



Mac Warner
Secretary of State
State of West Virginia

May 4, 2022

The Honorable Joseph R. Biden
President of the United States
1600 Pennsylvania Avenue, NW
Washington, DC 20500

President Biden:

As the Chief Election Official for the State of West Virginia, I respectfully disagree with Executive Order 14019 directing federal agencies to present “strategic plans” to expand voter registration services on federal premises and to promote use of websites such as vote.gov. Not based in our Constitution or federal law, this misplaced initiative will duplicate and complicate existing state programs, and without a state requesting such assistance, the directive is unlawful and unnecessary. Therefore, I request you rescind the Executive Order.

Within my elected position, I hold a most solemn responsibility to provide all eligible West Virginians the wherewithal and access to participate in elections held in the Mountain State. Likewise, it is the responsibility of similarly situated election officials throughout the United States to provide access to voter registration services and information in accordance with their respective state laws.

Inaccurately, the policy statement of Executive Order 14019 provides in part, “[i]t is the responsibility of the Federal Government to expand access to . . . voter registration . . . in order to enable all eligible Americans to participate in our democracy.” Yet, it is not the responsibility of the Federal Government, nor the White House, to implement or duplicate state-level voter registration services. It is repetitive and confusing to encourage use of a federally administrated website (e.g., vote.gov) in place of state websites specifically designed to comply with respective state election laws. Such actions and services are delegated to the states by the U.S. Constitution.

Notably, no such national executive responsibility is enumerated in the U.S. Constitution (Art II) or federal law. The determination of how best to conduct democratic elections held within our republic is constitutionally delegated to the states and legislatures thereof. Any secondary federal authority over elections imposed by the Elections Clause of the U.S. Constitution is delegated to Congress, not the Executive Branch of the Federal Government.

The National Voter Registration Act (NVRA) establishes the baseline for voter registration services, leaving registration strategies and program design to the States. National-level executive actions that circumvent or supersede the NVRA implement policies never approved by Congress. The Executive Order is a not-so-subtle effort to accomplish policies that have not progressed through the legitimate and appropriate legislative process by using unconstitutional executive overreach. The Federal Government's overreach into this function of state government is unnecessary, unprecedented, and undesired. Such federal intervention will further divide our country politically.

The endeavors the Executive Order claim to accomplish have been, and will continue to be, wholly and uniformly available to all West Virginia citizens. Under state law, West Virginians have access to voter registration services through numerous state and local agencies offering in-person and online options. In fact, West Virginians have an opportunity to register to vote or update their registration during nearly every interaction with state and local government agencies. Our extensive and tailored voter registration efforts take into account the unique nature of our largely rural and often geographically isolated Appalachian population. Likewise, each state has unique needs in regard to voter registration, which their respective state legislatures are best positioned, equipped, and constitutionally charged to address.

In sum, it is not necessary or appropriate for voter registration services to be mandated or offered at every federal government agency without a state requesting such assistance under its own authority. By simple analogy, the Department of Defense and Internal Revenue Service do not offer citizens the opportunity to apply for a West Virginia driver's license or concealed carry pistol permit. Nor does the Environmental Protection Agency assist citizens with applying for Medicare or state hunting licenses. As such, agencies like the Social Security Administration and Department of Energy should not have a role in state voter registration processes.

I request you rescind Executive Order 14019 and remove the directive that federal agencies offer plans to establish voter registration services. Similarly, the federally administered vote.org site should not be promoted instead of state-specific sites tailored to state laws. State Legislatures are the appropriate place to have these discussions; this Executive Order is an improper federal overreach.

Sincerely,



Mac Warner
WV Secretary of State

cc. WV Congressional Delegation