



June 16, 2021

The Honorable Marcia L. Fudge
Secretary of Housing and Urban Development
U.S. Department of Housing and Urban Development
451 7th Street S.W.,
Washington, D.C. 20410

Dear Madam Secretary:

On March 7, 2021, President Biden issued Executive Order on Promoting Access to Voting, Exec. Order No.14,019, 86 Fed. Reg. 13623 (Mar. 7, 2021), directing federal agencies, by September 23, 2021, to submit plans for promoting and facilitating the right to vote. As we reach the halfway point toward the deadline in the Executive Order, the Campaign Legal Center (“CLC”) writes to provide suggestions and expertise to assist you in fulfilling the mandate in the Order. The Department of Housing and Urban Development (HUD) is uniquely positioned to disseminate resources and provide support to low-income and unhoused voters who may otherwise lack the resources and information necessary to register and vote.

CLC is a nonpartisan, nonprofit organization that works to advance democracy through law at the federal, state, and local levels, fighting for every American’s right to responsive government and a fair opportunity to participate in and affect the democratic process. CLC seeks a future in which the American political process is accessible to all citizens, resulting in representative, responsive and accountable government. Consistent with that mission and the Executive Order, we respectfully recommend several ways that HUD can promote access to voting for the communities it serves.

Recommendations for Expanding Access to Voter Registration and Election Information

Section 3 of the Executive Order directs federal agencies, including HUD, to “consider ways to expand citizens’ opportunities to register to vote and to obtain information about, and participate in, the electoral process.”¹

In particular, the Order directs agencies to consider:

ways to provide access to voter registration services and vote-by-mail ballot applications in the course of activities or services that directly engage with the public, including:

(A) distributing voter registration and vote-by-mail ballot application forms, and providing access to applicable State online systems for individuals who can take advantage of those systems;

(B) assisting applicants in completing voter registration and vote-by-mail ballot application forms in a manner consistent with all relevant State laws; and

(C) soliciting and facilitating approved, nonpartisan third-party organizations and State officials to provide voter registration services on agency premises;²

HUD should encourage state and local public housing authorities (PHAs) with which it works to make available voter registration forms and vote-by-mail ballot application forms in their offices and facilities where available and consistent with State law. At a minimum, HUD and PHAs should endeavor to make available the federal voter registration form promulgated by the Election Assistance Commission,³ which is acceptable in all 50 States and the District of Columbia. HUD and PHAs should also work with state and local election officials to disseminate state-specific resources on voter registration, vote-by-mail, and in-person voting to their constituents across the country.

As an agency focused on fairness and non-discrimination in housing, HUD serves segments of the American population who are traditionally not covered by traditional voter outreach efforts, including those who may be low-income, persons of color, or homeless or underhoused. Because of its connections to these communities, HUD is especially well-positioned to facilitate voter registration drives and get-out-the-vote efforts conducted in partnership with state and local election officials, civic organizations, religious groups, and other nonpartisan, nonprofit organizations that seek to encourage and increase voter participation. CLC encourages HUD to engage with such organizations to ensure that the constituencies it serves have meaningful access to the ballot.

HUD’s work gathering data on unhoused Americans can also be critical for ensuring that voters without permanent addresses are not only able to register to vote as an

¹ Executive Order on Promoting Access to Voting, Exec. Order No. 14, 019, 86 Fed. Reg. 13623 (Mar. 7, 2021), Sec. 3.

² *Id.* at Sec. 3(iii).

³ National Voter Registration Application for U.S. Citizens, Election Assistance Commission, *available at*

https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf.

initial matter, but also able to remain on the rolls notwithstanding voter purges. Uniform data collection by PHAs and HUD-affiliated entities that engage in a point-in-time count of unhoused or homeless individuals can help local election officials seeking to determine whether voters no longer reside in their jurisdictions. We also strongly encourage HUD to engage with homeless shelters to ensure that, consistent with applicable state laws, they are facilitating the use of their addresses for voter registration and vote-by-mail requests by unhoused voters, whether they are currently residing in the shelter or not.

The Executive Order also tasks federal agencies to consider:

- (v) whether, consistent with applicable law, any identity documents issued by the agency to members of the public can be issued in a form that satisfies State voter identification laws.⁴

Although HUD and the PHAs with which it works do not typically issue photo identification, housing agencies are uniquely positioned to provide voters who reside in federally-administered housing with easy access to proof of residence documents that are sometimes required for voter registration (or, depending on state law, may be otherwise accepted in lieu of photo ID). HUD should ensure that proof-of-residence documents are easily accessible to residents of federally-administered housing and that they are produced in a form that complies with state requirements.

Recommendations on Increasing Opportunities for Employees to Vote

Section 6 of the Executive Order directs federal government agencies to “serve[] as model employer[s] by encouraging and facilitating Federal employees’ civic participation.” In particular, the Executive Order encourages federal agencies to develop “strategies to expand the Federal Government’s policy of granting employees time off to vote in . . . elections” and “strategies to better support Federal employees who wish to volunteer to serve as non-partisan poll workers or non-partisan observers, particularly during early or extended voting periods.”⁵

As an agency with a significant staff presence not only in Washington, D.C., but also in eight regional offices and numerous local offices across the United States, volunteer HUD employees can provide critical support to elections administrators who may lack a sufficient number of well-trained volunteers to work the polls, particularly during early voting periods. Regional and local HUD offices should engage early with state and local election offices in their jurisdictions to coordinate efforts.

Recommendations on Ensuring Equal Access for Voters with Disabilities

Finally, Section 7 of the Executive Order instructs federal agencies to “analyze barriers to private and independent voting for people with disabilities, including

⁴ Executive Order on Promoting Access to Voting, Exec. Order No. 14, 019, 86 Fed. Reg. 13623 (Mar. 7, 2021), Sec. 3(v).

⁵ *Id.* at Sec. 6(a)-(b).

access to voter registration, voting technology, voting by mail, polling locations, and poll worker training.”⁶ For many voters with disabilities, access to voting relies on in-person delivery and collection of ballots by election officials or other authorized family members or volunteers. HUD and the PHAs with which it works should ensure that election officials and other persons authorized to deliver and/or collect ballots are able to access federally-administered buildings so that voters with disabilities can utilize existing accessibility measures provided under state law.

In conclusion, the Department of Housing and Urban Development has a unique opportunity to achieve the goals of the Executive Order by reaching voters traditionally excluded from voter registration and ballot access efforts, particularly low-income voters, voters of color, and un- or underhoused voters. These recommendations would satisfy the Executive Order’s goals and be consistent with HUD’s mission to “create strong, sustainable, inclusive communities[.]”⁷

Campaign Legal Center stands ready to assist HUD with implementing the Executive Order, and we urge you to consider our recommendations. If you have any questions, you may contact Jonathan Diaz at jdiaz@campaignlegalcenter.org.

Sincerely,

Campaign Legal Center
1101 14th Street NW, Suite 400
Washington, DC 20005

Cc: Kristen Clarke
Assistant Attorney General, U.S. Department of Justice, Civil Rights Division
Justin Levitt
Domestic Policy Council
Damon Smith
Principal Deputy General Counsel, U.S. Department of Housing and Urban Development

⁶ *Id.* at Sec. 7.

⁷ “Mission,” U.S. Department of Housing and Urban Development, hud.gov/about/mission.