

The Honorable J. Kevin Stitt
Governor, State of Oklahoma
Oklahoma State Capitol
2300 N Lincoln Blvd.
Oklahoma City, Oklahoma 73105

March 23, 2020

To Governor Kevin Stitt:

Freedom Oklahoma and the ACLU of Oklahoma are statewide organizations that focus on liberty, equality, and protection of rights and liberties for all. We work in communities, with governments, and in courtrooms on issues that impact nearly every Oklahoman. We believe it is the responsibility of the State to work proactively to ensure that risk is mitigated as much as possible here in Oklahoma, for the health and wellbeing of all of those in our state.

We respectfully ask the State of Oklahoma to take the following actions:

1. We ask that decision making be transparent. We understand that information and the situation on the ground is rapidly changing. It is critical that decisions be made public, as soon as possible, but also that information on how the State arrived at those decisions be public, especially as doing so helps the residents of Oklahoma understand the need to take COVID-19 and the continuing efforts seriously.
2. The State must take measures to ensure adequate protective measures for public and private sector workers whose jobs make it unavoidable to work from home. These include health care workers, grocery and retail store workers, The State should lead by example by requiring the implementation of remote work opportunities in every possible instance and encourage major employers in the State to do the same.
3. Recognizing the catastrophically low number of tests for COVID 19, as soon as more robust testing becomes available, the State should follow the lead of other effective COVID 19 testing regimens by set up testing centers, that ensures quick, convenient testing in a manner that also protects vulnerable populations (including but not limited to those living with HIV and other immunocompromised people) from increased risks of exposure. These testing centers should be safe and accessible for everyone regardless of immigration status and/or access to health insurance. Social security cards and other forms of identification must not be requested by those administering tests. Barriers to testing for one community will only increase spread to all communities.
4. The State needs to offer a public guarantee that calls to any health hotlines at this time will remain anonymous and will not be used for law enforcement purposes, or expose an individual or their family to immigrations enforcement.
5. Ensure all State information about COVID 19, including updates, important public health announcements, procedures for and availability of testing, is made available and

accessible to all of Oklahoma's communities, with a particular emphasis on Spanish language translations and having ASL interpreters visible during all press conferences.

Postponing elections is a dangerous precedent to set, especially since flattening the curve means we're working for this to be less severe by working to make it last longer. No one should have to choose between protecting their health and exercising their right to vote. If April elections must be postponed, it should be announced as soon as possible, with a new date, and the state must take advantage of this time to:

6. Expand access to voting by mail, including through universal access to no-excuse absentee voting during the pandemic, and universal distribution of mail-in ballots that include prepaid postage and self-sealing envelopes and remove barriers such as notary requirements and witness signatures.
7. Expand other early voting options, so as to reduce traffic at polling places on Election Day.
8. Take appropriate measures to ensure the health and safety of poll workers, election officials, and voters who seek to cast their ballots in-person.
9. Engage in robust public education efforts to inform the public of the new date of the election, including options for voting by mail, early-in person, and any changes to Election Day polling locations.
10. June primary plans should shift now to take the above measures into account and sure the most robust enfranchisement of the Oklahoma electorate.
11. There is ample time to prepare for the November general election and make sure it goes forward as scheduled. The steps listed above – and others – should be implemented as soon as possible to ensure that every eligible voter can participate in the November general election, and that no voter is disenfranchised.

In addition to the above items, there is no time in history our mass incarceration crisis has been poised to cause more harm than if we do not take proper and urgent action to protect corrections officers; healthcare workers who serve populations who are incarcerated; people who are incarcerated in municipal, county, and state facilities, public and private, across Oklahoma; law enforcement officers; and the foundations of justice as enshrined in our Constitution. We have [written letters](#) to ODOC and County Sheriffs and hope that those will be used as a collaborative opportunity to guide the conversations around best practices.

We understand some of these asks may require intergovernmental and cross-departmental collaboration--many may pose unprecedented challenges in terms of necessary response. Also the use of executive powers in this pandemic are legitimately needed for public health. But they should be grounded based on CDC guidelines, respond to a legitimate need, and never indefinite. We urge you to take the above actions, but will also be watching closely to make sure any use of emergency powers in response to the pandemic is grounded in science and public

health, not politics or discrimination. As the State takes the necessary steps to ensure public health, it must also safeguard people's due process, privacy, and equal protection rights.

If we do this right, we are going to feel like we have overreacted. But if we do not do enough, it will be painfully clear, with effects of that decision far outlasting the current crisis. The State of Oklahoma has an opportunity and a responsibility to lead residents through this challenge. We stand ready to work with you and your administration and every leader of this state to face this unprecedented emergency.

Sincerely,
Freedom Oklahoma and the ACLU of Oklahoma