

June 30, 2022

U.S. Department of Education
400 Maryland Ave. SW, LBJ, Room 6W208D
Washington, DC 20202-8240

Re: Agency Information Collection Activities; Comment Request; 2023-2024 Free Application for Federal Student Aid (FAFSA), Docket ID: ED-2022-SCC-0024

Dear PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division:

The below signed education and democracy organizations are pleased to offer comments on the 2023-2024 Free Application for Federal Student Aid (“FAFSA”).

The National Voter Registration Act of 1993¹ (“NVRA”) has expanded access to the ballot and made it easier for millions of Americans to register to vote and update their registration by providing voter registrations opportunities through state agencies such as motor vehicle departments and public assistance offices. From 2006 to 2022, 3.5 million additional Americans completed voter registration applications due to effective NVRA-compliant voter registration services provided by state public assistance agencies.² And as the March 7, 2021 executive order on voting (“Voting EO”) points out, the NVRA contemplates that federal agencies should provide voter registration services as well,³ and there are many opportunities for federal agencies to do so. For the Department of Education, providing voter registration services to users of the FAFSA has the potential to have an impact in increasing voter registration rates.

Overall, all Americans would benefit from increased opportunities to register to vote or update their voter registration, and the Department of Education has a unique opportunity to reach students and users of the FAFSA who represent all ages. In particular, young people are much less likely to be registered to vote than older Americans. Citizens aged 18-25 have the lowest level of voter registration rates of all ages.⁴ Thus, given the population that it serves, the FAFSA provides a unique opportunity to provide an additional voter registration opportunity to younger Americans.⁵

¹ 52 U.S.C. § 20501, *et seq.*

² Laura Williamson, Pamela Cataldo & Brenda Wright, *Toward a More Representative Electorate*, Demos, <https://www.demos.org/research/toward-more-representative-electorate>.

³ March 7, 2021 Executive Order on Promoting Access to Voting, *available at* <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/03/07/executive-order-on-promoting-access-to-voting/>.

⁴ Voting and Registration in the Election of November 2020, U.S. Census, <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html>.

⁵ In the National Study of Learning, Voting, and Engagement, a landmark study of U.S. college and university student voting, the median age of students was 21, and 70 percent of the students were under the age of 25. *Democracy Counts 2018: Increased Student and Institutional Engagement*, Institute for Democracy and Higher Education, Tufts University, <https://tufts.app.box.com/v/idhe-democracy-counts-2018>.

As a result of low voter registration rates, young people have low election participation rates. For example, in 2018, when a record number of young people voted in the mid-term elections, only 28 percent of young people⁶ and 40 percent of students⁷ cast ballots. In the 2014 election, a record-low 13 percent of youth turned out.⁸ There is also disparity among youth. Citizens who are 18 and 19 are even less likely to participate in elections. And young low-income people and young people of color have especially depressed rates of registration and voting.⁹

Voting is habit-forming. For example, a recent study found that, on average, voting in one election increases the probability of voting in a future election by 10 percentage points.¹⁰ This makes it all the more important that voting becomes normalized, especially at an early age. Being registered also significantly increases the likelihood that a citizen will go on to vote. In 2008, of those youth who were registered, 84 percent cast a ballot.¹¹ Providing students, particularly those who are still young, with the opportunity to register or update their voter registration increases the likelihood that they will develop a lifelong pattern of civic engagement.

This lack of participation is not due to apathy. In fact, many students want to engage in the political process. Instead, they often face systemic barriers to participation. Many students do not know how to register to vote for the first time. Additionally, many struggle to keep their voter registration address up to date. One of the most significant barriers to increased student voter participation is that students are often particularly transient compared to the general population and many move every year. The need for students to keep their voter registration up to date in order to fully participate has never been more crucial, especially given the recent proliferation of opportunities to vote by mail, and the fact that many jurisdictions will not count provisional ballots cast in the wrong precinct. Thus, even already registered students would benefit from receiving voter registration services as a part of the FAFSA application process.

One of the most impactful ways the federal government could contribute to improving voter registration rates is by integrating an offer of voter registration into the FAFSA application process. In 2019-2020, 17.7 million students filed a FAFSA, which included approximately two

⁶ 2018 Election Center, Center for Information & Research on Civic Learning and Engagement, Tufts University, <https://circle.tufts.edu/index.php/2018-election-center>.

⁷ *Democracy Counts 2018: Increased Student and Institutional Engagement*, Institute for Democracy and Higher Education, Tufts University, <https://tufts.app.box.com/v/idhe-democracy-counts-2018>.

⁸ 2018 Election Center, Center for Information & Research on Civic Learning and Engagement, Tufts University, <https://circle.tufts.edu/index.php/2018-election-center>.

⁹ *Broadening Youth Voting*, Disparities in Youth Voting, Center for Information & Research on Civic Learning and Engagement, Tufts University, <https://circle.tufts.edu/our-research/broadening-youth-voting#disparities-in-youth-voting>.

¹⁰ Yael Bromberg, *Youth Voting Rights and the Unfulfilled Promise of the Twenty-Sixth Amendment*, 21 U. Penn J. Const. Law, 1105, 1112 (2019) (citing Thomas Fujiwara, Kyle Meng & Tom Vogle, *Habit Formation in Voting: Evidence from Rainy Elections*, 8 AM. ECON. J. 160 (2016); see also Alan S. Gerber, Donald P. Green & Ron Shachar, *Voting May Be Habit-Forming: Evidence from a Randomized Field Experiment*, 47 AM. J. POL. SCI. 540 (2003); Alexander Coppock and Donald P. Green, *Is Voting Habit Forming? New Evidence from Experiments and Regression Discontinuities*, 60 AM. J. OF POL. SCI. 1044 (2016)).

¹¹ *Midterm and Presidential Elections are Different for Youth*, Center for Information & Research on Civic Learning and Engagement, <https://circle.tufts.edu/latest-research/midterm-and-presidential-elections-are-different-youth>

thirds of all undergraduate students.¹² Significant numbers of students of color submit a FAFSA application every year: 83% of Black students, 74% of Hispanic students, 54% of Asian students, and 77% of Native American students complete the FAFSA.¹³ Similarly, 73% of low-income students complete the FAFSA.¹⁴ Of these, more than half are eligible for Pell grants, which are generally awarded to those with family incomes below \$30,000.¹⁵ Thus the FAFSA provides an excellent opportunity to reach a population of citizens with low voter registration rates.

We write to provide recommendations for how to best accomplish the goals of the Voting EO and the NVRA, and to urge the Department of Education to use the existing opportunity to update the FAFSA application process to make this important change to incorporate an offer of voter registration.

Below are comments on specific updates the Department of Education could make to the FAFSA application process that would help students access voter registration.

1. Incorporate a Voter Registration Question into the FAFSA Online Application Process.

The Department of Education should integrate a question about voter registration into the FAFSA online application process. We know from existing experience with state agencies that already provide voter registration services pursuant to the NVRA through other online applications that adding the offer of voter registration within the application itself is the most effective way to ensure that individuals actually see and take advantage of the voter registration opportunity. Therefore, the best practice would be to integrate a voter registration question directly into the FAFSA application. This should be presented as a completely voluntary question and incorporated in such a way that makes explicitly clear that applicants do not have to participate in order to complete their FAFSA.

However, we understand that there may currently be limitations regarding adding additional questions directly to the FAFSA form given the goal of streamlining the process. The experiences of state governments currently complying with the NVRA show that it can also be effective to offer the voter registration question at the end of an application process. Therefore, if voter registration is not able to be fully integrated into the FAFSA application, our recommendation is that it should at least be added as a page that an applicant would see immediately after they hit submit on the FAFSA application and are redirected to Vote.gov.

Here are some specific process recommendations regarding such an offer of voter registration:

- The voter registration question should inform applicants both that their decision to register to vote or not will not affect their aid eligibility and of their right to privacy while registering.

¹² FAFSA Application Statistics, <https://www.savingforcollege.com/article/fafsa-application-statistics#:~:text=Almost%2018%20million%20students%20file,the%20impact%20on%20financial%20aid>.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Over 60 percent of Pell Grant recipients have family incomes below \$30,000 a year. See President's FY 2023 Budget Request for the U.S. Department of Education, Congressional Justifications Volume I, Student Financial Assistance, p. 19 (2022), available at <https://www2.ed.gov/about/overview/budget/budget23/justifications/o-sfa.pdf>.

- All individuals who choose to register to vote must be provided access to a voter registration application to complete the voter registration process. There is no one option that all individuals will be able to use and, therefore, different options for accessing a voter registration application should be provided. The NVRA and numerous state health exchanges provide very good models for the language to use. Based on these models, below is a specific proposal for recommended language to include when offering voter registration to FAFSA applicants:

If you are not registered to vote where you live now, would you like to apply to register to vote today?

You should be registered to vote at your current residence, and therefore, should submit a voter registration application to update your address if you are not sure if your voter registration is current.

The voter registration application will provide the specific details about who is eligible to vote in your state, but be aware that in all states and the District of Columbia you must be a U.S. citizen to register to vote in federal elections.

☐ **Yes, and I would like to register to vote online.** By selecting this option, you will be redirected to Vote.gov. Through Vote.gov you will be able to access your state's online voter registration system.

Please be aware that not all states have online voter registration systems, and in most states, you must have a valid state driver's license or ID card to use the system. If you are not able to use your state's online voter registration system, you can download and print a copy of the National Mail Voter Registration Form from Vote.gov or select the option below to request that a paper voter registration application be mailed to you.

☐ **Yes, and I would like receive a voter registration application through the postal mail.**

☐ **No, I would not like to register or update my voter registration at this time.**

Applying to register or declining to register to vote will not affect your aid eligibility or the amount of assistance that you will be provided. Your decision to register to vote or not will be kept confidential. You may fill out your voter registration application in private, and the information you provide on your voter registration application will not be shared with FAFSA.

Online Voter Registration

- If the applicant selects the “Yes, and I would like to register to vote online” option, they should be automatically redirected to Vote.gov, which is maintained by the General Services Administration (“GSA”). Vote.gov provides two options for accessing voter registration applications:

First, it provides links to all state online voter registration systems, and GSA takes responsibility for ensuring that the provided links are up to date. The majority of states have online voter registration systems. Providing access to Vote.gov is the easiest way for the Department of Education to provide access to state online voter registration systems to all customers throughout the country.

Second, Vote.gov also provides access to the National Mail Voter Registration Form (“NMVRF”) for use in those states without online voter registration systems, or for those individuals who do not want to use, or cannot use, their state’s online voter registration system.¹⁶ The NMVRF is a paper voter registration application that can be downloaded and used to register to vote in the vast majority of states.

- In an ideal process, the most effective practice would be for the relevant data already collected from the individual seeking to register to vote during the FAFSA application process, such as name, sex, date of birth, and current address, to be transferred either to Vote.gov or directly to states’ with application programming interfaces (“APIs”) as part of their online voter registration systems for use completing the voter registration.¹⁷ This would remove the need for applicants to provide duplicative information, which is one of the goals of the NVRA. This data sharing should only take place in instances where the FAFSA user has explicitly given consent to take part in the data transfer. These types of data transfers are already occurring at state NVRA agencies. For example, Massachusetts provides information from Medicaid applicants to the Secretary of State for voter registration purposes.¹⁸ While Vote.gov does not currently have the capacity to accept this type of data transfer, we are advocating for a number of improvements to Vote.gov, including technology updates such as taking advantage of API technology.¹⁹
- Given both the need for technology upgrades to Vote.gov, and the current limitations on what personal information submitted through the FAFSA application can be used for, our

¹⁶ With very few exceptions, an individual can only use a state’s online voter registration system if they have a driver’s license or state ID card. Therefore, only offering access to a state’s online voter registration system will leave some individuals without any option to access a voter registration application they can actually use.

¹⁷ We are aware that there are some limitations on the use of FAFSA data, but such a process would only be conducted with the express permission of the applicant provided during through the voter registration question.

¹⁸ Center for Technology and Civic Life & Center for Secure and Modern Elections, *Automatic Voter Registration at Medicaid Agencies*, Slide 26 (April 11, 2019), available at <https://modernreg.org/wp-content/uploads/2019/04/Automatic-Voter-Registration-at-Medicaid-Agencies.pdf>.

¹⁹ Under the Voting EO, GSA has been directed to improve the interface with voter registration services provided on Vote.gov. Voting EO, Section 5. See, e.g., Comment on Federal Register Document #2021-12619 from the ACLU and Demos (Comment ID NIST-2021-0003-0147), available at <https://www.regulations.gov/comment/NIST-2021-0003-0147>.

recommendation would be for individuals to be automatically redirected to Vote.gov once they submit the FAFSA application or to provide a landing page with a link to Vote.gov upon submission.

Voter Registration by Mail

- Some FAFSA applicants will not be able to use online voter registration, nor will they have access to a printer to use a downloadable .pdf of a voter registration application. This lack of access is especially common among people with disabilities, people with lower incomes, younger and older people, and other marginalized members of our society who also have the lowest existing voter registration rates. Therefore, the Department of Education should also provide an option for applicants submitting a FAFSA application who indicate that they would like to register to vote to request that a voter registration application be sent through the mail. Offering an option to request a blank voter registration application in the mail is the only way to ensure that everybody is provided with a meaningful opportunity to register to vote. To minimize costs, voter registration applications could be sent with other existing Department of Education mailings, such as any paperwork that is provided to FAFSA applicants after application submission.
- There are multiple options for ensuring the Department of Education has an adequate supply of paper voter registration applications:
 - The Department of Education should be able to easily access state voter registration applications, which are publicly available to be downloaded from most states' election websites.²⁰
 - In many states, election officials provide hard copy voter registration applications to state agencies covered by the NVRA on a regular basis and they are likely to be willing to provide the Department of Education with copies of their state voter registration applications, if requested.
 - The Department of Education could mail the NMVRF. The modernization work that Vote.gov is required to do by the Voting EO will hopefully include developing formats of the NMVRF that are state specific and user friendly.²¹
- In addition to the blank voter registration application, a voter registration mailing should include a cover letter providing applicants with key information, including:

²⁰ See, e.g., Arizona: https://azsos.gov/sites/default/files/20200417_AZ_Voter_Registration_Form_Printable_0.pdf; Florida: <https://www.myfloridaelections.com/Voting-Elections/Register-To-Vote#App>; Kansas: <https://www.kssos.org/forms/elections/voterregistration.pdf> and Maryland: https://elections.maryland.gov/voter_registration/application.html.

²¹ Currently the NMVRF provides instructions for all states, making it 27 pages long. See *National Mail Voter Registration Form, General Instructions*, U.S. ELECTION ASSISTANCE COMM'N, https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf (last visited Nov. 1, 2021). But hopefully, per the work that Vote.gov is doing, the Department of Education would be able to provide shorter versions of the NMVRF with only the relevant state instructions. Residential information is collected in the FAFSA form for all applicants and as such should send just the correct state instructions.

- Notification that the mailing is a result of them requesting a voter registration application during their FAFSA application.
- Basic information about who is eligible to register to vote, such as the requirement that individuals must be U.S. citizens.
- An explanation that individuals need to return completed voter registration applications to election officials at the address provided on either the enclosed state voter registration application or NMVRF, as appropriate.

Even if it is not feasible for the Department to adopt these best practices to work on a system to electronically share data collected through the online FAFSA application with Vote.gov or state agencies, or to provide an option for the applicant to receive a voter registration application in the mail, access to voter registration opportunities should at least be provided to those FAFSA applicants who can use online registration by providing a voter registration question that all applicants would see as soon as they hit submit on their online FAFSA application. Through this question, applicants who wish to register or update their voter registration could be redirected to Vote.gov if they answer the voter registration question affirmatively. Providing this opportunity while students are still at the computer will increase the likelihood that they will act on it, particularly when compared to an offer of voter registration received later or in hard copy.

2. Add voter registration language into both the electronic and hardcopy SARs that includes a link to Vote.gov.

We are aware that the Department is currently working on and seeking comments about ways to make significant improvements to the Student Aid Report (“SAR”) and Student Aid Report Acknowledgement (“SAR ACK”). It is our understanding the improvements under consideration include adding vital information about other benefits that applicants might be eligible for, such as public benefits and higher education tax benefits. In addition to adding this information, the Department should also integrate voter registration into this process. This should include adding an offer of voter registration into both the electronic and hard copy SAR that students receive after submitting their FAFSA applications by including a link to Vote.gov.

The Department of Education should also include a copy of the NMVRF with every SAR that is mailed to FAFSA applicants. This would provide a meaningful opportunity to register to vote or update a voter registration to those applicants who do not have access to online voter registration, are not eligible to use their state’s online system, or who do not have the ability to print a voter registration application. Including this form would have a negligible cost for the Department because it would be included in an existing mailing.

3. Add links to Vote.gov to its websites and landing pages.

In addition to incorporating an offer of voter registration into the FAFSA application process in the ways described above, the Department of Education should also update its websites to include a link to Vote.gov. One of the first places the Department should make such a change is to the FAFSA Landing Pages.

We urge the Department to make these recommended changes as soon as possible. Especially given the upcoming elections in November 2022 and 2024, and the state voter registration deadlines that will fall before those dates, making such changes soon is imperative in order to provide students a meaningful opportunity to register in time to vote.

We appreciate the opportunity to provide these comments regarding the 2023-24 FAFSA, and we look forward to working with you to implement these proposed enhancements to make it easier for students to receive opportunities to register to vote and update their voter registration.

Sincerely,

**American Civil Liberties Union
Campus Vote Project
Demos
Fair Elections Center
The Hope Center for College, Community, and Justice**