

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIOA
	CORRESPONDENCE SYMBOL OWI
	DATE March 25, 2022

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 8-21

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE LIAISONS
STATE WORKFORCE DEVELOPMENT BOARDS
LOCAL WORKFORCE DEVELOPMENT BOARDS
ALL AMERICAN JOB CENTER PROGRAMS
JOB CORPS CENTER OPERATORS

FROM: ANGELA HANKS **AH**
Acting Assistant Secretary

SUBJECT: Providing Access to Voting through the American Job Center Network

1. **Purpose.** To share nonpartisan information and resources with states and local areas to make access to nonpartisan voting information and services more easily available through the public workforce system.
2. **Actions Requested.** The Department of Labor’s (DOL) Employment and Training Administration (ETA) requests State Workforce Agencies and Local Workforce Development Boards work with the election officials in their respective states to obtain information and materials necessary to effectively and legally register individuals to vote in the state, and also provide information in this Training and Employment Guidance Letter (TEGL) to appropriate programs and other staff in the state’s workforce system.
3. **Summary and Background.**
 - a. **Summary.** States may choose to designate American Job Centers (AJCs), a nation-wide network of almost 2,400 locally-operated centers providing job training and employment services, as voter registration agencies. Additionally, some DOL-funded programs operated in and out of AJCs can also assist individual participants in registering to vote. AJCs that desire to be designated should make that request to state election officials. AJCs must continually look to state election officials for guidance on state procedures for complying with the National Voter Registration Act of 1993 (NVRA).
 - b. **Background.** The public workforce system, under the Workforce Innovation and Opportunity Act (WIOA), is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with skilled workers. The NVRA calls upon multiple public programs to play a role in voter

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registration and provide opportunities to obtain information about, and participate in, the electoral process. Section 7 of the NVRA requires states to designate offices as voter registration agencies, including at offices that provide public assistance or services to persons with disabilities. At these designated voter registration institutions, Section 7 of the NVRA requires states to make the following services available: distribution of voter registration application forms, assistance to applicants completing voter registration forms, and acceptance of completed voter registration application forms for transmittal to the appropriate state election official. Any assistance with voter registration must be conducted in a non-partisan manner, free from party affiliation, bias, or designation.

While not required to provide these services, the public workforce system can play an important role in furthering the goals of the NVRA by facilitating non-partisan voter registration activities. Executive Order 14109, *Promoting Access to Voting*, issued March 7, 2021, asked agencies to expand citizens' opportunities to register to vote and to obtain information about, and participate in, the electoral process. The Department of Labor, Employment and Training Administration is therefore issuing this guidance so all states are aware that under existing NVRA provisions, states can designate AJCs as voter registration agencies, and that several workforce development programs additionally can assist participants with registering to vote.

Please note: voter registration activities must not influence an applicant's political preference or party registration, display any political preference or party allegiance, make any statement or take any action to discourage the applicant from registering to vote, nor make any statement or take any action to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

4. **Role of the Workforce System.**

- a. **Designating voter registration agencies.** States may choose to designate comprehensive or affiliate AJCs as voter registration agencies under Section 7 of the NVRA. AJCs are a nation-wide network of almost 2,400 locally-operated centers providing job training and employment services to a range of jobseekers including veterans, individuals with disabilities, and jobseekers belonging to a range of ages and income levels. When designated as voter registration agencies, staff or volunteers within the AJC would work as voter registration staff and would distribute voter registration application forms, assist applicants in completing voter registration forms, and would accept completed voter registration forms for transmittal to the appropriate state election official. States that choose to designate AJCs as voter registration agencies will make voter registration information available to the many job seekers that receive essential employment services that the AJCs provide. Consistent with the goal of EO 14109 to expand citizens' opportunities participate in the electoral process, the Department encourages states to designate AJCs as voter registration agencies under the following guidance.

Some AJCs are operated by state agencies that are already designated as voter registration agencies under NVRA. For instance, disability services and public assistance

offices are explicitly required to be designated as voter registration agencies, and the NVRA explicitly suggests that states consider designating Unemployment Compensation offices, as well. If an AJC operator is already designated, it may be helpful for a state to review and if necessary expand the designation so all eligible individuals at the AJC can register to vote. As a reminder, voter registration agencies that are public assistance and disability services offices have additional responsibilities under the NVRA, including offering voter preference forms and providing voter registration opportunities during certain remote transactions. These providers should consult the NVRA and state election officials for further information; subsequent designation of AJCs do not alter these existing obligations.

Information about voter registration agencies is available at <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra>.

If you are interested in seeking designation comprehensive or affiliate AJCs as voting registration agencies, consider the following:

- **Consult with your state election official.**

State voter registration agencies have several responsibilities under the NVRA and may have additional responsibilities under state laws. Consult state laws and state election officials for more information, both when getting designated and throughout the time during which an AJC is a designated voter registration agency. For example, some states have requirements that staff include a copy of the voter's identification in their registration paperwork. Further, some states do not designate voter registration agencies under the NVRA. In these states, the state election offices can coordinate with organizations that would like to register voters.

Those responsible for conducting voter registration activities at designated AJCs must connect with the state election director's office to ensure they have all relevant information and materials necessary to effectively register individuals to vote, and that the AJCs are complying with all state laws and procedures regarding NVRA compliance. A full listing of state elections directors can be found at the National Association of State Elections Directors: <https://www.nased.org/members>. More resources on state-specific voter registration requirements can be found in the References section of this TEGl.

- **Document roles and responsibilities of program staff in American Job Centers.**

The NVRA sets several requirements, such as consistency in distributing voter registration, oversight of activities to ensure nonpartisan voter registration, careful custody of voter registration forms, and timely delivery of voter registration forms to state election officials. The programs that work together in the AJC, including the AJC operator, under the direction of the Local Workforce Board, should determine and document what staff will be responsible for these functions, and may also need to establish and document such agreement with state election officials. More information concerning staff designation can be found in section 4(b) of this TEGl.

- **Train staff in National Voter Registration Act Regulations.** Voter registration agencies must follow specific regulations as outlined in the NVRA, as well as all state regulations and procedures. These requirements should be shared widely with any staff or volunteers that would be providing voter registration forms, assisting individuals, and collecting those forms. To ensure staff or volunteers provide the correct information, they should be trained on the voter registration application form, including state and federal eligibility requirements.

Voter registration staff need to be aware of some key items, including but not limited to:

- Voter registration staff **cannot display political preference or party allegiance when assisting an individual with voter registration**, nor can they make any statement to an applicant or take any action that discourages the applicant from registering to vote.
- Voter registration staff must offer voter registration services equally to all AJC customers.
- Voter registration staff are allowed to assist individuals in completing their registration forms, ensuring that forms are complete and legible so the forms can be processed.
- Wherever possible, voter registration agencies should use state voter registration forms. Many states offer voter registration forms in multiple languages. AJCs should not create their own translated forms. National voter registration forms are also available in 21 languages at [eac.gov](https://www.eac.gov) (the U.S. Election Assistance Commission (EAC) website).
- Individuals without a permanent address are eligible to vote and can provide a shelter address or denote a street corner or park or other physical location as their residence.
- Though national voter registration forms at [eac.gov](https://www.eac.gov) can be photocopied, not all state forms can be copied. Work with state election officials to have adequate supplies of state voter registration forms, and be aware of whether your state allows forms to be copied.

FAQs on voter registration can be found here: <https://www.eac.gov/voters/national-voter-registration-act>.

- **Develop a system for collecting and transporting voter registration forms.** Voter registration staff are responsible for protecting voter registration forms; these forms include personal information and should be stored in a safe, secure location until the forms are transferred to election officials to avoid compromising that information. Voter registration agencies should use state-specific voter registration forms whenever possible. States often have barcodes or tracking numbers included on voter registration forms, which AJCs should use for data-tracking purposes. Furthermore,

voter registration agencies should connect with State Election Officials to confirm all voter registration, collection, and transporting systems are in place.

Voter registration staff should have a written, clear chain of custody plan for forms, developed in consultation with state election officials. A chain of custody plan refers to the process of transferring voting documents from one location to the next. This includes creating a designated secure receptacle for completed registration forms, a plan for transporting forms to the relevant election office within required deadlines, and clear assignment of roles (i.e. who is transporting the forms). The plan should also include a clear timeline, outlining staff requirements, and how those responsibilities may be more specific in the days leading up to the election, e.g. voter registration applications accepted within five days of a voter registration deadline for an election must be transmitted to election officials no later than five days after acceptance. The written plan should be shared with all staff involved in registering individuals to vote. The U.S. Election Assistance Commission (EAC) developed a chain of custody best practices document: <https://www.eac.gov/election-officials/chain-custody-best-practices>.

- b. **Determining which staff shall be designated as voter registration staff.** Once the state designates AJCs as voter registration agencies, AJC programs, which can include AJC operators under the direction of the Local Workforce Board, should work together to identify voter registration staff, defined as the individuals who work in an AJC and whose programs include voter registration as an allowable activity. Front desk staff are ideally situated to act as voter registration staff, and can readily and distribute voter registration forms to everyone eligible who enters the AJC. Staff whose salaries are cost-allocated across multiple programs, where those programs include ones that do and ones that do not include voter registration as an allowable activity, may spend a portion of their time on voter registration. The programs and Local Workforce Boards (Boards) have some flexibility in determining which staff will best fill this role, and ETA encourages programs and Boards to consider whether the staff interact with all customers as well as staff oversight and time staff will spend on voter registration activities when making that determination.

Voter registration staff can be:

- Representatives from a nonpartisan non-profit voter registration group that assists in voter registration at an AJC;
- AJC partner programs not funded by DOL, where voter registration in accordance with their own funding's authorizing statutes; or
- DOL-funded programs described in this TEGl section 4c.

State and Local Workforce Boards must work with the State to ensure all AJC operators and voter registration staff are fully trained on their role. Most notably, all individuals that enter an AJC designated as a voter registration agency shall receive the opportunity to register to vote. Thus, all staff working in an AJC, not just the designated voter registration staff, should be trained on voter registration regulations. It is illegal for any AJC staff to express any partisanship when asking an individual about voting. All staff

must also be consistent in the ways in which they offer voter registration services to customers. The AJC operator or other designated staff must monitor staff on site to ensure they are complying with all federal and state voter registration laws.

Even if a state does not designate an AJC as a voter registration agency, basic information on registering to vote and voting can be available at the AJC, and AJC websites, program websites, and written or electronic communication to participants can include non-partisan sources of information like vote.gov or state election agency websites.

- c. **Assisting participants register to vote.** The DOL-funded employment and training programs listed below can carry out certain activities that support voter registration, such as distributing voter registration application forms or directing individuals to such forms online, assisting applicants in completing voter registration forms, and where permissible by state or local election laws, accepting completed voter registration forms for transmittal to the appropriate state election official. If an AJC is not designated as a voter registration agency, it may provide voter registration opportunities in compliance with state law.
 - i. **WIOA Title I Youth Program** – Voter registration is an allowable activity within the WIOA Youth program under the Leadership Development program element, which includes community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors, as appropriate. WIOA regulations at 20 CFR 681.530 state that positive social and civic behaviors includes maintaining positive social relationships with responsible adults and peers, and contributing to the wellbeing of one’s community, including voting.
 - ii. **YouthBuild** – Voter registration is an allowable activity within the YouthBuild program. WIOA Sec. 171 includes the development of leadership skills in the program purpose, and additionally names “developing leadership skills and activities encouraging responsibility and other positive societal behaviors” among allowable activities. WIOA Sec. 171(a)(3), (c)(2)(A)(vi). The YouthBuild Program Manual provides technical assistance to programs and encourages them to help youth register to vote as part of the program’s leadership development component. The manual can be found at:
<https://youthbuild.workforcegps.org/resources/2014/08/21/10/08/leadership-development-at-a-youthbuild-program>.
 - iii. **Indian and Native American (INA) Programs** – Voter registration is an allowable activity under the INA Supplemental Youth program. INA regulations at 20 CFR 684.310(f) describes allowable activities specifically designed for youth including “Leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors;” those behaviors are defined in 20 CFR 681.530 and include voting. Further, the INA Comprehensive Services Program allows INA grantees to “provide services to the INA communities in their service areas” through program activities

that include “us[ing] program participants engaged in education, training, work experience, or similar activities to further the economic and social development of INA communities in accordance with the goals and values of those communities.” Should an INA grantee choose, this can include using program participants to engage in voter registration activities.

- iv. **National Farmworker Jobs Program (NFJP)** – Voter registration is an allowable activity under the NFJP program for youth participants aged 14-24. Per 20 CFR 685.370, NFJP grantees may provide youth workforce investment activities specified in WIOA section 129 to youth participants, which include voting as described above.
- v. **Reentry Employment Opportunities** – Voter registration is an allowable activity under Reentry Employment Opportunities grants which currently include Young Adult Reentry Partnerships, Pathway Home, and Reentry Projects. These programs may assist participants with registering to vote, as part of their efforts in providing adults and young adults previously involved in the criminal justice system with positive opportunities to engage in pro-social activities, and with legal services to assist them transition back to their communities. Coordinating with state election officials can ensure that participants are aware of state-specific laws on voting.
- vi. **Job Corps** – Voter registration is an allowable activity within the Job Corps program. In furtherance of Job Corps’ purpose to “support responsible citizenship,” WIOA sec. 141(1)(B), Job Corps’ Policy and Requirements Handbook currently requires that center operators develop and implement procedures to assist students to vote locally or by absentee ballot. Policy and Requirements Handbook, Ch. 6.5, R3. Each Job Corps center also has a student government council that can and ought to be involved in voter outreach efforts for the students at the center. ETA will continue to have Job Corps center operators develop and implement procedures for students to vote locally or by absentee ballot, and assist with voter registration. While the sites are not accessible to the general public, pursuant to WIOA Section 153 that requires Job Corps center directors to establish mutually beneficial community relationships, outside organizations can come to Job Corps centers to conduct outreach and voter registration efforts with the students.

5. **Inquiries.** Please direct inquiries to the appropriate Regional Office.

6. **References.**

- Executive Order 14019, on *Promoting Access to Voting*
- The National Voter Registration Act of 1993, codified as amended at 52 U.S.C. §§ 20501-20511
- Workforce Innovation and Opportunity Act (WIOA), sec. 170, Pub. L. No. 113-128, 128 STAT. 1425, 1573-1576 (July 22, 2014)
- 20 CFR 681.530, 20 CFR 684.310, 20 CFR 685.370
- Leadership Development at a YouthBuild Program Manual available at <https://youthbuild.workforcegops.org/resources/2014/08/21/10/08/leadership-development-at-a-youthbuild-program>.

- U.S. Election Assistance Commission: <https://www.eac.gov>.
- State-specific voting registration information is available at <https://www.eac.gov/voters/register-and-vote-in-your-state>
- Information on the National Voting Rights Act is available from the U.S. Department of Justice at <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra>
- National Association of State Elections Directors: <https://www.nased.org/members>

7. **Attachment(s)**. None.