

For Election Departments Regarding Election Day

October 20, 2024

THE FOLLOWING IS JUST A SAMPLE AND IS NOT LEGAL ADVICE

[Your Name]

[Your Address]

[City, State, Zip Code]

[Email Address]

[Phone Number]

[Date]

To Whom It May Concern,

**Subject: Legal Notice for Compliance with Election Resource
Allocation and Voter Accessibility Laws**

Dear Election Department Officials,

I am writing to formally remind your department of its legal obligations under federal, state, and local election laws to ensure that all eligible voters can exercise their right to vote within a reasonable time frame, specifically within no more than one hour, on election day. This letter serves to underscore the importance of compliance with these laws to avoid legal repercussions.

Legal Grounds:

1. **The Voting Rights Act of 1965, as amended:** This federal law prohibits racial discrimination in voting. Inadequate

resources leading to long wait times can disproportionately affect minority voters, potentially constituting a violation.

2. **The Help America Vote Act (HAVA) of 2002:** Requires states to upgrade their election administration, including ensuring accessibility for individuals with disabilities and providing adequate voting systems.
3. **[State-specific Election Laws]:** Many states have laws specifying the maximum allowable wait times, the required number of voting machines per number of registered voters, and accessibility requirements. Please refer to [State Code or Statute Number], which mandates these provisions.
4. **Americans with Disabilities Act (ADA):** Polling places must be accessible to people with disabilities, ensuring that facilities are equipped to handle all voters.

Required Actions:

- **Adequate Staffing and Training:** Ensure sufficient and well-trained staff to manage voter turnout effectively, as per [Relevant State Law or Election Code Section].
- **Voting Machine Availability:** Per [State Election Law], there must be an adequate number of operational voting machines. Malfunctions or shortages could be considered non-compliance.
- **Voter Information and Accessibility:** Provide comprehensive voter education and ensure all polling locations meet accessibility standards, adhering to both ADA and state requirements.
- **Contingency Plans:** Develop emergency plans for unforeseen circumstances, as failure to do so can lead to violations under emergency management statutes or implied duties of care.

Consequences of Non-Compliance:

- **Legal Actions:** Failure to comply with these legal standards could result in lawsuits under federal and state laws for voter suppression or disenfranchisement. This might include class-action lawsuits or actions by advocacy groups.
- **Fines and Sanctions:** Regulatory bodies or courts might impose fines or administrative sanctions against the election officials or the department for failing to uphold voter rights.
- **Corrective Orders:** Courts could issue mandates requiring immediate corrective actions, potentially overseeing election processes to ensure compliance.
- **Loss of Public Trust:** Beyond legal ramifications, there's a significant risk of diminishing public confidence in the electoral process, which could lead to broader democratic issues.

This notice is intended to ensure that all necessary precautions are taken to uphold the integrity of our electoral system. It is crucial for your department to review and implement these requirements diligently.

Please consider this a formal demand for compliance to prevent any legal actions that might arise from neglect of these duties.

Thank you for your immediate attention to this critical matter.

Sincerely,

[Your Signature (if sending a hard copy)][Your Printed Name]

Note: Before sending this notice, it is imperative to verify all legal references and possibly consult with an attorney

specializing in election law to ensure that all cited laws are current and applicable in your jurisdiction. This will make the notice as legally binding as possible within your specific legal context.