



**SARAH GODLEWSKI**  
**SECRETARY OF STATE**  
**STATE OF WISCONSIN**

July 27, 2023

**Via Email:**

The Honorable Miguel A. Cardona  
Secretary of Education  
United States Department of Education  
400 Maryland Avenue, SW, Suite 701  
Washington, DC 20202

Dear Secretary Cardona:

Last year, the U.S. Department of Education (“the Department”) clarified that students directly employed by colleges and universities can use their Federal Work Study (FWS) funds for non-partisan voter registration activities.<sup>1</sup> As a bipartisan coalition of Secretaries of State, we write to urge the Department to further clarify that students can also use FWS for non-partisan civic engagement work when they are employed with state and local government entities, such as Secretary of State and local elections offices, as well as with non-partisan, non-profit 501(c)(3) organizations.

Students of all ages and political persuasions long have played enormously valuable civic roles in and out of government. These experiences enhance understanding of a traditional civic education curriculum -- which is broadly needed given the decline in civic institution understanding among youth nationwide<sup>2</sup> -- and help create a pipeline of future public servants and civic activists. Given that context, we submit that additional opportunities for students to engage in hands-on, civic learning, including conducting *non-partisan* voter registration, participation, and civic engagement work, should be widely available on an equitable basis.

You can help increase civic engagement nationwide among other ways by clarifying that students can use their FWS awards to engage in non-partisan, pro-democracy activities, including registering voters on a non-partisan basis, working as non-partisan poll workers, and other non-partisan civic activities, 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

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<sup>1</sup> See <https://fsapartners.ed.gov/knowledge-center/library/dear-colleague-letters/2022-04-21/requirements-distribution-voter-registration-forms>

<sup>2</sup> See <https://www.usnews.com/news/education-news/articles/2023-05-03/a-national-concern-student-scores-decline-on-u-s-history-and-civics>

education. Doing so can further empower students in all sectors of higher education, including those enrolled in technical colleges, in helping meet our joint goal of strengthening and protecting our democracy, while also easing staff shortages that concern us in that regard.

The Department provided helpful guidance on the FWS program and civic engagement on April 21, 2022. We are writing to clarify and confirm our understanding that non-partisan voter registration work — under the aegis of a state or local governmental entity or non-partisan, non-profit 501 (c) (3) organization — is consistent with your interpretation of Executive Order 14019 of March 7, 2021. The Department of Justice issued an opinion last September stating that it does not view non-partisan voter registration work as “political activity” and that the *Hatch Act* allows even the most restricted federal employees to engage in non-partisan voter registration activities.<sup>3</sup> 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.”<sup>4</sup> *Non-partisan* voter registration work done under the aegis of a state or local government entity or non-partisan 501(c)(3) group like the *League of Women Voters* that is not party-affiliated does none of those impermissible activities. In fact, the U.S. Office of Personnel Management allows federal employees to receive paid time off to serve as non-partisan poll workers.<sup>5</sup> Given that Department employees (including political appointees) can engage in non-partisan voter registration drives and polling place work, students with financial need should also be able to use *their* FWS awards to engage in the same non-partisan activity while working off-campus.

Indeed the *Higher Education Act* (HEA) itself requires a portion of FWS funds to be used for community service work and explicitly authorizes eligible students to pursue work study jobs with government entities and non-profit 501(c)(3) organizations. Section 443(e) of HEA expressly authorizes funding for civic engagement and participation activities. The Department’s relevant regulations mirror HEA’s language permitting FWS funds be used to support civic engagement and participation work, stating that “students may be employed to perform civic education and participation activities in projects that (A) teach civics in schools; (B) raise awareness of government functions or resources; or (C) increase civic participation.”<sup>6</sup> Non-partisan voter registration work falls naturally within the confines of what both HEA and the Department’s own regulations authorize, as the work both raises awareness of government functions and resources *and* increases civic participation.

Again accordingly, we request the Department produce guidance as soon as possible to clarify that students may be paid with FWS funds for non-partisan voter registration, participation, and civic engagement activities when working with non-party affiliated off-campus entities. We also ask the Department to revise its dated Federal Student Aid Handbook with similar clarifications and remove limitations on non-partisan, ministerial polling place work.

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<sup>3</sup> 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>

<sup>4</sup> *Id.*

<sup>5</sup> <https://www.opm.gov/news/releases/2022/03/release-opm-announces-paid-time-off-for-federal-employees-to-vote/>

<sup>6</sup> See CODE OF FEDERAL REGULATIONS, 34 CFR § 675.18 (g)(4)(i)(A-C)) available at <https://www.ecfr.gov/current/title-34/subtitle-B/chapter-VI/part-675/subpart-A/section-675.22>

As a bipartisan group, we commend you and the Department for your actions this past year encouraging colleges to make voter registration material available to all students, clarifying that postsecondary education students may be compensated with FWS funds for non-partisan voter registration activities when employed directly by their respective institutions of higher education, and announced forthcoming “toolkit” on how schools can support civic engagement. The Department’s efforts complement our work on the state and local level to increase and 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 in that regard will serve both students and the safety, security, and efficiency of our elections alike. Thank you in advance for your attention to our request.

Sincerely,



Sarah Godlewski  
Secretary of State, Wisconsin



Gregg Amore  
Secretary of State, Rhode Island



Jena Griswold  
Secretary of State, Colorado



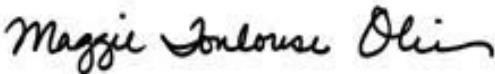
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