



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION

August 19, 2025

SUBJECT: Updated Requirements for Distribution of Voter Registration Forms and Federal Work Study Allowable Uses of Funds

SUMMARY: This document provides guidance on the minimum institution obligations regarding the requirement in the Higher Education Act for distribution of voter registration forms and rescinds GEN-22-05 and GEN-24-03.

Dear Colleague:

We are writing to update our interpretation of the allowable use of Federal Work Study (FWS) funds and to remind you of the requirements to distribute voter registration information in a manner consistent with federal election laws.

Use of Federal Work Study Funds for Voter Registration and Other Political Activities

The FWS program provides part-time jobs to students with financial need. In administering the FWS program, the Department encourages institutions to employ students in jobs that align with real-world work experience related to a student's course of study whenever possible.

The Department's regulations under 34 CFR § 675.22(b)(5) prohibit FWS funds from being used, among other things, to employ students whose work "involves any partisan or nonpartisan political activity." Jobs involving partisan or nonpartisan voter registration, voter assistance at a polling place or through a voter hotline, or serving as a poll worker—whether this takes place on or off campus—involve political activity because these activities support the process of voting which is a quintessential political activity whereby voters formally support partisan or nonpartisan political candidates by casting ballots.

Past guidance issued by the Department inappropriately expanded the allowable uses of FWS funds relating to voter registration beyond what is contemplated under 34 CFR § 668.14(d). GEN-22-05 and GEN-24-03 erroneously interpreted the Department's regulations as allowing for FWS funds to be used to pay students working on nonpartisan voter registration activities and other voting activities. In accordance with the interpretation announced herein, GEN-22-05 and GEN-24-03 are hereby rescinded.

As a reminder, in exercising administrative and financial capability under the Student Assistance General Provisions regulations (34 CFR Part 668), institutions must have proper controls in place

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to avoid employing students in FWS jobs where they engage in any political activity or in work that serves the interests of a particular group.

Distributing Voter Registration Forms

Section 487(a)(23) of the Higher Education Act of 1965, as amended, (HEA) requires certain¹ institutions of higher education to, among other things, “make a good faith effort to distribute a mail voter registration form [. . .] to each student enrolled in a degree or certificate program and physically in attendance at the institution, and to make such forms widely available to students at the institution.” 20 U.S.C.1094(a)(23), *see also* 34 CFR § 668.14(d). Institutions agree to implement these requirements as part of the Program Participation Agreement (PPA) they sign with the U.S. Department of Education (Department).

Covered institutions must request the voter registration forms from the State at least 120 days prior to the voter registration deadline within that state. 20 U.S.C. 1094(a)(23)(B). This provision applies to all federal elections, including general and special elections, and to elections for Governor or chief executive within the state. 20 U.S.C. 1094(a)(23)(C). Institutions may also elect to send electronic messages to students, attaching either a voter registration form or including the internet address where such a form can be downloaded. If institutions distribute these forms with an electronic message, the HEA and regulations require that electronic message to be devoted exclusively to voter registration. 20 U.S.C. 1094(a)(23)(D).

When distributing voter registration forms, institutions are encouraged to consider reminding students of the eligibility criteria for voting under federal, state, and municipal law. Specifically, institutions are encouraged to remind students that:

- (1) only citizens of the United States may vote in federal elections (18 U.S.C. 611);
- (2) voting more than once, including voting in two or more states, is prohibited under federal law (52 U.S.C. 10307(e));
- (3) knowingly or willfully providing false information including relating to name, address, or period of residence in the voting district for the purpose of establishing eligibility to register or vote is prohibited under federal law (52 U.S.C. 10307(c)); and
- (4) in most states, individuals may only register to vote where they are domiciled, and they may not be domiciled in more than one place.

¹ Section 487(a)(23) of the HEA only applies to those institutions located in a state to which section 4(b) of the National Voter Registration Act (NVRA) of 1993 does not apply. 52 U.S.C. 20503. Currently, Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming are exempt from the NVRA’s requirements, and therefore institutions in these states are exempt from the requirements under 20 U.S.C. 1094(a)(23). Additionally, institutions in Puerto Rico, Guam, the Virgin Islands, American Samoa, and foreign institutions— which are not covered by the NVRA— are also exempt from the requirement. *See* U.S. Dep’t of Justice, Questions and Answers Regarding the National Voter Registration Act Of 1993 (NVRA), (last accessed July 1, 2025), <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra#:~:text=The%20requirements%20of%20the%20NVRA,its%20procedures%20to%20all%20elections.>

If the institution chooses to comply with 20 U.S.C 1094(a)(23) by providing students with physical copies of voter registration information, the institution may also provide physical letters warning students about their obligations under the election laws as outlined above. If an institution chooses to comply with 20 U.S.C. 1094(a)(23) by sending out an electronic communication, the institution may remind students of applicable laws in that communication.

In complying with 20 U.S.C. 1094(a)(23), institutions should remain mindful of their existing obligations under the law to avoid aiding and abetting voter fraud, such as actions to aide and abet a noncitizen to vote in a federal election. 18 U.S.C. §§ 611, 2.

Under 20 U.S.C. 1094(a)(23), institutions are required to make a “good faith” effort to distribute voter registration forms to students. To give institutions ample flexibility to ensure that they are not aiding and abetting voter fraud, the Department does not interpret this “good faith” provision in the HEA as requiring institutions to distribute voter registration information to students who the institution has reason to believe are ineligible to vote in federal or state elections, such as foreign students. As such, the institution may limit the list of recipients accordingly.

In accordance with this guidance, the Department will also be making conforming changes in the “Voter Registration Forms” section in Volume 2, Chapter 6 of the Federal Student Aid Handbook.

Disclaimer

As with all “Dear Colleague” letter and guidance documents, the contents of this document do not have the force and effect of law and are not meant to bind the public or the Department. This document is intended only to provide clarity to the public regarding existing requirements under the law and regulations.

Sincerely,



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Acting Assistant Secretary