principals can choose to delegate this duty to another administrator or a teacher at the school. Tex. Elec. Code § 13.046. In many schools,

the social studies or civics teacher serves as the deputy registrar. The HSDR may only distribute application forms to students and employees of the school. Schools that are conducting remote instruction in response to the pandemic may mail the voter registration applications to students or assist students with the online voter registration.

The Texas Secretary of State is charged with implementing the HSDR program and annually emails high school principals with important guidance on implementation. The HSDR can make an [online request for voter registration](#) applications or [mail an application request form](#). The Secretary of State's rules, which have not been updated since 1998, require the HSDR to obtain the voter registration applications from the school board administrator or the Secretary of State. These forms are specifically coded for use by the HSDR. The HSDR is discouraged from obtaining applications from the county voter registrar because the applications will not be coded correctly.

Twice a year, during the final month of each semester, the HSDR is required to distribute voter registration applications to high school students who are or will be 18 years of age or older during that semester. The applications may also be distributed, upon request, to any student or employee of the high school. The application must be accompanied by a form that explains how to submit the application, which may include returning the application to the HSDR. The HSDR must assist students who are unable to complete the application due to physical disability or illiteracy, and, if the application is returned the HSDR, must review the application for completeness and deliver the completed applications to the county voter registrar or elections administrator within the required timeframe. If the HSDR inadvertently fails to deliver the applications, the individual commits a Class C misdemeanor. Intentional failure to deliver applications is a Class A misdemeanor. 1 Tex. Admin. Code § 81.7.

Electioneering and Political Advertising Restrictions

Districts are prohibited from using public funds to support a particular measure or candidate in an election. In 2018, Texas Attorney General Ken Paxton opined that, absent an educational purpose, a court would likely find that a district providing transportation of students to and from a polling place serves no public purposes of the school district and violates the Texas Constitution. Tex. Att'y Gen. Op. No. KP-0177 (2018). Schools that wish to transport students to the polls should work with the school district's attorney to determine an educational purpose and satisfy the other requirements to avoid an improper use of public funds.

While districts can [promote a culture of voting](#), districts should also be careful that employees do not infringe on the free speech rights of students or pressure or indoctrinate students. Students have the right to express their own political opinions and district employees and officials should not knowingly use public funds, which may include resources and employee time, for political advertising to advocate for or against a candidate or a measure that will

appear on the ballot. Tex. Elec. Code §§ 251.001(16), 255.003. For more information about campaign speech during elections, see TASB Legal Services' FAQ about [Campaign Speech During Elections](#). For information about student free speech rights, see TASB Legal Services' FAQ about [Student Protests](#).

Student Election Clerks

High school students who are 16 years of age or older on election day may be eligible to serve as election clerks. Tex. Elec. Code §§ 32.0511, 83.012. Student election clerks may assist at the polling location on election day or in early voting. Student election clerks may assist with a variety of tasks, including checking in and processing voters, explaining the use of the voting equipment, serving as a language interpreter, and assisting with the opening and closing of the polling place. Students must receive consent to participate from their parent or guardian and the school principal. For more information, including a link to the application for student election clerks, see the [Texas Secretary of State's Student Election Clerk Information webpage](#).

When a student serves as an election clerk and is absent from school, state law provides that the related absences are excused for a maximum of two days in a school year. Tex. Educ. Code § 25.087(b)(1), (e). A school district may adopt a policy to also excuse a student for absences related to service as a student early voting election clerk. Tex. Educ. Code § 25.087(b-1). The student is responsible for providing documentation to the school that the absences are related to election clerk duties. Because election clerks are paid, the election official should provide the student with documentation of hours worked that may serve as documentation for attendance purposes. At the discretion of the student's teacher or program facilitator, the time served as an election clerk may also apply toward a school project requirement or a service requirement for an academic or extracurricular program. Tex. Educ. Code § 33.092.

An Engaged Electorate

Schools are tasked with the important role of building the foundations for an informed, engaged, and active electorate. School officials can help develop an engaged electorate by providing opportunities for students to learn about and participate in the electoral and democratic process. Whether a student is debating the merits of the electoral college in class, serving as a student election clerk, or registering to vote for the first time, these are the moments that create civic habits in our students and promote a culture of civic engagement in our country.

For more information from the Secretary of State on student participation in elections, check out the [Project V.O.T.E. \(Voters of Tomorrow through Education\) Website](#).

This document is continually updated, and references to online resources are hyperlinked, at tasb.org/services/legal-services/tasb-school-law-esource/instruction/documents/student-participation-in-elections.pdf For more information on this and other school law topics, visit TASB School Law eSource at schoollawesource.tasb.org.

This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is not an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. Consult with your own attorneys to apply these legal principles to specific fact situations.