



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION

February 26, 2024

The Honorable Sarah Godlewski
Secretary of State
State of Wisconsin
P.O. Box 7848
Madison, WI 53707

Dear Secretary Godlewski:

Thank you for your July 27, 2023, letter to Secretary Cardona joined by a coalition of Secretaries of State regarding the circumstances for when Federal Work-Study (FWS) funds may be used to support nonpartisan civic engagement work. I am pleased to respond on his behalf and am sending an identical letter to the cosigners.

The U.S. Department of Education (Department) recognizes that postsecondary institutions play a critical role in supporting our democratic process and ensuring that all students have access to resources to engage in our electoral process. We also recognize that making more work-study opportunities available for nonpartisan election-related activities will benefit the students who participate as well as serve the public interest through supporting civic engagement.

As your letter notes, in April 2022, the Department issued a Dear Colleague Letter clarifying that if a student is employed directly by a postsecondary institution, the institution may compensate the student for FWS employment involving nonpartisan voter registration activities that take place on or off-campus. This month, the Department issued updated [guidance](#) clarifying that FWS funds may be used for employment by a Federal, State, local, or Tribal public agency for civic engagement work that is not associated with a particular interest or group. The guidance explained that this work can include supporting broad-based get-out-the-vote activities, voter registration, providing voter assistance at a polling place or through a voter hotline, or serving as a poll worker.

Section 443(b)(1) of the Higher Education Act of 1965 states that, for FWS jobs where the student is not employed directly by the postsecondary institution, the work must be in the public interest. The Department's regulations, at 34 CFR 675.22(a), reinforce that, if a student is employed by a Federal, State, or local public agency or a private nonprofit organization, the work that the student performs must be in the "public interest," which is defined as "work performed for the national or community welfare rather than work performed to benefit a particular interest or group." Specifically, under 34 CFR 675.22(b)(5), election-related work is excluded as work in the public interest only if it "involves any partisan or nonpartisan political activity or is associated with a faction in an election for public or party office."

Furthermore, 34 CFR 675.22(b)(2) states that work is not in the public interest if it is for an elected official, unless the official is responsible for the regular administration of federal, state, or local government. The Federal Student Aid (FSA) Handbook states that “regular administration” means the official is directly responsible for administering a particular function. In most circumstances, working for a Secretary of State or local election official’s office, for example on voter registration and election administration, would meet this criterion.

As requested in your letter, the Department will also be including this update in the upcoming FSA Handbook and will be removing limitations on nonpartisan polling place work, including serving as poll workers.

We appreciate your outreach on this issue.

Sincerely,

Nasser H. Paydar
Assistant Secretary for Postsecondary Education