

116TH CONGRESS
2D SESSION

S. 4254

To amend the Higher Education Act of 1965 to encourage voting by students and to establish emergency procedures for institutions of higher education to assist students in exercising their right to vote.

IN THE SENATE OF THE UNITED STATES

JULY 21, 2020

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

A BILL

To amend the Higher Education Act of 1965 to encourage voting by students and to establish emergency procedures for institutions of higher education to assist students in exercising their right to vote.

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 “National Emergency
5 Student Vote Act”.

1 **SEC. 2. ASSISTING POSTSECONDARY STUDENTS IN OBTAIN-**
2 **ING ABSENTEE BALLOTS.**

3 (a) INSTITUTION REQUIREMENTS.—Section
4 487(a)(23) of the Higher Education Act of 1965 (20
5 U.S.C. 1094(a)(23)) is amended to read as follows:

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

8 “(i) distribute the mail voter registration
9 application form for elections for Federal office
10 prescribed pursuant to section 9 of the National
11 Voter Registration Act of 1993 (52 U.S.C.
12 20508), which may include sharing a direct,
13 guided link to the application form, to each stu-
14 dent enrolled in the institution;

15 “(ii) provide clear guidance that a student
16 should—

17 “(I) register in the State in which the
18 student is eligible to vote in the next elec-
19 tion described in subparagraph (F); and

20 “(II) update the student’s existing
21 voter registration if the student’s address
22 has changed;

23 “(iii) share credible, nonpartisan resources
24 to help students determine where they are eligi-
25 ble to vote, which may include resources from
26 State and local election officials; and

1 “(iv) make voter registration forms widely
2 available, including through access to online
3 voter registration, to students at the institution.

4 “(B) If an institution is in a State that has a
5 deadline for absentee ballots and the institution has
6 decided to require or encourage students of the insti-
7 tution to remain off-campus due to a national, State,
8 or local public health or other emergency as of the
9 date that is 90 days prior to such State’s deadline,
10 the following requirements take effect:

11 “(i) By the date that is not less than 75
12 days prior to such deadline, the institution will
13 request that the State provide the institution
14 with printed absentee ballot application forms,
15 as applicable, or for the State to share the offi-
16 cial State website or online portal through
17 which eligible voters can directly request an ab-
18 sentee ballot.

19 “(ii) By the date that is not less than 60
20 days before the absentee ballot deadline for the
21 State, the institution will make every reasonable
22 effort to—

23 “(I) distribute to each student en-
24 rolled in the institution an absentee ballot
25 application form, requested from the State

1 under clause (i) and received in accordance
2 with section 303(d) of the Help America
3 Vote Act of 2002 (52 U.S.C. 21083(d)) or
4 the official State website or online portal
5 through which eligible voters can directly
6 request an absentee ballot, with clear in-
7 structions that the form, website, or online
8 portal should be used only by students eli-
9 gible to vote in the State;

10 “(II) share, with all students enrolled
11 in the institution, credible, nonpartisan re-
12 sources to help students who are registered
13 in another State to apply for absentee bal-
14 lots in such State, which may include re-
15 sources from State and local election offi-
16 cials; and

17 “(III) make such absentee ballot ap-
18 plication forms, in printed or electronic
19 format, widely available to students en-
20 rolled in the institution.

21 “(iii) In any case where an institution has
22 not received from the State the official website
23 or online portal through which eligible voters
24 can request an absentee ballot application, or a
25 sufficient quantity of printed absentee ballot

1 application forms, as needed to fulfill this sec-
2 tion by the date described in clause (ii), the in-
3 stitution shall not be held liable for not meeting
4 the requirements of this section during that
5 election year.

6 “(C) Not later than 30 days prior to the State’s
7 deadline to submit an absentee ballot or, in a State
8 that mails ballots to all voters without requiring an
9 application, submit the mailed ballot, the institution
10 shall make every reasonable effort to communicate
11 with each student enrolled in the institution regard-
12 ing—

13 “(i) information about the applicable ab-
14 sentee ballot or mailed ballot deadline of the
15 State;

16 “(ii) information about any requirements
17 in the State to cast a valid absentee ballot or
18 mailed ballot, including requirements for a wit-
19 ness signature or a copy of valid identification;
20 and

21 “(iii) current (as of the date of the com-
22 munication), credible information from appro-
23 priate State and local election officials about all
24 other voting options, such as early and in-per-
25 son voting and voting on Election Day.

1 “(D) An institution of higher education that
2 only provides distance education shall, in lieu of the
3 requirements of subparagraphs (B), and (C)—

4 “(i) 60 days before the date of a general
5 election for Federal office, share credible, non-
6 partisan resources, which may include resources
7 from State and local officials, to help students
8 apply for absentee ballots and learn about re-
9 quirements for different options to vote, such as
10 absentee voting, voting by mail, early and in-
11 person voting, and voting on Election Day; and

12 “(ii) 30 days before the date of a general
13 election for Federal office, remind students
14 about the date of the general election for Fed-
15 eral office and provide credible, nonpartisan re-
16 sources, which may include resources from
17 State and local officials, for different options to
18 vote, such as absentee voting, voting by mail,
19 early and in-person voting, and voting on Elec-
20 tion Day.

21 “(E) An institution subject to the requirements
22 of this paragraph shall ensure that—

23 “(i) in distributing voting materials (as de-
24 fined in section 203(b)(3) of the Voting Rights
25 Act of 1965 (52 U.S.C. 10503(b)(3)) that are

1 produced by a covered State or political subdivi-
2 sion (as defined in such section), such voting
3 materials are provided in accordance with sec-
4 tion 203 of that Act (52 U.S.C. 10503); and

5 “(ii) all materials and information made
6 available electronically under this paragraph—

7 “(I) are accessible to individuals with
8 disabilities; and

9 “(II) conform to the accessibility
10 standards under section 508 of the Reha-
11 bilitation Act of 1973 (29 U.S.C. 794d).

12 “(F) This paragraph shall apply to general and
13 special elections for Federal office and to the elec-
14 tions for Governor or other chief executive within
15 such State), unless otherwise provided.

16 “(G)(i) An institution may satisfy the require-
17 ments of subparagraphs (A) through (D), and shall
18 be considered in compliance with such subpara-
19 graphs, with respect to each student to whom the in-
20 stitution electronically transmits a message con-
21 taining the information required under such sub-
22 paragraphs, if such information is in an electronic
23 message devoted exclusively to that information.

24 “(ii) Nothing in this subparagraph shall be con-
25 strued to prevent an institution from including infor-

1 mation described in clause (i) through routine, wide-
2 ly disseminated communications with students en-
3 rolled in the institution, in addition to the electronic
4 message devoted exclusively to that information as
5 described in clause (i).

6 “(H) In this paragraph—

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

10 “(ii) the term ‘distance education’ has the
11 meaning given the term in section 103, except
12 such term shall not include distance education
13 that is provided due to a decision of an institu-
14 tion to require or encourage students of the in-
15 stitution to remain off-campus due to a na-
16 tional, State, or local public health or other
17 emergency; and

18 “(iii) the term ‘Federal office’ has the
19 meaning given in section 301 (3) of the Federal
20 Election Campaign Act of 1971 (52 U.S.C.
21 30101(3)).”.

22 (b) STATE REQUIREMENT.—Section 303 of the Help
23 America Vote Act of 2002 (52 U.S.C. 21083) is amend-
24 ed—

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) on
24 and after the earlier of—

1 “(A) the date that is 30 days after the
2 date of enactment of the National Emergency
3 Student Vote Act; or

4 “(B) August 1, 2020.”.

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