



June 16, 2021

General Services Administration
Katy Kale, Acting Administrator
1800 F. St. NW
Washington, DC 20006

U.S. Election Assistance Commission
Chair Donald L. Palmer
633 3rd Street NW, Suite 200
Washington, DC 20001

Dear Acting Administrator Kale and Chair Palmer:

On March 7, 2021, President Biden issued Executive Order 14019 on Promoting Access to Voting, directing the General Services Administration (“GSA”), by September 23, 2021, to submit a strategic plan as to how it would modernize and improve the user experience on Vote.gov.¹ The Campaign Legal Center (“CLC”) writes to encourage you, in fulfilling that mandate, to include a tool to help people with past felony convictions exercise their right to vote.

¹ Exec. Order No. 14019, 86 C.F.R. 13623, 13624 (May 7, 2021) (“Sec. 5. Modernizing Vote.gov”). The General Services Administration (GSA) shall take steps to modernize and improve the user experience of Vote.gov. In determining how to do so, GSA shall coordinate with the Election Assistance Commission and other agencies as appropriate, and seek the input of affected stakeholders, including election administrators, civil rights and disability rights advocates, Tribal Nations, and nonprofit groups that study best practices for using technology to promote civic engagement.

(a) GSA’s efforts to modernize and improve Vote.gov shall include:

- (i) ensuring that Vote.gov complies, at minimum, with sections 504 and 508 of the Rehabilitation Act of 1973;
- (ii) ensuring that Vote.gov is translated into languages spoken by any of the language groups covered under section 203 of the Voting Rights Act anywhere in the United States; and
- (iii) implementing relevant provisions of the 21st Century Integrated Digital Experience Act (Public Law 115-336).

(b) Within 200 days of the date of this order, GSA shall submit to the Assistant to the President for Domestic Policy a strategic plan outlining the steps to modernize and improve the user experience of Vote.gov.”)

CLC is a nonpartisan, nonprofit organization working to protect and strengthen the U.S. democratic process across all levels of government through litigation, policy analysis and public education. Our Restore Your Vote Campaign helps restore voting rights to people with past convictions by providing direct rights restoration services, empowering community leaders to understand rights restoration laws, and breaking down the false notion that a felony conviction always means you cannot vote. Since 2017, more than 230,000 people have used our online rights restoration webtools at RestoreYourVote.org and RecupereSuVoto.org. We have directly provided voting rights restoration information to over 12,000 people one-on-one. Through this work, we have gained expertise in the use of technology to promote civic engagement.

Likely more than 24 million Americans have been convicted of felonies,² resulting in almost every state in at least the temporary suspension of voting rights.³ Across the country, the disproportionate impact of these felony disenfranchisement laws on Black, Indigenous, and People of Color is overwhelming.⁴ But the vast majority of those individuals have already met their state's requirements for restoration of voting rights and could be voting if they were aware of the rules. In fact, only around five million of those more than twenty-four million are actually disenfranchised under law.⁵ Confusion around voting rights after a felony conviction is rampant, compounded by the patchwork of varying laws across the states, misinformation, and lack of access to authoritative legal information and services. As a result, especially in states with complex disenfranchisement and re-enfranchisement laws, many people with past convictions wrongly believe they cannot vote even when they are eligible. Stories of rare instances where people have been prosecuted for unknowingly voting while ineligible exacerbate this misconception and intimidate eligible voters. This is *de facto* disenfranchisement, and it suppresses the votes of millions of Americans. It is feasible to break this cycle and significantly increase participation in elections.

Executive Order 14019 directs the GSA, in coordination with the EAC, to modernize Vote.gov. According to the 21st Century Integrated Digital Experience Act, "modernizing" a public-facing government website means ensuring that it is accessible, consistent, authoritative, searchable, secure, user-centered, customization, and mobile-friendly. 44 U.S.C. 3501 § 3 (2018). If the modernized Vote.Gov includes an easy-to-use, accurate, and authoritative source on disenfranchisement and rights restoration, following the model of RestoreYourVote.org, it will be well on the way to

² Nicholas Eberstadt, "America's Invisible Felon Population: A Blind Spot in US National Statistics," American Enterprise Institute at 4 (May 22, 2019) available at <https://www.jec.senate.gov/public/cache/files/b23fea23-8e98-4bcd-aeed-edcc061a4bc0/testimony-eberstadt-final.pdf>

³ Only Maine, Vermont, the District of Columbia, and Puerto Rico do not at least temporarily suspend voting rights when a person is convicted of a felony and sentenced to incarceration.

⁴ Chris Uggen, et al., "Locked Out 2020: Estimates of People Denied Voting Rights Due to a Felony Conviction," The Sentencing Project at 11 (Oct. 30, 2020) available at <https://www.sentencingproject.org/publications/locked-out-2020-estimates-of-people-denied-voting-rights-due-to-a-felony-conviction/>

⁵ *Id.* at 16.

meeting those standards, fulfilling the mandate of the Executive Order, and extending the franchise to potentially millions of eligible voters.

User-centered, searchable, and customizable: Combatting misinformation and de facto disenfranchisement requires individualized information that is specific to the person seeking to understand their voting rights. This can be accomplished at scale by building a tool that allows individuals to find answers to their questions about the details of their convictions and receive instructions based on the voting laws of their state of residence. At RestoreYourVote.org, we begin with the question of where the individual resides, then have built out a logic tree of questions based on the law of that state. When the individual reaches the end of the questions, if they are eligible to vote, the tool directs them to a website to register to vote online. If they are not yet eligible, the site provides an explanation of what they must do to become eligible in their state. For people who have more complicated cases, or are unsure of the answers to certain questions, we provide a hotline and email address to request individual, one-on-one assistance. Vote.gov should also provide all of these features.

Authoritative: The EAC is already required to collect information from every state on their voter registration eligibility requirements.⁶ A revamped Vote.gov should take that information, verify it, and turn it into a user-friendly interface. It can provide an authoritative break down of each states' laws that will give people with felony convictions the confidence they need to overcome misconceptions around their eligibility so that they can register to vote.

Currently, the EAC aggregates state-by-state eligibility information on the National Voter Registration Form.⁷ It is the duty of the individual Secretaries of State to provide the language and to update the EAC when the laws change.⁸ However, over the last several years, CLC has alerted the EAC to inaccuracies in the felony disenfranchisement language provided by several states.⁹ Felony disenfranchisement laws have changed frequently in recent years; more than half of states have reformed their disenfranchisement and rights restoration laws in the last 25 years.¹⁰ To ensure the authority of the National Voter Registration form and revamped Vote.gov, the EAC must take the initiative to verify the information being sent by the states and stay apprised of changes in state laws.

⁶ Under the NVRA, the Federal Form must accurately “specif[y] each eligibility requirement” for applicants. 52 U.S.C § 20508(b)(2)(A). This requirement governs the Federal Form as well as any state-issued mail-in voter registration form used to register voters for federal elections. 52 U.S.C. § 20505(a)(2).

⁷ *Id.*

⁸ To ensure the Federal Form’s accuracy, a state’s chief election official must notify the EAC of any changes in the state’s voter eligibility requirements within 30 days. 11 C.F.R. § 9428.6.

⁹ See e.g., “CLC Letter to EAC Regarding NVRA Non-Compliance” (Aug. 24, 2018) <https://campaignlegal.org/document/clc-letter-eac-regarding-nvra-non-compliance-nevada-tennessee-and-arizona>; see also, <https://campaignlegal.org/cases-actions/advocating-state-voter-registration-forms-comply-nvra> (cataloguing letters to states regarding inaccurate statements of eligibility requirements on the federal registration form).

¹⁰ Uggen, et al., at 4.

Accessible: Plainly, Vote.gov should add accessible features for users with disabilities. But accessibility in this context also means using plain, understandable language to describe laws. The eligibility requirements as sent by the states not only need to be verified, but also need to be translated from verbose Legalese to simple English (and the many other common languages.)

CLC has had gained valuable insight on using technology to fight de facto disenfranchisement from building and running RestoreYourVote.org. We would be very glad for the opportunity to provide input as you work to modernize Vote.gov.

Please contact Blair Bowie if we can provide any assistance in this important endeavor by email at bbowie@campaignlegal.org or by phone at 202-736-2201. Thank you for your time and consideration of this matter.

Sincerely,

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