



March 23, 2022

VIA ELECTRONIC MAIL

R. Kyle Ardoin
Secretary of State
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Sherri Wharton Hadskey
Commissioner of Elections
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Re: Emergency Election Needs Following Tornadoes

Dear Secretary Ardoin and Commissioner Hadskey,

We hope that you, your families, and communities are safe in the wake of the tornadoes that touched down in southeast Louisiana. As nonprofit advocacy organizations working to serve Louisiana voters statewide, we write to offer our support to ensure that these events do not impede voters from participating in the Saturday, March 26 municipal elections.

As you know well, these tornadoes are not the first nor only natural disasters that have struck just before impending elections. Our organizations have written to you in recent years after hurricanes landed on the eve of elections to call for emergency accommodations to ensure the elections remain safe and accessible to impacted voters.¹ We write to renew our recommendations

¹ See, e.g., Power Coalition for Equity and Justice, *In Wake of Hurricane Zeta, Power Coalition, NAACP LDF, ADL ask Sec. of State Ardoin to Extend Absentee Voting Deadlines* (Oct. 30, 2020) <https://powercoalition.org/in-wake-of-hurricane-zeta-power-coalition-naacp-ldf-adl-ask-sec-of-state-ardoin-to-extend-absentee-voting-deadlines/>; Legal Defense Fund, *LDF Sends Letter Urging Louisiana Gov. Bel Edwards to Postpone Elections and Implement Emergency Safety Measures After Hurricane Ida* (Sept. 7, 2021), <https://www.naacpldf.org/press-release/ldf-sends-letter-urging-louisiana-gov-bel-edwards-to-postpone-elections-and-implement-emergency-safety-measures-after-hurricane-ida/>.

that you take all actions within your power to protect access to the ballot following this most recent natural disaster.

Unfortunately, we know that Louisiana's Election Code impedes your Office from independently implementing certain emergency protections that would ensure voters directly impacted by these events do not lose their opportunity to vote. For example, the tornadoes hit right after the close of the absentee by mail request deadline, meaning voters who are now displaced from their parish cannot participate in these elections unless they are able to return to their home precinct on Election Day.² To address limitations like this, the legislature must go through a full legislative process to implement an emergency plan,³ which cannot plausibly occur in a matter of days before this weekend's elections. While we understand that this presents limitations on your abilities as the State's leading election officials to respond in these times of need, there are ways that your Office can take discrete, independent, and immediate actions to protect voter access in these elections. Specifically, we ask that your Office:

- 1. Publicly display and promote a list of changed or consolidated polling places.** A centralized and well-publicized list of polling place changes will help voters identify their proper polling place on Election Day and will allow civic engagement organizations like ours to best assist voters impacted by the tornadoes.
- 2. Commit to broad public education efforts to ensure all voters—especially those displaced—are aware of their rights and the limited available methods to vote following the tornadoes.** We implore you to work in coordination with media, community leaders, nonprofit organizations, and emergency response providers to educate voters on their established voting rights and all emergency protections provided. We will eagerly commit to lifting up these important messages and engaging with the broader nonprofit and nonpartisan civic engagement community to relay these messages.

The recent tornadoes add to a growing list of disasters that the voters of Louisiana have endured in just the last few years. Elections were postponed due to the COVID-19 pandemic in 2020⁴ and Hurricane Ida in 2021.⁵ Hurricane Zeta compromised power access at polling sites right until the eve of Election Day in 2020.⁶ As the State of Louisiana sits in a disaster-prone region that faces multilayered threats of weather emergencies, it is critical that the State's laws adapt to better serve the voters of Louisiana. We implore you to support legislation that will center the needs,

² La. R.S. 18:1307(D).

³ La. R.S. 18:401.3.

⁴ 2020 JBE 46, Elections Rescheduled Due to Statewide State of Emergency Caused by COVID-19, April 14, 2020, <https://gov.louisiana.gov/assets/Proclamations/2020/46-JBE-2020-Elections-Rescheduled.pdf>.

⁵ 2021 JBE 13, Elections Rescheduled Due to Statewide State of Emergency Caused by Hurricane Ida, Sept. 9, 2021, <https://gov.louisiana.gov/assets/ExecutiveOrders/2021/2021JBE13ElectionsRescheduled.pdf>.

⁶ Cody Lillich, *Louisiana in a race against time to restore power to election facilities ahead of Election Day*, FOX 8 (Oct. 29, 2020), <https://www.msn.com/en-us/news/us/louisiana-in-a-race-against-time-to-restore-power-to-election-facilities-ahead-of-election-day/ar-BB1aw544>.

interests, and safety of voters in Louisiana’s Election Code, including when disasters strike. Below are just a few examples of bills that have been filed this cycle that can help alleviate the risks that disasters pose for election access:

- **HB720 (Modernizing Emergency Election Planning):** The current emergency election planning process is protracted, impractical, and a threat to future election access. The process requires coordination between your Office and the Governor, bilateral legislative committee review, and a vote of the entire legislature prior to implementation.⁷ If any of these steps falter, the proposed protections are rendered obsolete.⁸ We implore your Office to work with legislative leaders to find new solutions to ensure state and parish election officials are not barred from taking necessary steps to ensure election access and protect voter safety in an emergency. HB 720 provides a viable path forward because it provides for the extension of key voting deadlines and accommodations when a disaster occurs too close to an election to provide for a full legislative emergency election planning process. The bill also grants the Secretary of State authority to take other necessary actions to ensure the safe and secure execution of elections in a state of emergency.
- **SB343 (Expanding Early Voting Sites):** The risks of disasters are mitigated when voting is spread out across multiple days through early voting. By increasing opportunities for voters to cast their ballot securely in person early, voters can have greater confidence that their votes are cast and counted well in advance of Election Day or any last-minute disasters or latent power outages and damage. SB343 would standardize and increase the number of early voting sites per parish and based on a jurisdiction’s population. The bill would also ensure rural voters can cast a ballot early by mail if their homes are too far to practically vote early in person while they still face similar risks of disasters impeding Election Day voting access.
- **HB680 (Public Notice of Poll Site Changes):** As discussed above, greater transparency of poll site changes following disasters would help mitigate confusion for voters and ensure civic engagement organizations can assist voters in determining where they can safely cast a ballot on Election Day. HB680 would standardize and expand procedures for voters to receive notice of poll site changes.

We understand that your Offices balance many responsibilities in these moments of crisis. We hope that you will take the necessary steps to ensure that election access is not one of the added hurdles faced by Louisianans this year—or in the future. We would eagerly work with your Offices to advance both immediate and long-term solutions to protect and expand access to the ballot for the voters of Louisiana. We respectfully request a reply regarding any immediate steps that our organizations and partners can take to help facilitate voter access this cycle, and we look forward

⁷ La. R.S. 18:401.3.

⁸ See, e.g., Sam Karlan and Mark Ballard, *John Bel Edwards calls election plan 'woefully inadequate,' says he won't sign it*, THE ADVOCATE (Aug. 18, 2020), https://www.theadvocate.com/baton_rouge/news/politics/legislature/article_6067902e-e197-11ea-8d64-27d09a688c5f.html

to working with your Offices and other stakeholders to effectuate long-term solutions. Thank you for your attention to these pressing matters.

Sincerely,

/s/ Victoria Wenger

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NAACP Legal Defense and Educational Fund, Inc. (“LDF”)

Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in the areas of education, economic justice, political participation, and criminal justice. Throughout its history, LDF has worked to enforce and promote laws and policies that prohibit voter discrimination, intimidation, and suppression and increase access to the electoral process.

Power Coalition for Equity and Justice

The Power Coalition for Equity and Justice works to build voice and power in traditionally ignored communities. We are a coalition of groups from across Louisiana whose mission is to organize in impacted communities, educate and turn out voters, and fight for policies that create a more equitable and just system in Louisiana.

CC:

Governor John Bel Edwards

Executive Counsel to the Governor Matthew Block

Louisiana Committee on Senate and Governmental Affairs

Louisiana Committee on House and Governmental Affairs