



June 30, 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 Secretary Fudge:

As you know, on September 28, 2021, the White House released a fact sheet detailing plans submitted by federal agencies—including the Department of Housing and Urban Development (HUD)—in response to President Biden’s Executive Order on Promoting Access to Voting, Exec. Order No. 14, 019, 86 Fed. Reg. 13623 (Mar. 7, 2021).

In relevant part, the fact sheet reads as follows:

The **Department of Housing and Urban Development** will communicate with public housing authorities (PHAs) – more than 3000 authorities, managing approximately 1.2 million public housing units – through a letter to Executive Directors that provides useful information to PHAs about permissible ways to inform residents of non-partisan voter registration information and services. The Department will also assist relevant HUD-funded service providers by highlighting and sharing promising practices that improve non-partisan voting registration and voting access for people experiencing homelessness.¹

We are encouraged by HUD’s willingness to engage on the critical issue of expanding access to voting for the communities you serve. We are particularly pleased that HUD intends to engage with PHAs to provide voter registration information to its residents and plans to improve voting access for people experiencing homelessness—two strategies we recommended in our letter to you on June 16, 2021. However, we respectfully suggest there is more that HUD can do to achieve the objectives of the Executive Order. With respect to voter registration information, HUD and PHAs need

¹ <https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/28/fact-sheet-biden-administration-promotes-voter-participation-with-new-agency-steps/>.

not limit themselves to merely providing *information* on voter registration to their residents—you and your state and local partners can and should make the federal voter registration form promulgated by the Election Assistance Commission directly available to your constituents and offer non-partisan assistance with voter registration.

In addition to facilitating voter registration, we strongly urge HUD to work with PHAs to make sure that residents in public housing units have easy access to proof of residence documents that may be required for voter registration or to validate a voter's identity under state law. We also urge you to encourage uniform data collection by PHAs, homeless shelters, and other HUD-affiliated or partner entities to facilitate outreach by local election officials, including by conducting point-in-time counts of unhoused individuals. HUD should also encourage PHAs to work in partnership with state and local election officials, civic organizations, religious groups, and other nonpartisan organizations to conduct voter registration drives and get-out-the-vote efforts among the communities they serve. Moreover, consistent with state laws in the jurisdictions in which they operate, PHAs should also work with local election officials to provide residents with information on polling locations and assistance obtaining vote by mail applications, if necessary. More information on these suggestions can be found in our June 16, 2021 letter.

There are also several ways that HUD can use its existing authority and relationships to meaningfully expand access to voting for Native people. Through the Office of Native American Programs (ONAP), based in the Office of Public and Indian Housing, HUD can provide resources to voters in Native communities in the following ways:

- ONAP can train Tribal partners on how to provide assistance with voter registration and provide information and voter registration opportunities through ONAP's housing and home lending programs;
- ONAP can provide voting information in the Indigenous languages of the communities it serves, including those that are not required under Section 203 of the Voting Rights Act, but which are the primary language of a substantial number of the people ONAP serves;
- ONAP can provide information on whether particular Tribal ID cards qualify as voter ID under state law;
- ONAP can offer assistance with identifying polling place locations and publicizing polling place changes; given the high rates of housing insecurity and frequency of address changes in many Native communities;
- ONAP can assist Native voters with accessing and submitting vote-by-mail applications where necessary.

Given HUD's unique role providing services to voters who traditionally face more significant barriers to registering and voting in federal elections, you have a unique opportunity to achieve the objectives set forth in the Executive Order.

CLC stands ready to assist HUD with implementing the Executive Order, and we urge you to meet with us at your earliest convenience to discuss how we can work to mutually achieve these goals. Please contact us with any questions.

Sincerely,

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Cc: Damon Smith, General Counsel,
U.S. Department of Housing and Urban Development