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By Facsimile and U.S. Mail

The Honorable Tom Schedler
Louisiana Secretary of State
P.O. Box 94125
Baton Rouge, LA 70804-9125

Dear Secretary Schedler:

On behalf of the Louisiana State Conference of the National Association for the Advancement of Colored People (NAACP), its members, and all similarly situated persons and organizations, we write to notify you that Louisiana public assistance agencies are not in compliance with the National Voter Registration Act of 1993, 42 U.S.C. § 1973gg, et seq. (the "NVRA"). The NVRA establishes clear obligations on the part of state public assistance agencies to provide voter registration services. The law provides for a private right of action in the event that agencies fail to comply with the NVRA. We urge you to take steps to bring the state into compliance.

Pursuant to the NVRA, public assistance agencies are designated as "voter registration agencies" and are required to provide certain specified voter registration services. 42 U.S.C. § 1973gg-5. Louisiana public assistance agencies, including the Department of Children and Family Services and the Department of Health and Hospitals are designated as voter registration agencies under the NVRA and pursuant to La. Rev. Stat. Ann. § 116(A)(1)(a). Designated voter registration agency offices include but are not limited to offices that administer or provide services under the Food Stamp, Medicaid, supplemental food for Women, Infants and Children (WIC), and the Family Independence Temporary Assistance Program (FITAP) programs.

At a minimum, each voter registration agency in the state of Louisiana must give clients a voter registration application form with each application for benefits, recertification, and change of address. 42 U.S.C. § 1973gg-5(a)(6)(A). The agency must also give clients a form that provides space to record his/her decision whether or not to register with the agency at that time. 42 U.S.C. § 1973gg-5(a)(6)(B). The agency must provide the same degree of assistance with regard to completion of the voter registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance. 42 U.S.C. § 1973gg-5(a)(6)(C). All completed voter registration applications collected by the agency must be transmitted to the appropriate election official not later than 10 days after the date of acceptance, unless the registration application is accepted within 5 days before the last day for registration to vote in an election, in which case the completed application must be transmitted not later than 5 days after the date of acceptance. 42 U.S.C. § 1973gg-5(d).

Substantial evidence demonstrates that Louisiana is failing to provide mandatory voter registration services at its public assistance offices as required by the NVRA. For example, the most recent report to the U.S. Election Assistance Commission reveals that Louisiana public assistance agencies collected only 8,688 voter registration applications in 2007-2008. This represents an 88% decline since 1995-1996, when Louisiana reported 74,636 registrations from public assistance offices.

Moreover, we have conducted a survey of clients and staff at public service agencies throughout the state and have identified widespread noncompliance with the law. Our survey revealed a number of instances in which individuals were not provided with an application to register to vote as a part of their application for benefits, recertification, or change of address as required by law. We also identified individuals who reported they had not received any offer of voter registration by agency staff, even though such an offer should have been made. Our survey also revealed that personnel at numerous agencies around the state were wholly unfamiliar with their voter registration obligations under the NVRA. In addition, a number of agencies around the state did not have hard copies of voter registration forms available for clients.

We hope you will ensure that, consistent with Louisiana's obligations under the NVRA, all Louisiana citizens, including the hundreds of thousands of citizens who receive public assistance, receive the opportunity to register to vote. This letter serves as notice of a violation of the NVRA pursuant to 42 U.S.C. § 1973gg-9(b). We are eager to work cooperatively with you as well as the Secretaries of the Department of Children & Family Services and the Department of Health & Hospitals to assist with developing a plan that will quickly bring the state into compliance with the requirements of Section 7 of the NVRA. We look forward to receiving your response, including a timeline and plan for achieving and sustaining compliance with the NVRA at Louisiana public assistance agencies.

Should you have any questions or concerns, please feel free to contact Nicole Zeitler, Director of the Public Agency Voter Registration Program at Project Vote at (202) 546-4173 Ext. 303 or Dale Ho, Assistant Counsel at the NAACP Legal Defense and Educational Fund, Inc. at (212) 965-2252.

Sincerely,

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