

February 9, 2022

Dear Executive Director:

The Department of Housing and Urban Development (HUD) has received inquiries from PHAs about what role PHAs may play in ensuring that public housing residents have access to voter registration activities and participation in the electoral process. Congress has found that the right of citizens to vote is a fundamental right and that it is the duty of the Federal, State, and local governments to promote the exercise of that right.^[1]

Accordingly, the Department is sharing information on activities PHAs may engage in to ensure that public housing residents and Section 8 participants have access to this fundamental right.

Many rules about voting are set by states, so PHAs should check with their counsel to ensure that all activities are compliant with local and state law.

Permissible PHA activities include:

1. Providing documentation of residence (e.g., address verification, leases, etc.) to public housing residents when requested to ensure residents are able to register to vote and vote. Your PHA and PHA residents can visit [Vote.gov](https://www.vote.gov) to determine what documentation of residence will be most helpful to persons trying to register to vote in your state.
2. Applying to States to operate as a voter registration agency under the National Voter Registration Act. States are allowed to designate state, federal and non-governmental offices as voter registration agencies.^[2]
 - o If your PHA would like to be considered to be a voter registration agency, you can reach out to state election officials for more information about the rules and laws for your state.^[3] HUD does not make determinations about what offices can be designated as voter registration agencies – only your state election officials can make that determination.
 - o For more information on what it means to be a voter registration agency, see this FAQ by the Department of Justice: <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra>^[4]
3. Making voter registration resources available to residents. If you are not designated by the state as a voter registration agency, you can still facilitate residents' access to voter registration. Such permissible actions include:
 - o Making voter registration forms available to residents.
 - o If the laws of your state allow, accepting completed voter registration application forms and transmitting these forms to the appropriate State election official.
 - o If the voter registration laws of your state allow, running a PHA-initiated voter registration drive. However, you would need to consult with your counsel and your state election director to identify the rules and laws around voter registration drives for your state.
4. Permitting the use of PHA community space on an incidental basis to hold meetings, candidate forums, or voter registration, provided that all parties and organizations have access to the facility on an equal basis and are assessed equal rent or use charges.
5. Collaborating with local election administrators to permit the use of PHA space for voter drop boxes and voting sites, including for early voting.

PHAs may use Section 8 administrative fees and public housing operating subsidies to meet the costs for the above permissible activities. Where PHAs fund Resident Councils, the Resident Councils may use their funds to provide voter transportation as a resident service if they so desire.

PHAs may not use public housing funds to finance the use of facilities or equipment for partisan political purposes or partisan political activities that favor one candidate, party or political position over another. Any voter registration activities undertaken should not be partisan. Impermissible activities by PHAs include any act that would:

1. Suggest that benefits are in any way tied to a participant's voting activity, or
2. Give the appearance that the processes of voter registration or voting are not voluntary processes.

For additional voter and election resources, your agency may also refer to the non-partisan <https://vote.gov> official website. This website provides helpful information such as how to register to vote, voter registration deadlines, and specific information about state and local elections. Please feel free to share this resource with your PHA's residents and staff.

You are reminded that federal laws, including Section 504 of the Rehabilitation Act of 1973 (Section 504) and Titles II and III of the Americans with Disabilities Act of 1990 (ADA), require that the voting process, including voter registration, site selection, and casting ballots be accessible for individuals with disabilities. For example, any community space used for voting access must be accessible. See https://www.ada.gov/ada_voting/ada_voting_ta.htm for additional information.

Thank you for your commitment and service to helping HUD provide safe and affordable housing to low-income residents, as well as supportive services. If you have questions, please contact HUD at PHAVoterRegistration@hud.gov.

[1] NATIONAL VOTER REGISTRATION ACT OF 1993.

[2] Section 7 of the NVRA, 52 U.S.C.A. § 20506.

[3] One tool that provides the information for state election officials is <https://www.nased.org/members>. This is not a HUD website and HUD cannot verify the contents of this website.

[4] See Q. 17, 19, 20, 22, 24, 25 for general responsibilities of voter registration agencies. See Q 23 for rules about how office staff at a designated voter registration agency may and may not interact with registration applicants.