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## **SPLC, Fair Elections Center, Arnold & Porter File Litigation in Louisiana to Expand Absentee Ballots and Ensure Safe Elections throughout 2020**

BATON ROUGE, La. – Yesterday, the Southern Poverty Law Center (SPLC), Fair Elections Center, and Arnold & Porter [filed a federal lawsuit](#) against Louisiana Governor John Bel Edwards, Secretary of State Kyle Ardoin, and other officials over the state’s lack of safe and accessible voting processes during the ongoing COVID-19 pandemic. The lawsuit challenges Louisiana’s burdensome requirements surrounding absentee ballots – specifically the excuse requirement, witness requirement, and cure prohibition. These measures put voters’ – particularly older voters’ and African Americans’ – health and lives at risk in all of the remaining elections this year.

Brought on behalf of organizational plaintiffs Crescent City Media Group and League of Women Voters Louisiana and three individual Louisiana voters – Telisa Clark, Lakeshia Barnett, and Martha Christian Green, the suit requests that a federal court declare the challenged provisions unconstitutional for the remainder of 2020 and instruct state officials make absentee voting more accessible to protect the health and safety of all Louisiana residents.

The suit is the first in Louisiana to challenge the state’s failure to provide voters with notice and an opportunity for Louisiana voters to fix any problems with, or “cure,” their mail-in absentee ballots. Given epidemiologists and infectious disease specialists’ prediction that there will very likely be a COVID-19 resurgence in the fall, the lawsuit requests a decision in favor of plaintiffs that applies for the remainder of 2020, including the general election in November and elections in December.

“Instead of protecting voters’ health by making absentee ballots available to all voters who need them during the COVID-19 pandemic, Louisiana election officials have left in place barriers that many voters should not have to overcome to exercise their fundamental right to vote,” said **Caren Short, senior staff attorney for the Southern Poverty Law Center**. “Many states across the country have extensive, well-functioning vote-by-mail systems that don’t make potentially dangerous demands on voters. COVID-19 spurred additional common-sense

modifications that benefit public health in states of all political alignments. This lawsuit requests that a federal court step in to ensure that happens in Louisiana.”

“The COVID-19 pandemic has further exposed glaring inequalities in Louisiana, including in the state's election laws,” said **Fair Elections Center Counsel Cecilia Aguilera**. “This case seeks to help close gaps in ballot access and ensure that all Louisiana voters can safely vote in 2020.”

Recognizing the impending impact of COVID-19 on the election process, Secretary Ardoin’s [first Emergency Election Plan](#) was released on April 15, 2020. Although applicable to elections in July and August elections only, it would have expanded access to absentee ballots to any Louisiana voter who feared contracting COVID-19 by voting in person.

The plan was blocked by the Senate and Governmental Affairs Committee, which cited unsubstantiated concerns of voter fraud. Of that result, Secretary Ardoin stated: “I think some of their concerns are not steeped in all the facts that were presented to them today. I’m hoping over time there can be some clarity.” Secretary Ardoin ultimately narrowed the categories of Louisiana voters eligible to vote absentee by mail in a [revised Emergency Election Plan](#). The Emergency Election Plan was approved, ironically, by the Louisiana Legislature mailing in their votes.

“The League of Women Voters supported a comprehensive election plan that included measures to adequately address the ongoing pandemic crisis, but instead the state chose this disastrous plan that puts voters’ health at risk,” said **Hilda Thomas, President of the League of Women Voters of Louisiana**. “The state is abandoning its responsibility to protect voters’ health and constitutional rights with this election plan. Black voters, elderly voters, and voters with pre-existing health conditions, who are already disproportionately affected by this virus, are further harmed by these onerous absentee ballot requirements and lack of safe in-person voting.” “As a civil rights activist who is also a wife, mother, and grandmother, I care deeply about ensuring that my loved ones can cast a ballot without endangering their health,” said plaintiff in the case **Telisa Clark**. “Many members of my family, including myself, suffer from conditions that make COVID-19 very dangerous to our health. While my husband and I can vote by mail in July and August due to our health, my daughter and other household members will have to vote in person. And we all must vote in person in November. Denying us absentee ballots forces us to choose between our health and our vote, and no one should have to do that.”

The lawsuit filed yesterday claims the current absentee ballot requirements represent an undue burden on the fundamental right to vote in violation of the First and Fourteenth Amendment and condition the exercise of the right to vote on the surrender of the fundamental right to bodily integrity in violation of the Fourteenth Amendment. The lawsuit also claims that without a way for voters to cure their absentee ballots, the state is denying Louisiana voters rights to procedural due process in violation of the Fourteenth Amendment. The lawsuit then requests court-ordered modifications to each of the above election rules to expand voting accessibility and minimize COVID-19 exposure to voters and poll workers – many of whom are at-risk populations.

Particularly at risk are Black voters in Louisiana like plaintiff Telisa Clark who are more at risk for COVID-19 complications. Because of the combined effects of discrimination in healthcare, employment, education, housing, and other areas of life, Black individuals account for 57 percent of Louisiana’s COVID-19-related deaths, despite making up one-third of the state’s population. The lawsuit also claims that the current election processes violate Section 2 of the

Voting Rights Act and deny Black voters an equal opportunity to participate in the political process and elect representatives of their choice.

View the full complaint at: [https://www.splcenter.org/sites/default/files/clark\\_v.\\_edwards\\_-\\_complaint\\_file\\_stamped.pdf](https://www.splcenter.org/sites/default/files/clark_v._edwards_-_complaint_file_stamped.pdf)

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*The Southern Poverty Law Center, based in Alabama with offices in Florida, Georgia, Louisiana, Mississippi, and Washington, D.C., is a nonprofit civil rights organization dedicated to fighting hate and bigotry, and to seeking justice for the most vulnerable members of society. For more information, visit [www.splcenter.org/](http://www.splcenter.org/).*

*Fair Elections Center is a national nonpartisan and non-profit voting rights and election reform organization based in Washington, DC whose mission is to use litigation, public education and advocacy to remove barriers to registration and voting, and to improve election administration.*

*Arnold & Porter is an international law firm with nearly 1,000 lawyers practicing in 14 offices around the globe. Arnold & Porter serves clients across 40 distinct practice areas. The firm offers renowned regulatory expertise, sophisticated litigation and transactional practices, and leading multidisciplinary offerings in the life sciences and financial services industries.*