

April 8, 2020

VIA U.S. MAIL TO:

Michael Watson
Mississippi Secretary of State
401 Mississippi Street
Jackson, MS 39201
and
125 S. Congress Street
Jackson, MS 39201

Re: Request to Widely Advertise Updated Voter Registration Deadline for June 23, 2020 Elections

Dear Secretary of State Watson:

As Mississippi Secretary of State, we appreciate your leadership in addressing the challenges posed by the global, COVID-19 pandemic. We write about voter registration including in conjunction with Section 8 of the National Voter Registration Act of 1993 (52 U.S.C. § 20507(a)) (“NVRA”). Like you, we want to ensure that eligible citizens will be able to register to vote up to no later than thirty (30) days prior to June 23, 2020 on which Mississippi’s **2nd Congressional District Republican runoff election (“Primary Runoff Election”)** and the **Special Election for House District 88 (“Special Election”)** will now be held and that this extended registration deadline is widely advertised.

Governor Reeves, by Executive Order No. 1461, has delayed the March 31st Primary Runoff Election to June 23, 2020, along with the registration deadline to comply with federal law and the Mississippi Election Code. Miss. Exec. Order No. 1461 (2020). Governor Reeves, by Amended Writ of Election, also delayed the April 21st Special Election to June 23, 2020. However, the 2020 Election Calendar still shows that the registration deadline for the Primary Runoff Election is March 2, 2020 and there is no mention of the Special Election at all. There has also been no other statement/announcement, besides Governor Reeves’ Executive Order and Amended Writ of Election, that the registration deadline for the Primary Runoff Election or Special Election is extended to go along with the postponed elections. Also, to note, the 2020 Election Calendar still mentions March 31st as the date for primary runoff elections.

The NVRA requires that Mississippi ensures “that any eligible applicant is registered to vote in an election” if election administrators receive their registration “not later than the lesser of 30 days, or the period provided by State law, before the date of the election.” 52 U.S.C. § 20507(a)(1). Under the NVRA, an “election” is “a general, special, primary, or runoff election;” a political party convention or caucus, or a party primary election (including presidential primaries). *Id.* at § 20502(1) (citing the definition provided in the Federal Election Campaign Act of 1971, 52 U.S.C. § 30101(1)).¹ State law also requires the voter registration deadline to be updated. Under the Mississippi Election Code, applicants may register up to thirty (30) days

¹ In *Fish v. Kobach*, the Tenth Circuit noted that the NVRA “applies expressly to all federal general and primary elections, including presidential elections.” 840 F.3d 710, 719 n. 7 (10th Cir. 2016).

before any election. Miss. Code Ann. §§ 23-15-11, 37(2), 47(2)(a) (2019). The State of Mississippi also allows for registration in compliance with state law *or* the NVRA. Miss. Code Ann. § 23-15-33 (2019).

We understand the rapidly changing circumstances impacting the conduct of elections amid the threat of COVID-19 and support you in making sure that all eligible voters in Mississippi are able to exercise their right to vote in upcoming elections. We would appreciate that you contact the undersigned **by April 15, 2020** to inform us of how you plan to notify the public about the extended timeframe for voter registration. We would like to help amplify the message about the extended registration deadlines for the **2nd Congressional District Republican runoff election** and **Special Election for House District 88** to make sure that voters of Mississippi know their voting options and can plan accordingly.

Thank you for working to help all eligible Mississippi voters exercise their right to vote during this difficult time.

Sincerely,

ACLU of Mississippi, Joshua Tom, jtom@aclu-ms.org

Mississippi Center for Justice, Reilly Morse, rmorse@mscenterforjustice.org

Mississippi Votes, Arekia S. Bennett, arekia@msvotes.org

Southern Poverty Law Center, Caren Short, Caren.Short@splcenter.org