

October 16, 2023

Office of Management and Budget
Office of Information and Regulatory Affairs (“OIRA”)

**Re: OBM Control Number 1845-0001, ICR Reference No. 202303-1845-006;
Agency/Subagency OD/FSA Tracking number: ED-2023-SCC-0053**

Dear OIRA,

We write to comment on the proposed 2024-2025 Free Application for Federal Student Aid (“FAFSA”) form and the FAFSA Submission Summary (formerly known as the Student Aid Report).¹ (After applicants submit the FAFSA application to the Department of Education, they receive the FAFSA Submission Summary.)

Some of the undersigned organizations submitted a comment in May of 2023 to express our concern and disappointment that information about voter registration is not included in any portion of these materials.² President Biden issued a groundbreaking Executive Order on Promoting Access to Voting (“EO”) more than two years ago.³ In it, President Biden directs federal agencies to “consider ways to expand citizens’ opportunities to register to vote and to obtain information about, and participate in, the electoral process.”

As some of our organizations previously highlighted in prior FAFSA comments, and our progress report on the implementation of the EO overall, the federal financial aid process is an ideal place to expand voter registration opportunities pursuant to this EO.⁴ Unfortunately,

¹ See U.S. Federal Register, U.S. Department of Education, Draft of the 2024-2025 Federal Student Aid Application Materials, Docket No. ED-2023-SCC-0053-00001, *available at* <https://fsapartners.ed.gov/knowledge-center/library/electronic-announcements/2023-03-27/notice-draft-2024-25-federal-student-aid-application-materials>; *see also* Forms and Instruments, 1845-0001 2024-2025 Draft FAFSA Submission Summary, *available at* <https://www.regulations.gov/document/ED-2023-SCC-0053-0003>.

² U.S. Federal Register, U.S. Department of Education, Docket No. ED-2023-SCC-0053-00001; Comment on FR Doc # 2023-06169U, May 23, 2023, *available at* <https://www.regulations.gov/comment/ED-2023-SCC-0053-0197>.

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 U.S. Federal Register, U.S. Department of Education, Docket No. ED-2022-SCC-0024, Agency Information Collection Activities; Comment, June 30, 2022, *available at* <https://www.federalregister.gov/documents/2022/02/24/2022-03868/agency-information-collection-activities-comment-request-2023-2024-free-application-for-federal>; *Strengthening Democracy: A Progress Report on Federal Agency Action to Promote Access to Voting*, March 2, 2023, *available at* <https://civilrights.org/resource/voting-eo-report/>.

neither the FAFSA form nor the FAFSA Submission Summary contain any information about voter registration.⁵

Instead, the agency referred in its 60-day comment response only to a small link to Vote.gov that now appears at the bottom of StudentAid.gov. However, this link is in an exceedingly small font size, and as it is not part of the actual application process, it is easily missed. Applicants should receive a much more prominent opportunity to register to vote and update their registration.

We, therefore, write again to urge the Department of Education to implement our recommendations and take advantage of this vital opportunity to expand access to voter registration. Our specific recommendations for how to best accomplish the goals of the EO and incorporate voter registration information into the FAFSA process are provided here again.

1. Add voter registration information to both the electronic and hard copy of the FAFSA Submission Summary.

An easy step the Department of Education can take to provide access to voter registration information in the FAFSA process is to add information about voter registration to the FAFSA Submission Summary (formerly known as the Student Aid Report). This information should be added to both the electronic and the hard copy (paper) Submission Summary provided to applicants.

The following represents some recommended language:

Voter Registration

Do you need to check or update your voter registration? Visit Vote.gov to register to vote and get information from your state election office about voter registration and eligibility. (Optional)

There are several locations in the paper Submission Summary where this simple language on voter registration could be added. This could be added to the Federal Student Aid Eligibility section on page 1 of the paper Submission Summary immediately after the language providing additional information about IRS tax benefits, or at the end of the Comment section on page 2. This simple language should also be added to an analogous location in the online Submission Summary provided to applicants.

Moreover, the Vote.gov language in the online version of the Submission Summary should hyperlink directly to vote.gov. Vote.gov is a resource maintained by the General Services Administration (“GSA”). As part of the voting access EO, GSA is working on some improvements to the vote.gov interface.⁶ Currently, vote.gov provides voter registration

⁵ See “60D Comment Response Summary”, available at https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202303-1845-006

⁶ Per the voting access EO, GSA is working on improvements to the interface with voter registration services provided on vote.gov. 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

information, links and resources for all states and territories. Pending changes are focused on improving the user experience of vote.gov – the registration information provided will remain the same and will continue to be maintained by GSA. This means with one brief section of text, the Department of Education would be able to provide access to relevant, authoritative voting information to all FAFSA applicants.

In response to the EO, other federal agencies have included voter registration information in relevant resources provided to the public. For example, the IRS included similar language in the Tax Year 2022 Instructions for the 1040 Form.⁷

The Department of Education must follow the example of the IRS and add voter registration information to the FAFSA Submission Summary in compliance with the EO’s directive to expand citizens’ opportunities to register to vote.⁸

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

To provide the most effective registration opportunity, a voter registration question and registration information must be integrated into the FAFSA online application. We know this is the most impactful option based on extensive experience with state government agencies that provide voter registration opportunities pursuant to the National Voter Registration Act of 1993 (“NVRA”).⁹

Although legal restrictions limit the Department’s ability to incorporate voter registration information into the FAFSA online application *before* the application is submitted, the Department can and must provide voter registration information *after* the application is submitted. Information about registering to vote should be added to the confirmation page that an applicant sees *immediately* after they submit their application.

<https://www.regulations.gov/comment/NIST-2021-0003-0147>.

⁷ 1040 Instructions, Tax Year 2022, *available at* <https://www.irs.gov/pub/irs-pdf/i1040gi.pdf>.

⁸ Vote.gov provides links to all state online voter registration systems. But this is not effective for all individuals because not all states have online voter registration systems, and in most states, an individual must have a valid state driver’s license or ID card to use these systems. As an alternative, Vote.gov provides access to the National Mail Voter Registration Form (“NMVRF”). This form can be used to register to vote in all states requiring voter registration. *See* National Mail Voter Registration Form, U.S. Election Assistance Comm’n, *available at* <https://www.eac.gov/voters/national-mail-voterregistration-form>; *see also* 52 U.S.C. § 20505(a).

However, this form must be printed and many people do not have access to a printer, including many people with disabilities, people with lower incomes, younger and older people, and members of other marginalized communities. These are the same communities that have the lowest existing voter registration rates. Given the limitations of online voter registration and inequitable access to printers, the Department of Education should also offer to mail a copy of the NMVRF to FAFSA applicants who request it in the application process. The NMVRF could be sent with the Submission Summary whenever it is mailed to applicants. Offering an option to request a voter registration form through the mail is the only way to ensure that everyone is given a meaningful opportunity to register to vote.

⁹ 52 U.S.C. § 20501, *et seq.*

The voter registration information should be presented as a completely voluntary question, explicitly stating that voter registration is not a required part of the FAFSA application and will not affect their eligibility for federal student aid. State agencies and the NVRA provide models for effectively doing this without interrupting the benefits application process. Based on these models, we urge the Department to prominently display the following language immediately after a FAFSA application is submitted:

***If you are not registered to vote where you live now, would you like to register to vote?
(Optional)***

You should be registered to vote where you currently live or at a permanent address. You 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 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.

Applying to register to vote will not affect your federal student aid eligibility.

Yes, I would like to register. *By selecting this option, you will be redirected to Vote.gov where you can access voter registration information specific to your state of residency.*

The penultimate sentence in the recommended language above (“Yes, I would like to register.”) should be hyperlinked directly to Vote.gov. Providing this opportunity while applicants are still online will significantly increase the likelihood that they will register to vote.

Also, Vote.gov has limitations for some individuals because of its reliance on online voter registration. Therefore, an option for obtaining a National Mail Voter Registration Form through the mail should be provided in this process. Applicants should be asked if they want to receive voter registration form in the mail in addition to being redirected to Vote.gov. Additionally, the National Mail Voter Registration Form could be included with the Submission Summary.

3. There is a Significant Need to Provide Additional Opportunities to Register to Vote, Particularly for Young People.

The Department of Education has a unique opportunity to reach students and FAFSA users of all ages. Young people, in particular, are much less likely to be registered to vote than older Americans, and students in higher education face substantial barriers to registering to vote, keeping their voter registration information up to date, and exercising their right to vote. Far too often, students face unnecessary barriers to exercising their right to vote. Students often move around and go to college in states that make it more difficult for them to vote. And citizens aged 18-25 have the lowest level of voter registration rates of citizens of all other age ranges.¹⁰

¹⁰ U.S. Census, *Voting and Registration in the Election of November 2020*, available at <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html>.

Integrating a voter registration opportunity into the FAFSA provides a unique opportunity to provide an additional voter registration opportunity to younger Americans.¹¹

We know from the incredible success of the NVRA, which celebrates its 30th anniversary this year, that providing voter registration opportunities during the application process for other government benefits is highly impactful. The NVRA expanded access to the ballot and made it easier for millions of Americans to register to vote and update their registration by providing voter registration opportunities through state agencies such as motor vehicle departments and public assistance offices. For example, 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.¹²

In no small part due to low voter registration rates, young people have low election participation rates. For example, although a record number of young people voted in the 2018 mid-term elections, that turnout still represented only 28 percent of young people¹³ and 40 percent of students overall.¹⁴ In the 2014 election, a record-low 13 percent of youth turned out.¹⁵ Citizens who are 18 and 19 are even less likely to participate in elections. Young people with low incomes and young people of color have especially low rates of registration and voting.¹⁶ Integrating the recommended voter registration opportunities into the FAFSA process would have long-lasting benefits given what we know about the habit-forming nature of voting. A recent study found that voting in one election increases the probability of voting in a future election by 10 percentage points on average.¹⁷ This makes it all the more important that voting becomes normalized at an early age. Being registered also significantly increases the likelihood that a citizen will go on to vote. In 2008, 84 percent of registered youth cast a

¹¹ 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.

¹² Laura Williamson, Pamela Cataldo & Brenda Wright, *Toward a More Representative Electorate*, Demos, available at <https://www.demos.org/research/toward-more-representative-electorate>.

¹³ 2018 Election Center, Center for Information & Research on Civic Learning and Engagement, Tufts University, available at <https://circle.tufts.edu/index.php/2018-election-center>.

¹⁴ *Democracy Counts 2018: Increased Student and Institutional Engagement*, Institute for Democracy and Higher Education, Tufts University, available at <https://idhe.tufts.edu/resources/democracy-counts-2018-national-nslve-data>.

¹⁵ 2018 Election Center, Center for Information & Research on Civic Learning and Engagement, Tufts University, available at <https://circle.tufts.edu/index.php/2018-election-center>.

¹⁶ *Broadening Youth Voting*, Disparities in Youth Voting, Center for Information & Research on Civic Learning and Engagement, Tufts University, available at <https://circle.tufts.edu/our-research/broadening-youth-voting#disparities-in-youth-voting>.

¹⁷ 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)).

ballot.¹⁸ Providing students, particularly young students, with a meaningful opportunity to register or update their voter registration increases the likelihood that they will develop a lifelong pattern of civic engagement.

The underrepresentation of students in voter registration and turnout rates is not due to apathy. Many students want to engage in the political process but often face numerous systemic barriers. Some students do not know how to register to vote for the first time, and many struggle to keep their voter registration address up to date. One of the most significant barriers to increased student voter participation is the transient nature of student life compared to the general population. 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. Therefore, even students who are already registered would benefit from receiving voter registration services as a part of the FAFSA application process.

That's why we are calling on you to take action today in support of President Biden's Voting Access EO. 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, as recommended above. From 2019 to 2020, 17.7 million students filed a FAFSA, which included approximately two-thirds of all undergraduate students.¹⁹ 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.²⁰ Moreover, 73% of students with low incomes complete the FAFSA.²¹ Of these, more than half are eligible for Pell grants, which are generally awarded to those with family incomes below \$30,000.²² This data makes clear that the FAFSA process provides a uniquely meaningful opportunity to reach voter-eligible populations with some of the lowest voter registration rates.

We appreciate the opportunity to provide these comments regarding the 2024-2025 FAFSA. We continue to urge the Department to expeditiously implement these recommended changes to make it easier for students to register to vote and update their voter registration.

Sincerely,
American Civil Liberties Union
American Federation of Teachers

¹⁸ *Midterm and Presidential Elections are Different for Youth*, Center for Information & Research on Civic Learning and Engagement, Tufts University, available at <https://circle.tufts.edu/latest-research/midterm-and-presidential-elections-are-different-youth-voting>.

¹⁹ FAFSA Application Statistics, available at <https://www.savingforcollege.com/article/fafsa-application-statistics#:~:text=Almost%2018%20million%20students%20file,the%20impact%20on%20financial%20aid>.

²⁰ *Id.*

²¹ *Id.*

²² 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>.

Campus Vote Project
Fair Elections Center
The Hope Center for College, Community, and Justice
The Leadership Conference on Civil and Human Rights
League of Women Voters of the United States
Southern Poverty Law Center Action Fund
The Workers Circle