

115TH CONGRESS
2D SESSION

S. 2699

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.

IN THE SENATE OF THE UNITED STATES

APRIL 18, 2018

Mr. BOOKER (for himself and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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. FINDINGS.**

7 Congress finds the following:

8 (1) According to the National Center for Edu-
9 cation Statistics, undergraduate enrollment is pro-
10 jected to increase from 17,000,000 to 19,300,000
11 students between 2015 and 2026, and nearly
12 3,000,000 undergraduate and graduate students
13 today enroll in exclusively online education.

14 (2) According to the Pew Research Center, peo-
15 ple between the ages of 18 and 35 comprise roughly
16 31 percent of the overall electorate.

17 (3) In 2014, young adults (ages 18 to 29) made
18 up about 21 percent of the voting eligible population
19 but only 17 percent of this population cast a ballot
20 in the 2014 election.

21 (4) Just 42 percent of 18–24 year olds said
22 they were registered to vote in 2014, which was the
23 lowest rate in 40 years.

24 (5) In 2008, 21 percent of young adults (ages
25 18 to 29) said they weren't registered to vote be-

1 cause they missed the registration deadline. Six per-
2 cent said they didn't know where or how to register.

3 **SEC. 4. DISTRIBUTING VOTER REGISTRATION FORMS.**

4 Section 487(a)(23) of the Higher Education Act of
5 1965 (20 U.S.C. 1094(a)(23)) is amended to read as fol-
6 lows:

7 “(23)(A) The institution will make a good faith
8 effort to distribute voter registration forms to each
9 student, and to make such forms widely available to
10 students at the institution. In this paragraph, the
11 term ‘student’ means an individual who is enrolled
12 at the institution as an undergraduate or graduate
13 student on a full-time or part-time basis, including
14 an individual who is solely enrolled in an online
15 course.

16 “(B) The institution shall be considered in com-
17 pliance with the good faith requirements of subpara-
18 graph (A)—

19 “(i) if, with respect to each student en-
20 rolled and physically in attendance at the insti-
21 tution, the institution—

22 “(I)(aa) distributes voter registration
23 forms not less than twice in a calendar
24 year, and distributes such voter registra-
25 tion forms not less than 30 days in ad-

1 vance of the deadline for registering to
2 vote within the State for the next sched-
3 uled Federal or State primary election and
4 not less than 30 days in advance of the
5 deadline for registering to vote within the
6 State for the next scheduled Federal or
7 State general election; or

8 “(bb) electronically transmits a mes-
9 sage containing a voter registration form
10 (or the message contains an Internet ad-
11 dress where such a form can be down-
12 loaded) acceptable for use in the State in
13 which the institution is located to each
14 such student, and such electronic message
15 is devoted exclusively to voter registration,
16 not less than twice in a calendar year, and
17 transmits such a message not less than 30
18 days in advance of the deadline for reg-
19 istering to vote within the State for the
20 next scheduled Federal or State primary
21 election and not less than 30 days in ad-
22 vance of the deadline for registering to
23 vote within the State for the next sched-
24 uled Federal or State general election;

1 “(II) makes available information re-
2 garding State registration deadlines, resi-
3 dency requirements, voter identification,
4 and absentee voting, as applicable; and

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

10 “(aa) be publicly designated as
11 the ‘Campus Vote Coordinator’, along
12 with the Coordinator’s contact infor-
13 mation, on the institution’s website;
14 and

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

22 “(ii) if, with respect to each student en-
23 rolled exclusively in distance education or cor-
24 respondence programs and who is not physically

1 in attendance at the institution, the institu-
 2 tion—

3 “(I) transmits a message of referral
 4 to a centralized voter registration website
 5 or platform that provides applicable voter
 6 registration forms and information to po-
 7 tential voters in all States, provided that
 8 such platform is hosted by a government
 9 affiliated website; and

10 “(II) transmits such message not less
 11 than twice in a calendar year.

12 “(C) The institution may also include voter reg-
 13 istration forms within materials or information dis-
 14 tributed to newly enrolled, or returning, students at
 15 the beginning of a term, consistent with the require-
 16 ments of subparagraph (B).”.

17 **SEC. 5. GRANTS AUTHORIZED.**

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

23 (1) sponsoring large on campus voter mobiliza-
 24 tion efforts;

1 (2) engaging the surrounding community in
2 nonpartisan voter registration and get out the vote
3 efforts;

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

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

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

9 **SEC. 6. ENFORCEMENT ACTIONS.**

10 (a) **CORRECTIVE ACTION.**—

11 (1) **IN GENERAL.**—The Secretary of Education
12 shall submit a written warning to an institution of
13 higher education that violates a requirement of sec-
14 tion 487(a)(23) of the Higher Education Act of
15 1965 (20 U.S.C. 1094(a)(23)) that includes a direc-
16 tion to correct the violation not later than 60 days
17 after the date the warning was received.

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

1 (b) CIVIL ACTIONS.—

2 (1) IN GENERAL.—A State law enforcement of-
3 ficer or chief elections official of a State may com-
4 mence a civil action in accordance with subsection
5 (a) in the appropriate district court of the United
6 States against the institution that engages in a pat-
7 tern or practice of violating section 487(a)(23) of
8 the Higher Education Act of 1965 (20 U.S.C.
9 1094(a)(23)).

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

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

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

18 (C) to vindicate the public interest, assess
19 a civil penalty in an amount not exceeding the
20 amount listed in section 487(c)(3)(B) of the
21 Higher Education Act of 1965 (20 U.S.C.
22 1094(c)(3)(B)) for any violation; and

23 (D) take into account the number of days
24 in which the infraction occurred.

1 (3) INTERVENTION.—Upon timely application,
2 a person aggrieved by a violation of section
3 487(a)(23) of the Higher Education Act of 1965 (20
4 U.S.C. 1094(a)(23)) with respect to which a civil ac-
5 tion is commenced under this subsection may inter-
6 vene in such action, and may obtain such appro-
7 priate relief as the person could obtain in a civil ac-
8 tion under subsection (c) with respect to such viola-
9 tion, along with costs and reasonable attorneys fees.

10 (c) PRIVATE RIGHT OF ACTION.—

11 (1) IN GENERAL.—Any person or group ag-
12 grieved by a violation of section 487(a)(23) of the
13 Higher Education Act of 1965 (20 U.S.C.
14 1094(a)(23)) may commence a civil action in any
15 appropriate district court of the United States
16 against the institution that engages in such viola-
17 tion.

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

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

24 (B) award any other appropriate relief to
25 the person or group aggrieved by the violation,

1 including the costs of the action, such as rea-
2 sonable attorneys' fees;

3 (C) to vindicate the public interest, assess
4 a civil penalty in an amount not exceeding the
5 amount listed in section 487(c)(3)(B) of the
6 Higher Education Act of 1965 (20 U.S.C.
7 1094(c)(3)(B)) for any violation; and

8 (D) take into account the number of days
9 in which the infraction occurred.

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

20 (d) PRESERVATION OF REMEDIES.—Nothing in this
21 section shall be construed to preclude or limit any remedy
22 otherwise available under other law, including consequen-
23 tial and punitive damages.

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