



May 1, 2023

Hon. John M. Stefanski
Chair, House and Governmental Affairs Committee
900 North 3rd St.
Baton Rouge, LA 70804

Hon. Rodney Lyons
Vice Chair, House and Governmental Affairs Committee
900 North 3rd St.
Baton Rouge, LA 70804

Dear Chair Stefanski, Vice Chair Lyons, and Members of the Committee:

On behalf of the Fair Elections Center, a nonpartisan, nonprofit organization dedicated to removing barriers to registration and voting through advocacy and impact litigation, the League of Women Voters of Louisiana, a nonpartisan organization encouraging informed and active participation in government, and the NAACP Legal Defense and Educational Fund, Inc., the nation's first civil rights law organization, we write to express our support for HB 490.

HB 490 would provide crucial clarification regarding the implementation of Act 624, a law passed in 2022 requiring each public school governing authority to provide an opportunity for high school seniors of at least 17 years of age that meet all other existing eligibility criteria to register to vote.¹ Unfortunately, Act 624 has been distorted and misconstrued during its implementation, resulting in violations of the constitutional and statutory rights of eligible high school students and in interference with the work of nonpartisan civic engagement groups who support the work of elections administrators and provide invaluable guidance to voters—particularly first-time voters—in the voter registration process.

Act 624 prohibits the involvement of “political or partisan group[s] or organization[s]” during high school voter registration opportunities to avoid undue influence on will-be first time voters.² Act 624, however, does not ban the involvement of any other group or organization, such as nonpartisan nonpolitical organizations who have a long history of assisting eligible citizens to

¹ La. Stat. Ann. § 17:2121(A)

² *Id.* § 17:2121(B).

overcome informational and other barriers to voter registration and ensuring those who are eligible can register and have their voices heard when they reach voting age.

Unfortunately, the Secretary of State, who may provide guidance on the implementation of Act 624 to public school governing authorities,³ has provided an interpretation that bans *all* assistance and involvement from outside entities, even from nonpartisan nonprofit civic engagement organizations. This erroneous guidance has frustrated the original intent of Act 624 and undermined the important work of nonpartisan organizations in Louisiana working to assist voters in navigating the registration process. This makes Louisiana's high school voter registration process less accurate, more costly, and more burdensome on both election officials and public school governing authorities.

For example, the League of Women Voters of Louisiana Education Fund (LWVLA-EF), a 501(c)(3) charitable organization, has conducted voter registration drive work throughout the state—including assisting high schoolers in registering to vote—for a decade or more. LWVLA-EF provides nonpartisan information about the process of registering to vote and casting a ballot as well as assistance in completing the registration process. This mission critical work for the LWVLA-EF provides necessary guidance to first time voters who often require help navigating the registration process. Unfortunately, following the Secretary's guidance on Act 624, the LWVLA-EF was banned from assisting in high school voter registration activities in Lafayette Parish. Voters and administrators now no longer benefit from the institutional experience and support LWVLA-EF can provide in voter registration.

HB 490 would make clear the intent of this body to prohibit partisan influence in high school voter registration, while still allowing nonpartisan nonprofit entities to continue to provide crucial support to ensure accurate voter registration. It will return Act 624's prohibition on partisan organization involvement to one that is narrowly tailored to curb partisan influence rather than one broadly construed to preclude the vital work of organizations like LWVLA-EF.

In addition to misconstruing Act 624, the Secretary of State has improperly established additional eligibility requirements for registration to vote not found in the Louisiana constitution, Act 624, or anywhere in the election code. Namely, the Secretary of State's guidance requires governing authorities to obtain parental consent prior to registering otherwise-qualified high school students under the age of eighteen. When it passed voter preregistration in 2014, this body vested seventeen-year-olds who otherwise meet the eligibility requirements to vote—enumerated in Article I, Section 10 of the Louisiana Constitution and La. Rev. Stat. § 18:101(A)—the ability to preregister to vote.⁴ Depriving seventeen year olds of such a liberty interest by barring them from preregistering absent parental consent—a requirement that does not exist anywhere in Louisiana law—violates their constitutional rights to due process.⁵

Although Louisiana law does not require parental consent for any seventeen-year-old, including any high school student, to be eligible to preregister to vote, the Secretary's guidance

³ *Id.* § 17:212(D)

⁴ La. Stat. Ann. § 18:101(A)(3).

⁵ See *Mathews v. Eldridge*, 424 U.S. 319, 334-35 (1976) (holding that the Due Process Clause protects against the erroneous deprivation of a liberty interest using unreliable or unlawful procedures).

necessitates action by this body to explicitly protect the ability of eligible high school students to preregister at school. HB 490 would do that by amending the text of the Act to declare that no such additional registration requirement exists.

We urge you to support and pass HB 490 to ensure the erroneous interpretation of Act 624 and unilateral and unlawful establishment of additional voter registration requirements by the Secretary of State's office ends. Protecting the right to register to vote that the legislature sought to encourage among eligible high school students as well as enabling nonprofit nonpartisan civic engagement organizations to provide support and assistance in the registration process is crucial to effectuate the legislature's goal in passing Act 624 of making voter registration accessible for every eligible Louisiana high school student.

If you have questions or would like more information on this legislation, please contact Patrick Williamson, Counsel at the Fair Elections Center, at pwilliamson@fairelectionscenter.org.

Sincerely,

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