

117TH CONGRESS  
1ST SESSION

# S. 992

To amend title IV of the Higher Education Act of 1965 to require institutions of higher education that participate in programs under such title to distribute voter registration forms to students enrolled at the institution, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 25, 2021

Mr. BOOKER (for himself, Mr. DURBIN, Ms. KLOBUCHAR, Mrs. FEINSTEIN, Mr. BLUMENTHAL, Mr. BROWN, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend title IV of the Higher Education Act of 1965 to require institutions of higher education that participate in programs under such title to distribute voter registration forms to students enrolled at the institution, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Help Students Vote  
5 Act”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that political participation  
3 and civic engagement are fundamental to the health of  
4 American democracy, and that all citizens should be en-  
5 couraged to vote, regardless of party affiliation.

6 **SEC. 3. DISTRIBUTING VOTER REGISTRATION INFORMA-**  
7 **TION.**

8 Section 487(a)(23) of the Higher Education Act of  
9 1965 (20 U.S.C. 1094(a)(23)) is amended to read as fol-  
10 lows:

11 “(23)(A) The institution will make every rea-  
12 sonable effort to—

13 “(i) distribute voter registration applica-  
14 tions for elections for Federal office prescribed  
15 pursuant to section 9 of the National Voter  
16 Registration Act of 1993 (52 U.S.C. 20508),  
17 which may include sharing a direct, guided link  
18 to such application, to each student enrolled at  
19 the institution;

20 “(ii) provide clear guidance that each stu-  
21 dent enrolled at the institution should—

22 “(I) register in the State in which the  
23 student is eligible to vote in the next elec-  
24 tion if registration is required, which may  
25 include the ability of out of State students  
26 to vote in the State in which they are en-

1 rolled and physically in attendance, in ac-  
2 cordance with applicable State law; and

3 “(II) update the student’s existing  
4 voter registration if the student’s address  
5 has changed recently or since the last elec-  
6 tion in which the student was eligible to  
7 vote;

8 “(iii) periodically share credible, non-  
9 partisan resources to help students determine  
10 where and how they are eligible to vote, which  
11 may include resources from State and local  
12 election officials on voter registration and vot-  
13 ing requirements, including voter registration  
14 deadlines, residency requirements, voter identi-  
15 fication requirements, and absentee voting op-  
16 tions, as applicable; and

17 “(iv) in distributing voting materials (as  
18 defined in section 203(b)(3) of the Voting  
19 Rights Act of 1965 (52 U.S.C. 10503(b)(3))  
20 that are produced by a covered State or polit-  
21 ical subdivision (as defined in such section), en-  
22 sure to the greatest extent practicable that—

23 “(I) such voting materials are pro-  
24 vided in accordance with section 203 of  
25 such Act (52 U.S.C. 10503); and

1 “(II) all materials and information  
2 made available electronically under this  
3 paragraph—

4 “(aa) are accessible to individuals  
5 with disabilities; and

6 “(bb) conform to the accessibility  
7 standards under section 508 of the  
8 Rehabilitation Act of 1973 (29 U.S.C.  
9 794d).

10 “(B) The institution shall be considered in com-  
11 pliance with the requirements of subparagraph  
12 (A)—

13 “(i) if, with respect to each student en-  
14 rolled who is not exclusively enrolled in distance  
15 education at the institution, the institution—

16 “(I)(aa) distributes voter registration  
17 applications to such students not less than  
18 twice in a calendar year, and distributes  
19 such voter registration applications not less  
20 than 30 days in advance of the deadline  
21 for registering to vote within the State for  
22 the next scheduled Federal or State pri-  
23 mary election and not less than 30 days in  
24 advance of the deadline for registering to  
25 vote within the State for the next sched-

1           uled Federal or State general or special  
2           election; or

3           “(bb) electronically transmits a mes-  
4           sage to such students containing a voter  
5           registration application (or the message  
6           contains an Internet address where such a  
7           voter registration application can be  
8           accessed or downloaded) acceptable for use  
9           in the State in which the institution is lo-  
10          cated to each such student, and such elec-  
11          tronic message is devoted exclusively to  
12          voter registration, not less than twice in a  
13          calendar year, and transmits such a mes-  
14          sage not less than 30 days in advance of  
15          the deadline for registering to vote within  
16          the State for the next scheduled Federal or  
17          State primary election and not less than  
18          30 days in advance of the deadline for reg-  
19          istering to vote within the State for the  
20          next scheduled Federal or State general or  
21          special election;

22          “(II) during a period that the institution  
23          requires or encourages students to remain off-  
24          campus due to a national, State, or local public  
25          health or other emergency, additionally—

1           “(aa) requests that the State in which  
2           the institution is located provide the insti-  
3           tution with absentee ballot applications, as  
4           applicable, or share the official State  
5           website or online portal through which eli-  
6           gible voters can directly request an absen-  
7           tee ballot;

8           “(bb) distributes to each such student  
9           an absentee ballot application, requested  
10          from the State under item (aa) and re-  
11          ceived in accordance with section 303(d) of  
12          the Help America Vote Act of 2002 (52  
13          U.S.C. 21083(d)) or the official State  
14          website or online portal through which eli-  
15          gible voters can directly request an absen-  
16          tee ballot, with instructions that the form,  
17          website, or online portal should be used  
18          only by students eligible to vote in the  
19          State;

20          “(cc) notifies students of applicable  
21          deadlines for requesting and submitting an  
22          absentee ballot, as well as additional op-  
23          tions for early and in-person voting, and  
24          voting on Election Day, as applicable; and

1 “(dd) shares credible, nonpartisan re-  
2 sources to help students who are registered  
3 in another State to apply for absentee bal-  
4 lots in such State, which may include re-  
5 sources from State and local election offi-  
6 cials; and

7 “(III) ensures that an appropriate staff  
8 person or office has been designated as a ‘Cam-  
9 pus Vote Coordinator’ to ensure compliance in  
10 accordance with this clause at the institution  
11 and who shall—

12 “(aa) be publicly designated as the  
13 ‘Campus Vote Coordinator’, along with the  
14 Coordinator’s contact information, on the  
15 institution’s website; and

16 “(bb) upon request, provide to stu-  
17 dents residency requirements for voting,  
18 including the ability of out of State stu-  
19 dents to vote in the State in which they  
20 are enrolled and physically in attendance,  
21 in accordance with applicable State law;  
22 and

23 “(ii) if, with respect to each student enrolled  
24 exclusively in distance education or correspondence  
25 programs, the institution—

1           “(I) transmits a message devoted exclu-  
2           sively to voter registration referring such stu-  
3           dents to a centralized voter registration website  
4           or platform that provides applicable voter reg-  
5           istration application and voting information for  
6           all States, provided that such platform is hosted  
7           by a government affiliated website;

8           “(II) transmits such message not less than  
9           twice in a calendar year; and

10           “(III) maintains information on the insti-  
11           tution’s website containing credible, nonpartisan  
12           resources to help students determine where and  
13           how they are eligible to vote, or a link to such  
14           resources.

15           “(C) The institution may also include voter registra-  
16           tion applications within materials or information distrib-  
17           uted to newly enrolled, or returning, students at the begin-  
18           ning of a term, consistent with the requirements of sub-  
19           paragraph (B).

20           “(D) In this paragraph—

21           “(i) the term ‘absentee ballot’ means any ballot  
22           cast by any means other than in person and for  
23           which the State requires an application;

24           “(ii) the term ‘distance education’ has the  
25           meaning given the term in section 103, except such



1 term shall not include distance education that is pro-  
2 vided due to a decision of an institution to require  
3 or encourage students of the institution to remain  
4 off-campus due to a national, State, or local public  
5 health or other emergency;

6 “(iii) the term ‘Federal office’ has the meaning  
7 given the term in section 301(3) of the Federal Elec-  
8 tion Campaign Act of 1971 (52 U.S.C. 30101(3));  
9 and

10 “(iv) the term ‘voter registration application’  
11 has the meaning of the term ‘mail voter registration  
12 form’ as described in section 9(b) of the National  
13 Voter Registration Act of 1993 (52 U.S.C.  
14 20508(b)).”.

15 **SEC. 4. GRANTS AUTHORIZED.**

16 The Secretary of Education shall award grants to in-  
17 stitutions of higher education that greatly exceed the min-  
18 imum requirements under section 487(a)(23) of the High-  
19 er Education Act of 1965 (20 U.S.C. 1094(a)(23)), in-  
20 cluding as demonstrated by—

- 21 (1) sponsoring large on-campus voter mobiliza-  
22 tion efforts;
- 23 (2) engaging the surrounding community in  
24 nonpartisan voter registration and get out the vote  
25 efforts;

1           (3) creating a website with centralized informa-  
2           tion about voter registration and election dates;

3           (4) inviting candidates to speak on campus; and

4           (5) offering rides to the polls to increase voter  
5           education, registration, and mobilization.

6 **SEC. 5. ENFORCEMENT ACTIONS.**

7           (a) CORRECTIVE ACTION.—

8           (1) IN GENERAL.—The Secretary of Education  
9           shall submit a written warning to an institution of  
10          higher education that violates a requirement of sec-  
11          tion 487(a)(23) of the Higher Education Act of  
12          1965 (20 U.S.C. 1094(a)(23)) that includes a direc-  
13          tion to correct the violation not later than 60 days  
14          after the date the warning was received.

15          (2) ACTIONS AUTHORIZED.—If an institution of  
16          higher education does not correct a violation in ac-  
17          cordance with a direction from the Secretary of Edu-  
18          cation as described in paragraph (1), the Attorney  
19          General of the United States may authorize the ap-  
20          propriate State law enforcement officer or the chief  
21          elections official of a State to commence a civil ac-  
22          tion in accordance with subsection (b).

23          (b) CIVIL ACTIONS.—

24          (1) IN GENERAL.—A State law enforcement of-  
25          ficer or chief elections official of a State may com-

1       mence a civil action in accordance with subsection  
2       (a) in the appropriate district court of the United  
3       States against the institution that engages in a pat-  
4       tern or practice of violating section 487(a)(23) of  
5       the Higher Education Act of 1965 (20 U.S.C.  
6       1094(a)(23)).

7               (2) RELIEF.—In a civil action commenced  
8       under paragraph (1), the court may—

9               (A) grant any appropriate equitable or de-  
10       claratory relief with respect to the violation of  
11       section 487(a)(23) of the Higher Education Act  
12       of 1965 (20 U.S.C. 1094(a)(23));

13              (B) award all other appropriate relief to  
14       any person or group aggrieved by the violation;

15              (C) to vindicate the public interest, assess  
16       a civil penalty in an amount not exceeding the  
17       amount listed in section 487(c)(3)(B) of the  
18       Higher Education Act of 1965 (20 U.S.C.  
19       1094(c)(3)(B)) for any violation; and

20              (D) take into account the number of days  
21       in which the infraction occurred.

22              (3) INTERVENTION.—Upon timely application,  
23       a person aggrieved by a violation of section  
24       487(a)(23) of the Higher Education Act of 1965 (20  
25       U.S.C. 1094(a)(23)) with respect to which a civil ac-

1 tion is commenced under this subsection may inter-  
2 vene in such action, and may obtain such appro-  
3 priate relief as the person could obtain in a civil ac-  
4 tion under subsection (c) with respect to such viola-  
5 tion, along with costs and reasonable attorneys fees.

6 (c) PRIVATE RIGHT OF ACTION.—

7 (1) IN GENERAL.—Any person or group ag-  
8 grievied by a violation of section 487(a)(23) of the  
9 Higher Education Act of 1965 (20 U.S.C.  
10 1094(a)(23)) may commence a civil action in any  
11 appropriate district court of the United States  
12 against the institution that engages in such viola-  
13 tion.

14 (2) RELIEF.—In a civil action commenced  
15 under paragraph (1), the court may—

16 (A) grant any appropriate equitable or de-  
17 claratory relief with respect to the violation of  
18 section 487(a)(23) of the Higher Education Act  
19 of 1965 (20 U.S.C. 1094(a)(23));

20 (B) award any other appropriate relief to  
21 the person or group aggrieved by the violation,  
22 including the costs of the action, such as rea-  
23 sonable attorneys fees;

24 (C) to vindicate the public interest, assess  
25 a civil penalty in an amount not exceeding the

1 amount listed in section 487(c)(3)(B) of the  
2 Higher Education Act of 1965 (20 U.S.C.  
3 1094(c)(3)(B)) for any violation; and

4 (D) take into account the number of days  
5 in which the infraction occurred.

6 (3) REPORTING.—Not later than 60 days be-  
7 fore the date a person or group aggrieved by a viola-  
8 tion of section 487(a)(23) of the Higher Education  
9 Act of 1965 (20 U.S.C. 1094(a)(23)) commences a  
10 civil action under paragraph (1), the person or  
11 group shall report the violation to the Department  
12 of Education, a Federal or State law enforcement  
13 agency, and the institution purported to have com-  
14 mitted the violation via an affidavit detailing the al-  
15 leged violation.

16 (4) PRESERVATION OF REMEDIES.—Nothing in  
17 this section shall be construed to preclude or limit  
18 any remedy otherwise available under other law, in-  
19 cluding consequential and punitive damages.

20 **SEC. 6. CONFORMING AMENDMENTS TO HELP AMERICA**  
21 **VOTE ACT.**

22 Section 303 of the Help America Vote Act of 2002  
23 (52 U.S.C. 21083) is amended—

1 (1) in the section heading, by inserting “; **PRO-**  
2 **VISION OF FORMS TO INSTITUTIONS OF HIGH-**  
3 **ER EDUCATION**” after “**BY MAIL**”;

4 (2) by redesignating subsection (d) as sub-  
5 section (e);

6 (3) by inserting after subsection (c) the fol-  
7 lowing new subsection:

8 “(d) **PROVISION OF ABSENTEE BALLOT APPLICA-**  
9 **TION FORMS TO INSTITUTIONS OF HIGHER EDU-**  
10 **CATION.**—Each State shall provide the voter registration  
11 and absentee ballot application forms or access to elec-  
12 tronic versions of such forms to each institution of higher  
13 education for the purposes described in section 487(a)(23)  
14 of the Higher Education Act of 1965 (20 U.S.C.  
15 1094(a)(23)).”; and

16 (4) in subsection (e), as redesignated by para-  
17 graph (2), by adding at the end the following new  
18 paragraph:

19 “(3) **REQUIREMENT TO PROVIDE VOTER REG-**  
20 **ISTRATION AND ABSENTEE BALLOT APPLICATION**  
21 **FORMS TO INSTITUTIONS OF HIGHER EDUCATION.**—  
22 Each State and jurisdiction shall be required to  
23 comply with the requirements of subsection (d) no  
24 later than 30 days after the date of enactment of  
25 the Help Students Vote Act.”.

1 **SEC. 7. GRANTS FOR FEDERAL WORK-STUDY PROGRAMS.**

2 Section 443(b)(2) of the Higher Education Act of  
3 1965 (20 U.S.C. 1087–53(b)(2)) is amended to read as  
4 follows:

5 “(2) provide that funds granted an institution  
6 of higher education, pursuant to this section, may be  
7 used only to make payments to students partici-  
8 pating in work-study programs, except that—

9 “(A) for fiscal year 2022 and succeeding  
10 fiscal years, an institution shall use at least 25  
11 percent of the total amount of funds granted to  
12 such institution under this section for such fis-  
13 cal year to compensate students employed in  
14 community service and civic engagement activi-  
15 ties, such as voter registration, non-partisan  
16 voter engagement, and voter participation work,  
17 and shall ensure that not less than 1 tutoring  
18 or family literacy project (as described in sub-  
19 section (d)) is included in meeting the require-  
20 ment of this subparagraph, except that the Sec-  
21 retary may waive this subparagraph if the Sec-  
22 retary determines that enforcing this subpara-  
23 graph would cause hardship for students at the  
24 institution; and

25 “(B) an institution may use a portion of  
26 the sums granted to it to meet administrative

1 expenses in accordance with section 489 of this  
2 Act, may use a portion of the sums granted to  
3 it to meet the cost of a job location and devel-  
4 opment program in accordance with section 446  
5 of this part, and may transfer funds in accord-  
6 ance with the provisions of section 488 of this  
7 Act;”.

○