

Congress of the United States

Washington, DC 20510

December 6, 2021

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

Dear Secretary Cardona:

We write to urge the U.S. Department of Education (“Department”) to address student voter registration and participation in upcoming rulemaking for higher education accountability and to provide additional guidance to institutions of higher education to facilitate civic engagement.

Across the country, voting rights are under attack, and new laws restricting access to voting have been transparently intended to discourage students and people of color from participating in our elections. The Department can and should play a significant role in supporting democracy by creating additional nonpartisan opportunities for students to register to vote, keep their voter registration up to date, and participate in state and federal elections.

Section 487(a)(23) of the *Higher Education Act* requires each institution of higher education that receives federal financial aid funds to make a “good faith effort” to distribute voter registration materials and to make such materials “widely available” to students. A college’s good faith effort to distribute voter registration information widely should reflect the most common methods by which individuals register to vote—including, increasingly, online registration—and the deadlines they must meet.

The Department has full authority to prescribe regulations to enforce the program participation agreement in Section 487(a)(23). In early 2022, as part of the upcoming institutional accountability rulemaking, the Department should propose regulations that specify the time, manner, and frequency by which voter registration materials are distributed to students.

Importantly, at least once per year, as part of the course registration or other institutional enrollment process, the rules should require institutions to distribute to student’s voter registration information, including, where possible, a direct and accessible web link to register to vote or to update their voter registration (such as providing a new address). The rules should also recommend institutions distribute voter registration materials to students during other interactions many students will have with institutions, such as student identification application processes. While the regulations should prioritize online voter registration options to ensure an easy and accessible process for students, they should also accommodate institutions in states that do not conduct online voter registration.

The Department should also swiftly issue sub-regulatory guidance that clarifies

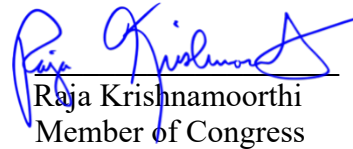
institutions' responsibilities under current regulations. This guidance should remind colleges of their existing requirement to distribute voter registration information to students well in advance of state deadlines to register to vote. And, such guidance should strongly encourage institutions to adopt best practices for providing links to voter registration online and through direct notifications to students, including links during course registration and campus-wide email reminders. These reminders should also encourage students to check and update their voter registration information to ensure the most recent address is on file and explain current law on where students may register to vote based on their permanent residence. Finally, the guidance should make clear that Federal Work-Study funds can be used for nonpartisan voter registration, education, engagement, and poll watching activities—and can help institutions meet their community service requirements.

Participating in our democracy is consistent with the goals of federal financial aid, and the Department should take swift action to support access to voter registration and voting for students in this rulemaking process. Thank you for your attention to our request.

Sincerely,



Cory A. Booker
United States Senator



Raja Krishnamoorthi
Member of Congress



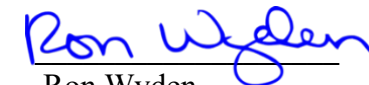
Sherrod Brown
United States Senator



Chris Van Hollen
United States Senator



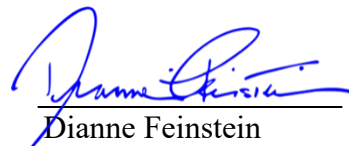
Richard J. Durbin
United States Senator




Ron Wyden
United States Senator

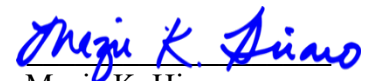


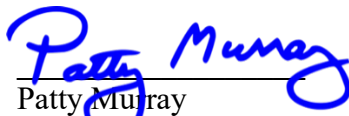
Tina Smith
United States Senator

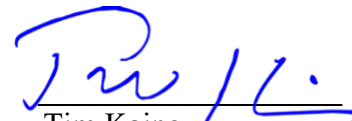



Dianne Feinstein
United States Senator

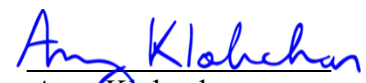

Robert P. Casey
United States Senator



Mazie K. Hirono
United States Senator

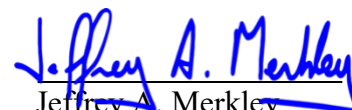

Patty Murray
United States Senator

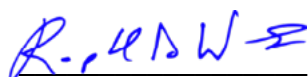

Tim Kaine
United States Senator



Richard Blumenthal
United States Senator

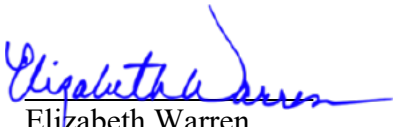

Amy Klobuchar
United States Senator

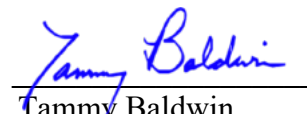

Alex Padilla
United States Senator

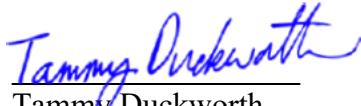

Jeffrey A. Merkley
United States Senator

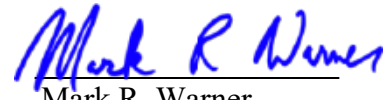

Raphael G. Warnock
United States Senator



Bernard Sanders
United States Senator



Elizabeth Warren
United States Senator


Tammy Baldwin
United States Senator


Tammy Duckworth
United States Senator


Mark R. Warner
United States Senator


Deborah K. Ross
Member of Congress


Ruben Gallego
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Sheila Jackson Lee
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Terri Sewell
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Stephanie Murphy
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Stephen Lynch
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Mary Gay Scanlon
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Tom Suozzi
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