



On January 28, 2020, the Louisiana State Board of Election Supervisors considered recommendations for changing the state's election code. The meeting began the process of determining what changes will be recommended to the Legislature. Fair Elections Center submitted the following statement against Item 23, which would require eligible absentee voters to submit their mail ballot applications 15 days before Election Day. Item 23 was recommended by the Louisiana Registrars of Voters Association. The Board unanimously approved the item.

Fair Elections Center, through its counsel Cecilia Aguilera, respectfully registers its opposition to Item 23. The Center is a nonpartisan nonprofit organization dedicated to removing barriers to voting through impact litigation and state-based advocacy.

Item 23, which would set the deadline for requesting a mail ballot to 15 days before Election Day rather than the current 4 days, would be especially harmful to voters as COVID-19 continues to threaten public health. Voters may fall ill in the 14 days before Election Day and find themselves unable to vote in person during the early voting period or on Election Day, but may not require hospitalization, thereby making them ineligible for the hospitalization excuse - and disenfranchising them. Others, unwilling to give up their right to vote, may nonetheless appear to vote in person and put their fellow voters and election workers at risk of infection.

Although the Registrars' Association's efforts to prevent disenfranchisement through mail delays are commendable, there are other ways to mitigate the harms of potential mail delays. For example, the state could amend La. Rev. Stat. 18:1307(B)(1)(d) to allow all eligible voters - not just those with a valid Louisiana driver's license or Louisiana special identification card - to request a mail ballot through the state's online request portal. This change would reduce the time it takes for registrars to receive and process ballot request applications and issue mail ballots. Additionally, registrars already have the option to fax voters their ballots, where "the voter feels he will not have time to vote timely by mail" and the registrar's office has a fax machine. La. Rev. Stat. 18:1308(A)(1)(b). This provision could be updated to allow for delivery through the state's online voter portal or email. Other states like Wisconsin have used these modes of ballot delivery for years. Finally, registrars could add additional locations for voters to return their completed mail ballots in person, so that they do not have to rely on USPS to return their ballots.

These are just some of the changes that could be made to address mail delays, without changing the state's mail ballot request deadline and disenfranchising the thousands of Louisianans who rely on mail voting. Thank you for allowing Fair Elections Center to express its opposition to Item 23.