

# **SPLC ACTION**

**Written Statement of Terry C. Landry, Jr.  
of the  
Southern Poverty Law Center  
before  
House Committee on House and Governmental Affairs  
State of Louisiana**

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Baton Rouge, Louisiana

## Louisiana Officials Must Act Now to Safeguard Voters & Democracy

Launched in 2019, the Southern Poverty Law Center's Voting Rights Practice Group works across the Deep South in collaboration with community partners and organizers to engage and mobilize voters, restore voting rights to returning citizens, pursue electoral policy reforms, and bring litigation to challenge unconstitutional and discriminatory voting practices.

As Louisianans are painfully aware, the COVID-19 pandemic presents an enormous public health threat and is disrupting day-to-day life across the country. The President has issued nationwide social distancing guidelines, which have been extended through April 30.<sup>1</sup> Louisiana has been especially hard hit by this pandemic.<sup>2</sup> Numerous other Southern states have issued statewide shelter-in-place orders, some of which will remain in place through early summer.<sup>3</sup> And it is unclear even to top epidemiological experts when and how this crisis will end.

Given stay-at-home orders and public health concerns, many Louisiana voters 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 if the stay-at-home order is lifted before the election, it is very likely that both low-risk and high-risk individuals will remain reluctant to vote in-person.

As we have seen all over the country, this public health crisis has created unprecedented logistical concerns for elections officials, and some states have put voters in the unconscionable position of choosing between their health and their vote.<sup>4</sup> But many are devising and implementing innovative solutions to ensure no one must choose between protecting their health and exercising their right to vote. For example, in a good first step, Georgia's Secretary of State has mailed absentee ballot request forms to all of Georgia's 6.9 million registered voters in advance of the May 19, 2020 primary election.<sup>5</sup>

By making the difficult decision to postpone the primary election and by holding this session today, Louisiana's elected officials have shown that they are putting the health of their citizens and their democracy first. State legislators and election officials will need to take decisive steps

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<sup>1</sup> Jeanine Santucci et al., *Trump extends federal social distancing guidelines to April 30 after floating Easter deadline*, USA Today, Mar. 29, 2020, [usatoday.com/story/news/politics/2020/03/29/coronavirus-trump-extends-social-distancing-guidelines-april-30/2937504001/](https://www.usatoday.com/story/news/politics/2020/03/29/coronavirus-trump-extends-social-distancing-guidelines-april-30/2937504001/).

<sup>2</sup> Hollie Silverman, Louisiana governor says his state has fastest growth rate of coronavirus cases in the world, CNN.com, Mar. 24, 2020, <https://www.cnn.com/2020/03/23/us/louisiana-coronavirus-fastest-growth/index.html>.

<sup>3</sup> Governor Ralph Northam of Virginia issued a statewide stay at home order to remain in effect through June 10, 2020. Virginia Governor: Ralph S. Northam (Mar. 30, 2020), <https://www.governor.virginia.gov/newsroom/all-releases/2020/march/headline-855702-en.html>. Governor John Bel Edwards of Louisiana issued a statewide stay at home order which will be in place through at least April 13, 2020. Office of the Governor, Stay at Home Order (Apr. 2, 2020), <https://gov.louisiana.gov/home/>. Governor Ron DeSantis of Florida issued a statewide stay at home order through April 30, 2020. Mary Ellen Klas & Steve Contorno, *Ron DeSantis issues statewide stay-at-home order*, Tampa Bay Times, Apr. 1, 2020, <https://www.tampabay.com/news/health/2020/04/01/florida-gov-ron-desantis-issues-statewide-stay-at-home-order/>.

<sup>4</sup> Ella Nilsen & Li Zhou, *How Wisconsin's election disenfranchised voters*, Vox, Apr. 7, 2020, <https://www.vox.com/2020/4/7/21212053/wisconsin-election-coronavirus-disenfranchised-voters>.

<sup>5</sup> Mark Niese, *Georgia to Mail Absentee Ballot Request Forms to All Active Voters*, Atlanta Journal Constitution, Mar. 24, 2020, <https://www.ajc.com/news/state--regional-govt--politics/georgia-mail-absentee-ballot-request-forms-all-active-voters/s1ZcJ57g8qqIwyG6LNWfIM/>.

to ensure that Louisiana can carry out safe and democratic elections during this national crisis—including in November. The proposed emergency plan submitted by the Secretary of State's office is detailed and contains many of the changes Louisiana must make in advance of elections this summer.

**Specifically, the following changes are crucial and must remain in the final version of the plan approved by the legislature:**

- The early vote period should be extended from seven to thirteen days *at minimum*. Preferably, the state would offer twenty-one days of early voting, including Sundays.
- Polling places in senior centers, nursing homes, etc. must be relocated as soon as possible and affected voters must receive clear, individual notice of changes to their polling location. We applaud the Secretary for setting an April 22nd deadline for officials to identify polling places that will need to be moved.
- Ballots for the primary election must be reprinted due to their prolonged storage in a non-airconditioned warehouse. Attempting to use the old ballots to cut costs could create significant machine issues.
- We applaud the Secretary's emergency plan for detailing how vote tabulation and absentee by mail tabulation will be affected by the emergency. The office must remain prepared to hire additional staff and for vote counting to take longer than normal. The public must be prepared for delays in the return of election results.
- State law requires voters who register by mail to cast their ballots in person the first time that they vote. This requirement must be waived.
- The expansion of absentee balloting will be critical for elections conducted during the COVID-19 pandemic. Voters who are concerned about exposure or transmission of COVID-19 must be able to vote via absentee ballot and that excuse must remain listed on the absentee ballot application. The proposed COVID-19 emergency absentee ballot application, however, should *not* require voters to identify a specific excuse to vote absentee; the excuse section should be removed from the application.
- Current law requires absentee ballots to have a witness signature on the absentee ballot's envelope flap. The draft emergency plan states that this requirement will not be a valid reason to challenge an absentee ballot during the COVID-19 pandemic. The witnessing requirement should be waived outright, but the proposed fix is sufficient provided that election officials are properly trained about the change.
- The requirement that voters have their absentee ballot applications witnessed by two people must be waived. The plan should also waive witnessing requirements for voters who use a mark or are unable to sign.

- The state must provide poll workers and other election officials with protective gear and the necessary supplies to clean and disinfect polling places, voting machines, etc.

While the Secretary's emergency plan is a good first step in safeguarding the health of Louisiana voters during the ongoing pandemic, more must be done to ensure that Louisiana voters can register and vote without risking their health or the health of their loved ones in the 2020 election cycle. Importantly, preparations must be made *now* for the general election in November to protect the health of voters, poll workers, and our democracy.

**These additional recommendations should be included in the final emergency plan to ensure that all Louisiana voters can vote safely in July, August, and November 2020.**

### **ABSENTEE VOTING**

- Permit every registered voter in Louisiana to request and cast an absentee ballot without providing an excuse. Absentee ballot return envelopes should be postage-paid so that the cost of postage does not prevent a voter from voting.
- Mail COVID-19 Emergency absentee ballot applications to every registered voter or allow voters to request absentee ballots in multiple ways, including online, in person, by phone, and by mail. Applications should be postage-paid so that the cost of postage does not prevent a voter from voting.
- Make absentee ballots available until Election Day and accept absentee ballots postmarked by Election Day and received within 10 days of Election Day or received in office on Election Day if submitted in person. At the very least, accept absentee ballots that are received or postmarked by Election Day, not the day before.
- Allow any voter or a designee to drop off their absentee ballot at any polling place or in secure drop boxes at accessible locations.
- Allow any person designated by the voter (including staff of nursing homes and senior centers if the voter resides in these facilities) to pick up the voter's absentee ballot and drop that absentee ballot off by the close of polls on Election Day.
- Develop an absentee ballot tracking system, so that voters can confirm that their ballots have been received, processed, and counted. The Secretary's emergency plan states that they *may* contract with the USPS to develop an absentee ballot tracking system. Allowing voters to track their absentee ballots increases citizen confidences in the electoral process, and the Secretary's office must make every conceivable effort to implement such a system.
- Provide voters notice and an opportunity to cure issues with absentee ballots.
- Anticipate that absentee ballot utilization will increase dramatically during the 2020 election cycle even without the adoption of no-excuse absentee balloting. The state should order enough paper ballots and supplies to conduct a nearly 100% mail-based

election. To address higher voting-by-mail volume, allow early processing of ballots before Election Day.

### **EARLY IN-PERSON VOTING**

- Extend the in-person early vote period to *at least* 14 days of early voting before Election Day—including one Saturday and one Sunday. The emergency plan proposes a 13-day early vote period with no Sunday voting options, which while an improvement on the standard 7-day period is not sufficient.
- Authorize parishes to establish additional in-person early voting sites to reduce crowding at parish Registrar of Voter's Offices.

### **POLLING PLACES**

- Polling places that can remain open should remain open. Many people do not want to, cannot, or do not know how to vote by mail. People without internet or mail access, those who need language assistance, and people with disabilities who rely on voting machines to cast their ballot privately and independently may be disenfranchised without access to in-person voting.
- Make curbside voting available to any voter who is unable or unwilling to cast an absentee ballot and is also unable to enter the polling place on Election Day due to COVID-19 concerns.
- If polling places need to be relocated to protect vulnerable populations like the elderly and people with disabilities, affected voters must be promptly and individually notified of the change, the relocation widely advertised, and election officials must ensure that any changes comply with the Voting Rights Act of 1965, the Americans with Disabilities Act, and other federal nondiscrimination and election laws.
- In areas where there will be insufficient access to polling places, add vote centers where voters can access the ballot for their jurisdiction.

### **VOTER EDUCATION**

- Undertake extensive voter education to ensure voters know how to vote during the COVID-19 pandemic. Even healthy, low-risk individuals may be reluctant to vote in-person after months of social distancing. Louisiana officials—especially the Secretary of State—must be clear and transparent about changes to voting rules and aggressively educate voters about their registration and voting options in upcoming elections.
- More detail should be added to the emergency plan's section about voter outreach. As it is currently written, no specific media plan is required. Only "possible" media outlets are proposed.