**ACLU and Mississippi Center for Justice File Lawsuit to Bolster Absentee Voting for Mississippians During COVID-19**

FOR IMMEDIATE RELEASE  
August 11, 2020

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JACKSON, Miss. — The American Civil Liberties Union, ACLU of Mississippi, and Mississippi Center for Justice filed a lawsuit today seeking to ensure that absentee voting is more accessible to Mississippians during the COVID-19 pandemic.

Most states allow any voter to cast an absentee ballot. Mississippi, however, has long required voters to choose from a list of “excuses” to do so. One of the allowable reasons is for a “temporary or permanent physical disability.”

The Legislature recently amended the law to state that a “temporary physical disability” includes any voter who is “under a physician-imposed quarantine due to COVID-19 during the year 2020 or is caring for a dependent who is under a physician-imposed quarantine due to COVID-19.”

The groups are seeking a ruling from the court clarifying that all voters who are following public health guidance to avoid contracting or spreading COVID-19 may invoke the “temporary physical disability” reason to vote absentee.

The lawsuit notes that “the legislative history of this expansion makes it clear that a ‘physician-imposed quarantine’ does not require a doctor’s guidance given individually to the voter, but would also include guidance from the Mississippi Department of Health (MDH), whose director is a physician, and other public health officials and experts who are physicians.”

It also explains that the state health department advises all Mississippi residents to “avoid large social gatherings and community events,” including indoor gatherings of more than 10 people, which would include most polling places during much of the time on Election Day. According to the lawsuit, Mississippians “have a right to follow that guidance without surrendering the right to vote.”

The case was filed on behalf of several Mississippians who are following public health guidance and who want to vote, but are fearful of contracting COVID-19 if they ignore that guidance and vote in person on Election Day.

The following comment is from:

**Joshua Tom, legal director, ACLU of Mississippi:** “This lawsuit makes clear that Mississippi law allows absentee voting for many people during an event like the COVID-19 pandemic.”

**Theresa Lee, staff attorney, ACLU’s Voting Rights Project:** “Mississippians should not have to risk exposure to a deadly virus in order to vote. The court can ensure that voters do not have to choose between their health and their vote.”

**Vangela M. Wade, president and CEO, Mississippi Center for Justice:** “Over the last month, Mississippi has proven to be a consistent COVID-19 hot spot with the numbers of infections and deaths increasing, not decreasing. Any requirement that citizens gather in polling places to cast their ballots would show a callous disregard for the health of our communities that would likely chill the voting process resulting in constructive disenfranchisement of thousands.”

**Rob McDuff, director of the George Riley Impact Litigation Initiative, Mississippi Center for Justice:** “The history surrounding the amendment this past summer makes two things clear: first, voters are allowed to make their own decisions about whether to vote absentee in light of public health guidance, and second, voters may choose to vote absentee if they are afraid of contracting COVID-19 by voting in person on Election Day.”

The lawsuit, *Oppenheim* *v. Watson*, was filed in Chancery Court/Hinds County, First Judicial District.

Complaint: <https://www.aclu.org/complaint-oppenheim-v-watson>

Statement: <https://www.aclu.org/press-releases/aclu-and-mississippi-center-justice-file-lawsuit-bolster-absentee-voting>

Case details: <https://www.aclu.org/cases/oppenheim-v-watson>