



The Honorable Marcia L. Fudge
Chair, Subcommittee on Elections
Committee on House Administration
1401 Longworth
Washington, DC 20515-0519

The Honorable Rodney Davis
Ranking Member, Subcommittee on Elections
Committee on House Administration
1740 Longworth
Washington, DC 20515-1313

June 15, 2020

RE: June 11th Hearing on Voting Rights and Election Administration: Ensuring Safe and Fair Elections

Dear Chairwoman Fudge, Ranking Member Davis, and Members of the Subcommittee on Elections of the U.S. House of Representatives Committee on House Administration:

The SPLC Action Fund respectfully submits this statement for the record highlighting the need for immediate action from Congress to protect voting rights in the Deep South during the COVID-19 pandemic. The SPLC Action Fund is dedicated to fighting for racial justice alongside impacted communities in pursuit of equity and opportunity for all. Along with our partners at the Southern Poverty Law Center (SPLC), we work primarily in the Deep South where we have offices in Alabama, Georgia, Florida, Louisiana, Mississippi, and Washington, D.C.

Despite months of social distancing, the novel coronavirus still poses an enormous public health threat across the United States. On Wednesday, June 10th, the nation surpassed two million confirmed cases. More than 110,000 people have died in the United States.¹

The Deep South states in which the SPLC Action Fund works have been disproportionately harmed during the pandemic, due to longstanding struggles with poverty, systemic racism, and poor public health outcomes.² These states were also among the last to impose stay-at-home orders and have been some of the fastest to reopen. By March 30th, all but Louisiana had lifted

¹ Bill Chappell, U.S. Hits 2 Million Coronavirus Cases As Many States See a Surge of Patients, NPR, June 10, 2020, <https://www.npr.org/sections/coronavirus-live-updates/2020/06/10/873473805/u-s-hits-2-million-coronavirus-cases-as-many-states-see-a-surge-of-patients>.

² Vann R. Newkirk II, *The Coronavirus's Unique Threat to the South*, The Atlantic, April 2, 2020, <https://www.theatlantic.com/politics/archive/2020/04/coronavirus-unique-threat-south-young-people/609241/>.

their stay-at-home orders, despite increasing caseloads.³ But while states attempt to reopen, the coronavirus continues to spread. In fact, on June 14th alone, Alabama added 1,014 new coronavirus cases, the first time the state added more than one thousand cases in a single day since tracking began.⁴ It is unclear even to top epidemiological experts when and how this crisis will end.

States Must Take Immediate Action to Ensure that People are Able to Vote Safely and Have Their Rights Protected. Given the public health concerns, many residents of our Deep South states will be reluctant or unable to vote in person at their polling place during the 2020 election cycle, including the general election in November. Even where caseloads are declining, high-risk individuals will likely remain unable to safely vote in-person throughout the 2020 election cycle.

In addition to threatening individual voters' health, this public health crisis has created unprecedented logistical concerns for elections officials. Poll worker shortages, massive increases in absentee ballot utilization, polling place closures, and more have created chaos in elections held during the pandemic. On Tuesday, June 9, 2020, Georgia held a primary election plagued with difficulties.⁵ Thousands of voters never received their absentee ballots despite submitting applications weeks in advance. In metro Atlanta, voters waited in line for upwards of six hours during early voting and on Election Day because of massive, systemwide failures in election administration. Necessary social distancing measures also slowed down the voting process as the number of voters allowed inside each polling place had to be restricted.

Secretaries of State John Merrill and Kyle Ardoin, who testified before this subcommittee, are the chief election officials in Alabama and Louisiana, respectively. In their testimony, both expressed opposition to federal legislation designed to safeguard the health of voters, poll workers, and our democracy during this pandemic. They said such work should be left to the states. Yet, officials in Alabama and Louisiana have failed to take sufficient steps to protect voters' health during this pandemic. Indeed, the SPLC has filed suit against election officials in both states to ensure that voters—especially the most at-risk for COVID-19—can cast their ballot safely during the 2020 elections.⁶

³ Sarah Mervosh, Jasmine Lee, Lazaro Gamio, Nadja Popovich, See How All 50 States Are Reopening, New York Times, June 12, 2020, <https://www.nytimes.com/interactive/2020/us/states-reopen-map-coronavirus.html>.

⁴ Leada Gore, For first time, Alabama added more than 1000-plus coronavirus cases in a day, AL.com, June 14, 2020, <https://www.al.com/news/2020/06/for-first-time-alabama-added-1000-coronavirus-cases-in-a-day.html>

⁵ Mark Niesse, Georgia's election problems blasted as November vote looms, Atlanta Journal Constitution, June 10, 2020, <https://www.ajc.com/news/state--regional-govt--politics/georgia-election-problems-blasted-november-election-looms/m7JraAaY5E4hsHc4mFvLHL/>.

⁶ *People First of Alabama v. John Merrill*, <https://www.splcenter.org/seeking-justice/case-docket/people-first-alabama-et-al-v-john-merrill-et-al>; *Telisa Clark, v. John Bel Edwards*, <https://www.splcenter.org/seeking-justice/case-docket/telisa-clark-et-al-v-john-bel-edwards-et-al>.

In April, Louisiana passed an Emergency Election Plan that fails to protect Louisiana voters.⁷ It allows only voters with specific, narrow COVID-19 related excuses⁸ to vote absentee and leaves witnessing requirements intact. Even more troubling, this plan only applies to elections in July and August and offers no relief to voters during elections in the fall, when epidemiologists predict COVID-19 will surge in the United States.⁹

In Alabama, the Secretary of State has allowed voters concerned about transmitting or contracting COVID-19 to check an existing absentee ballot excuse related to physical illnesses to vote by absentee ballot during the July 14th primary runoff election.¹⁰ But Alabama voters must vote in person during the rest of the 2020 cycle, including during municipal and special elections in August, unless they qualify under one of the state's narrow excuses for an absentee ballot. And for those who do qualify for an absentee ballot in 2020 elections, Alabama still requires voters to provide a photocopy of their photo identification with their absentee ballot application and to have absentee ballots notarized or witnessed by two adults.¹¹ These burdens are significant during the COVID-19 pandemic, especially for high-risk individuals and those who live alone.

Voters must be able to safely cast a ballot during this pandemic. State election officials in Alabama, Louisiana, and other Deep South states have abdicated their responsibility to protect the health of voters and the sanctity of our election system. Without Congressional intervention, voters in the Deep South will be forced to choose between their vote and their health.

As Secretaries of State Ardoin and Merrill stated repeatedly in their testimony, it is not possible for Alabama, Florida, Georgia, Louisiana, and Mississippi to move to all-mail elections before November.

⁷ Louisiana Secretary of State, Secretary of State Emergency Election Plan for the July 11, 2020 Presidential Preference Primary and August 15, 2020 Municipal General Elections in the State of Louisiana (Aug. 20, 2020), <https://www.sos.la.gov/OurOffice/PublishedDocuments/Revised%20Emergency%20Election%20Plan%20for%20PPP%20and%20Mun%20General%20Rev.%204-20.pdf>.

⁸ State of Louisiana, COVID-19 Emergency Absentee Ballot Application, [https://www.sos.la.gov/OurOffice/PublishedDocuments/COVID-19%20VR2%20Absentee%20by%20Mail%20Application%20\(Rav.%204-20\)%20Ver.%201.pdf](https://www.sos.la.gov/OurOffice/PublishedDocuments/COVID-19%20VR2%20Absentee%20by%20Mail%20Application%20(Rav.%204-20)%20Ver.%201.pdf).

⁹ Matt Stieb, *CDC Director Warns Second Coronavirus Wave Could Be Worse Than the Current Outbreak*, New York Magazine, April 21, 2020, <https://nymag.com/intelligencer/2020/04/cdc-director-warns-second-coronavirus-wave-could-be-worse.html>.

¹⁰ Alabama Secretary of State, Secretary of State Shares Guidance on Absentee Voting in Upcoming July 14 Primary Runoff Election (Mar. 23, 2020), <https://www.sos.alabama.gov/newsroom/secretary-state-shares-guidance-absentee-voting-upcoming-july-14-primary-runoff-election>.

¹¹ Ala. Code §§ 17-11-7 to 17-11-10 and Ala. Code § 17-9-30(b).

Congress must act now to safeguard voters during the 2020 election cycle. To ensure a safe and fair election Congress must:

Provide an additional \$1.4 billion dollars to states to update their voting infrastructure. Funding must be contingent on states implementing the following necessary reforms to protect voters, poll workers, and the democratic process.

Require states to extend voter registration deadlines. States must address the limitations of government closures, challenges with online access, and breakdowns in voter registration systems. States should be required to implement or bolster online voter registration to accommodate a surge in online voter registrations. Considering anticipated mail delays, same-day voter registration for all voters should be adopted or, in the alternative, same-day voter registration should be adopted for voters who affirm that they submitted timely registrations or were unable to do so because of COVID-19.

Require states to implement or extend early voting. States must allow and extend early voting to at least 14 days, but ideally 21 days, prior to Election Day, including at least one Saturday and one Sunday.

Require states to implement no-excuse absentee voting for all voters. Congress should require that no-excuse absentee voting-by-mail be universally implemented, and the process should include several options for how to request and return a ballot. Notary and witness requirements and requirements for including a photocopy of a photo ID should be waived or removed for those requesting or casting an absentee ballot, and postage paid return envelopes should be included. States must be required to remove any restrictions on “inactive voters,” and they must accept and count absentee ballots postmarked by Election Day, received within 10 days of Election Day, or received in-office on Election Day if submitted in person. Voters must be allowed to drop off their absentee ballot or instruct a designee to drop off their absentee ballot at any polling place or in a secure drop box at accessible locations. Absentee ballot applications should be made available in more than one language, especially in those districts that meet the threshold for providing ballots in more than one language as required under the Voting Rights Act of 1965.

Suspend or revise signature match policies. Any action by Congress should suspend states’ signature match requirements for absentee ballots. In the alternative, states must be required to provide voters adequate notice of any issues and an opportunity to cure those issues remotely; most states require that voters cure any issues with signature matching in-person or have tools like scanners or printers that may not be available given COVID-19 shelter-in place policies, public health states of emergency, or the concerns of high-risk individuals and their loved ones.

Require states to continue to provide safe and accessible in-person voting at polling places for voters who cannot use vote-by-mail. For polling places that must be relocated to protect people at greater risk for contracting and developing complications related to COVID-19, such as polling places in nursing homes, states should provide adequate notice to affected voters of the changes and comply with the Voting Rights Act of 1965, Americans with Disabilities Act, and other federal nondiscrimination and election laws. In areas where there will be insufficient access to polling places due to closures, states should add vote centers where voters can access the ballot for their jurisdiction. States should implement or extend curbside voting to any voter who is unable or unwilling to cast an absentee ballot, or who is also unable to enter the polling place on Election Day due to COVID-19 concerns.

Require states conduct an aggressive public education campaign to inform voters about changes to voting rules and options for voting including making advertising campaigns and websites accessible and available in languages other than English. Congress should ensure that as states continue to change dates and deadlines, voters be given proper notice of changes and requirements for the to exercise their right to vote.

Voters must be able to cast their ballots safely, securely, and efficiently. Congress must ensure that state governments act swiftly, or they will put voters in the unconscionable position of choosing between their health and their vote.

For further information, please contact Kelli Garcia, Federal Policy Counsel, by e-mail at kelli.garcia@splcenter.org or by phone at 202-916-7368.

Respectfully,



Nancy Abudu
Deputy Legal Director
Voting Rights Practice Group
SPLC Action Fund

