

Remember! CSBG and Head Start Rules Still Apply to Voter Outreach Activities Supported by Executive Order

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The White House recently issued an [update](#) on some of the actions federal agencies have taken to implement the 2021 [Executive Order on Promoting Access to Voting](#) (the Order). The Order directed federal agencies to create and submit strategic plans for promoting voter registration and voter participation. Some of the actions taken under the Order include:

- Over 450 Volunteer Income Tax Assistance sites have reported that they will provide information about voting opportunities in addition to assisting low-income taxpayers with their tax returns.
- The Health Resources & Services Administration of the Department of Health and Human Services, which oversees Federally Qualified Health Centers (FQHCs), issued [guidance](#) stating that while grant funding made available to provide health services to medically underserved populations under section 330 of the Public Health Services Act cannot be used to support voter registration efforts, FQHCs may participate in voter registration activities if those activities do not impair their efforts to carry out the Health Center Program.
- The Department of Agriculture, Food and Nutrition Service issued letters to state agencies administering nutrition assistance programs to encourage the promotion of voter registration and non-partisan voting information.

Some CAAs have received guidance from their federal funding sources encouraging grantees to conduct voter registration and outreach as part of the federal agency's strategic plans.

CAAs should keep in mind that their Community Services Block Grant (CSBG) and Head Start funding may restrict voter registration activities by the organization. The CSBG Act prohibits the use of CSBG funds, services or personnel in a manner supporting or resulting in the identification of such programs with any of the following:

- (A) any partisan or nonpartisan political activity or any political activity associated with a candidate, or contending faction or group, in an election for public or party office;
- (B) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or
- (C) any voter registration activity ([42 U.S.C. § 9918\(b\)\(2\)](#)).

In 2004, OCS issued an [Information Memorandum](#) clarifying that this prohibition prevents CAAs from using CSBG funds to participate in or even present an image of being involved in voter

registration activities. Because CSBG funds are often braided with other sources of funding, CAAs must be careful that any voter registration activities they conduct are not identified with CSBG funds or activities. If voter registration is carried out as part of a larger program funded by multiple funding sources, the CAA must be able to show that any voter registration activities were not funded using CSBG.

CAAs that operate Head Start programs have more flexibility to conduct voter registration. The Head Start Act allows nonpartisan groups to conduct nonpartisan voter registration at Head Start facilities during hours of operation, as long as no Head Start staff or resources are used to support the activity (see [42 U.S.C. § 9851\(b\)\(2\)](#)).

When considering any voter outreach activity, including activities supported by the Order, CAAs should consider the program restrictions of all funding streams that may be used to directly or indirectly support the activity. For more tips on how CAAs may engage in voting-related activities without jeopardizing their CSBG or Head Start funding, read CAPLAW's article, [Do's and Don'ts of Voter Registration](#).

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