



PROTECTING THE VOTE FOR ALL AMERICANS

Senate and Governmental Affairs Committee
P.O. Box 94183
Baton Rouge, LA 70804

Submitted via email

Dear Chairman Hewitt and Vice Chair Milligan:

Fair Elections Center¹ writes to express its opposition to SB 144 because it further restricts delivery of mail ballots, making voting less accessible, and does not resolve existing conflicts between Louisiana law and Section 208 of the Voting Rights Act. The bill is currently scheduled for a hearing before the Committee on Wednesday, April 13. The Center respectfully requests that this letter be entered into the record as written testimony.

As an initial matter, Fair Elections Center opposes this bill's apparent aim to restrict the options for hand delivery of ballots in a way that makes it harder for people who work late-night shifts or have responsibilities during the business day to hand deliver a ballot. It further limits election officials' ability to adequately and flexibly serve voters in their parishes. Similar changes were recently enjoined by a federal court.²

In addition, the bill leaves intact conflicts with federal voter assistance requirements that could be resolved.

In 1975, Congress added Section 208 to the Voting Rights Act, which reads: "Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of

¹ Fair Elections Center is a national, nonpartisan voting rights and election reform 501(c)(3) non-profit organization based in Washington, D.C. Its mission is to use litigation, education, and advocacy to remove barriers to registration and voting, particularly those disenfranchising underrepresented and marginalized communities, and to improve election administration. Since 2012, Fair Elections Center has operated Campus Vote Project to help students understand and exercise their right to vote.

² *League of Women Voters of Fla., Inc. v. Lee*, -- F. Supp. 3d.--, No. 4:21CV186-MW/MAF, 2022 WL 969538, at *36–42 (N.D. Fla. Mar. 31, 2022).

that employer or officer or agent of the voter’s union.” 52 U.S.C. § 10508. It applies to “all action necessary to make a vote effective in any primary, special, or general election,” from registration to submitting a completed ballot. *Id.* § 10310(c)(1). According to Congress, guaranteeing covered voters’ right to receive help from an assistant of their choosing was integral to implementing the federal ban on voting tests and devices and “[t]he only way to assure meaningful voting assistance and to avoid possible intimidation or manipulation of the voter.” S. Rep. 97-417 at 62; *id.* at 63–64. “To do otherwise would deny these voters the same opportunity to vote enjoyed by all citizens.” *Id.* at 62.

Louisiana law currently conflicts with Section 208, by requiring a mail ballot to be “returned to the registrar by the United States Postal Service, a commercial courier, or hand delivery.” LSA-R.S. 18:1308(B). Furthermore, “[n]o person except the immediate family of the voter, as defined in this Code, shall hand deliver more than one marked ballot per election to the registrar.” *Id.* Immediate family is an “individual’s children, the spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, and the parents of his spouse.” *Id.* 18:2(4). Thus, Section 208 covered voters who believe the U.S. Postal Service may not deliver their completed ballot to the registrar on time and who cannot travel to or enter a commercial carrier’s store or afford its rates may only receive assistance in hand delivering it from a limited list of family members. That list excludes close relations such as stepchildren, grandchildren, grandparents, cousins, nieces, and nephews. As a result, Section 208 covered voters who wish to exercise their right to receive assistance with hand delivery from a person who does not fit these criteria are deprived of that right.

SB 144 does not correct this issue. The bill would allow a “voter or authorized immediate family member” to hand deliver a completed mail ballot to the registrar’s office, a branch office, or an early voting location, but by continuing to limit Section 208 voters’ choice in assistant, the bill continues to violate federal law.

Louisiana voters with disabilities already face disparate barriers to the ballot box, including documentary proof of disability requirements to vote by mail³ and inaccessible polling sites.⁴ There have been documented cases of “disabled voters not [being] allowed voting assistants of their choice and poll workers making competency determinations on a disabled person’s ability to vote” when voting in person.⁵ Any legislation to change Louisiana’s election code should therefore seek to bring it into compliance with Section 208 and make voting more accessible. For these reasons, Fair Elections Center respectfully urges the Committee to reject SB 144 and instead enact legislation that brings the state’s vote-by-mail rules into alignment with Section 208 and removes other obstacles to voting for people with disabilities.

³ See, e.g., LSA-R.S. 18:1303(I); *id.* 18:115(F)(2)(iii).

⁴ *Barriers to Voting in Louisiana*, LA. ADVISORY COMM. FOR THE U.S. COMM’N ON CIVIL RTS. 16 (June 2018), available at <https://www.usccr.gov/files/pubs/2018/08-20-LA-Voting-Barriers.pdf>.

⁵ *Id.* at 32.

Thank you for allowing Fair Elections Center to share its concerns about SB 144 and access to the ballot for Louisianans with disabilities. Please feel welcome to contact me at caguilera@fairelectionscenter.org or (202) 331-0114 if I can be of assistance to the Committee as it considers this bill and other legislation regarding the freedom to vote.

Sincerely,

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