

Congress of the United States

Washington, DC 20515

October 30, 2023

The Honorable Miguel A. Cardona
Secretary of Education
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Secretary Cardona:

Last year, the U.S. Department of Education (“the Department”) uplifted the universal value of civic engagement in higher education by noting that students can use Federal Work-Study (FWS) for non-partisan voter registration and engagement activities when employed directly by their colleges and universities.¹ While we appreciate this important guidance, we urge the Department to clarify that students can also use FWS for non-partisan civic engagement work with state and local government entities, such as Secretaries of State and local elections offices, and non-partisan, non-profit 501(c)(3) organizations.

Many of us previously wrote to you about the importance of student voter registration and engagement.² Our Nation’s strength lies in its diversity and providing students from all walks of life with the opportunity to acquaint themselves with the pillars of our democracy. As recent trends highlight an alarming decline in knowledge of history and governments, it is critical to integrate lessons on civics into students’ educational experiences throughout their academic careers.³ Using FWS to promote civic engagement can provide young Americans with hands-on experience in our democracy and help to create a pipeline of needed public servants who support free, fair, and secure elections. Opportunities for students to engage in civic learning, including conducting non-partisan voter registration and engagement work, should be widely available to students regardless of their income or financial resources or the type of institution they attend.

Civic education and participation, which includes non-partisan voter registration and engagement, should be equitably accessible to all students. Unfortunately, FWS is falling far short of its potential to support our democracy and civic health, and the Department’s current guidance unnecessarily limits students’ choices and the benefit of this important financial aid program. Currently, only 0.3% of FWS students are working in civic engagement positions despite the statutory authority and obvious public need for this work.⁴ Local, state, and federal

¹ U.S. Department of Education. (2022, April 21.) [GEN-22-05: Requirements for Distribution of Voter Registration Forms.](#)

² Senator Cory Booker, Representative Raja Krishnamoorthi, et. al. (2021, December 7). [Booker, Krishnamoorthi Lead Colleagues in Calling on U.S. Department of Education to Facilitate Student Civic Engagement in Institutions of Higher Education.](#)

³ Camera, Lauren. (2023, May 3). [‘A National Concern’: Student Scores Decline on U.S. History and Civics.](#) *U.S. News and World Reports.*

⁴ U.S. Department of Education. (2022). [Campus-Based Aid 2022 Data Book: Table 29.](#)

officials are experiencing widespread shortages in the number of poll workers needed to support our elections.⁵ Training students to serve as poll workers and other elections administrators with FWS could help alleviate these personnel shortages. The Department can increase civic engagement nationwide by clarifying that students can use their FWS to engage in non-partisan voter participation activities, such as registering voters on a non-partisan basis, working as non-partisan poll workers, or assisting local or state elections offices, while working for government entities or non-party affiliated, non-profit 501(c)(3) organizations—just as they now can while working directly for institutions of higher education.

Non-partisan voter registration work conducted with a state or local governmental entity or non-partisan, non-profit 501(c)(3) organization is consistent with President Biden’s March 2021, Executive Order directing agencies to improve access to voting.⁶ The Department of Justice (DOJ) issued an opinion last September stating that it does not view non-partisan voter registration work to be “political activity” and that the *Hatch Act* allows even the most restricted federal employees to engage in non-partisan voter registration activities.⁷ DOJ noted that “[p]olitical activity is activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.”⁸ The DOJ has also already established that non-partisan voter registration is not considered to be political activity.

Furthermore, The *Higher Education Act* (HEA) requires colleges to employ some FWS students in community service and explicitly authorizes eligible students to pursue work-study jobs with government entities and non-profit 501(c)(3) organizations. Section 443(e) of the HEA and the Department’s FWS regulations also prominently emphasize civic engagement and participation as valuable roles for students, and broadly permit FWS students to be employed to perform activities that “(A) teach civics in schools; (B) raise awareness of government functions or resources; or (C) increase civic participation.”⁹ Non-partisan voter registration work falls naturally within this statutory and regulatory language, as the work both raises awareness of government functions and resources *and* increases civic participation. It is profoundly in the public interest.

There is no statutory, regulatory, or other legal barrier to the clarification we seek. Current agency guidance improperly blocks students from using their FWS funds for roles authorized by law. The Department can easily correct this problem by issuing new guidance, revising its April 21, 2022, Dear Colleague letter that clarifies students’ ability to use FWS off-campus for non-partisan voter engagement activities and bringing the agency’s interpretation into alignment with both the statute and DOJ’s determination.¹⁰

⁵ Schouten, Fredreka. (2022, September 6). [Groups race to recruit poll workers amid fears of shortages. Here’s how you can help.](#) CNN.

⁶ The White House. (2021, March 7). [Executive Order 14019: Executive Order on Promoting Access to Voting.](#)

⁷ See U.S. DEPT OF JUSTICE, Political Activities, Permitted and Prohibited Activities, Sept 28, 2022 (stating “Further restricted employees may register and vote as they choose, assist in non-partisan voter registration drives...” etc...) (emphasis added) available at <https://www.justice.gov/jmd/political-activities>

⁸ *Id.*

⁹ See CODE OF FEDERAL REGULATIONS, [34 CFR § 675.18 \(g\)\(4\)\(i\)\(A-C\)](#).

¹⁰ See note 1.

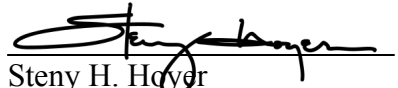
Accordingly, we request that the Department swiftly produce guidance to clarify that students may be paid with FWS funds for non-partisan voter registration and participation activities when working with off-campus entities that are not affiliated with any political party. We also ask the Department to revise its outdated Federal Student Aid Handbook with similar clarifications and remove language relating to prohibiting students from serving as poll workers, which are by definition non-partisan roles. The Department's efforts complement other federal efforts to improve voter participation and engagement. The pathways to support civic life should be available to all students. Making more work-study opportunities available to students will benefit students while also bolstering support the safety, security, and efficiency of our elections.

We appreciate the significant strides your Administration has already made to uplift civic engagement and thank you for your prompt attention to our request.

Sincerely,



Cory A. Booker
United States Senator



Steny H. Hoyer
Member of Congress



Tammy Baldwin
United States Senator



Richard J. Durbin
United States Senator



Alex Padilla
United States Senator



Mazie K. Hirono
United States Senator



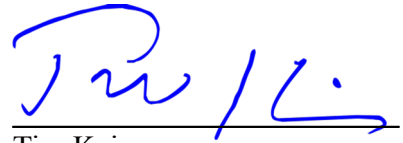
Elizabeth Warren
United States Senator




Chris Van Hollen
United States Senator



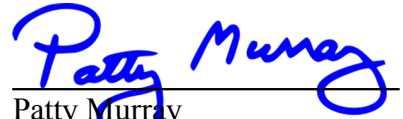
Richard Blumenthal
United States Senator



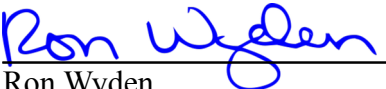
Tim Kaine
United States Senator



Raphael Warnock
United States Senator



Patty Murray
United States Senator



Ron Wyden
United States Senator



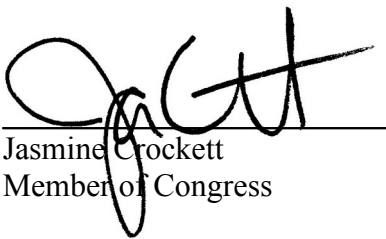
Sheila Jackson Lee
Member of Congress



Barbara Lee
Member of Congress



James P. McGovern
Member of Congress



Jasmine Crockett
Member of Congress



Katie Porter
Member of Congress



Colin Z. Allred
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