

Alabama has long been ground zero in the fight for voting rights, and it remains so today. The infamous *Shelby County v. Holder* case, which gutted the pre-clearance provisions of the Voting Rights Act, originated just down the road in Shelby County, Alabama. In the years since that debilitating case, Alabama lawmakers have enacted a bevy of laws that make it harder for citizens to access the ballot box while simultaneously declining to implement reforms like early voting that are now commonplace across the nation. Alabama regularly ranks near the bottom in voter registration, voter engagement, and voter turnout, but state officials have shown little interest making any reforms that might increase political engagement across the state. Instead, they have prioritized addressing the virtually non-existent specter of voter fraud, removing hundreds of thousands of Alabamians from the voter rolls, and spreading misleading information about voter registration rates in the state.

Today I will outline a few of the major voting rights issues that the Southern Poverty Law Center staff has seen across the state and show how these problems are directly linked to the actions and inactions of state officials

and establish the law would not have a discriminatory or disparate impact on racial and language minorities. The bill's proponents in the state legislature had long been explicitly clear about the racist intent behind the legislation. A state senator who worked for over a decade to pass this voter ID bill told The [redacted] that his photo ID law would undermine Alabama's "black power structure," and that the absence of a voter ID law "benefits black elected officials."⁴

The state senator was correct; voter ID laws do have a disparate impact on communities of color. Black and Latinx voters are about twice as likely as white voters to lack an acceptable form of identification.⁵ The NAACP Legal Defense Fund estimated that 118,000 registered voters in Alabama lack the necessary identification to vote.⁶ That's almost 5% of registered voters in the state.

The Greater Birmingham Ministries and the Alabama State Conference of the NAACP sued to block the state's enforcement of the photo ID law as a violation of the U.S. Constitution and Section 2 of the Voting Rights Act given the lower levels at which racial minorities possess a photo ID and, in some cases, the underlying documents to secure one.⁷ The plaintiffs also challenged a provision which allows a voter without acceptable ID to still vote if two election officials present at the polling place "positively identify" the voter and sign a sworn statement to that effect.⁸ Even though the court acknowledged that white voters were more likely to have acceptable ID, it ruled that the law does not deny minority voters the ability to get a photo ID "assuming they want one."⁹ In the judge's view, "[m]inorities do not have less opportunity to vote under Alabama's Photo ID law, because everyone has the same opportunity to obtain an ID. Black, Hispanic, and white voters are equally able to sign a voter registration form or registration form update."¹⁰

Unfortunately, everyone does not have the same opportunity to obtain an ID in Alabama. Immediately after the passage of this law, then Governor Robert Bentley closed 31 driver's license offices including offices in every majority black county. Public pressure forced the state to partially reverse these closures, but it remains more difficult for voters of color to access photo identification. Black and Latinx voters are less likely to own a car and have reliable access to transportation. They are less likely to have easy access to the documentation needed to acquire an ID such as a birth certificate. Thus, Alabama's voter ID law continues to disproportionately impact voters of color and to depress voter participation in the state.

In SPLC's research on voter participation in Alabama, we have found that the Secretary of State's office promulgates confusing and misleading narratives about voter registration in the state. The state

4

⁵ Debbie Elliott, [redacted], NPR (2018), <https://www.npr.org/sections/thetwo-way/2018/01/10/576868379/judge-throws-out-challenge-to-alabama-voter-id-law> (last visited May 2019).

⁶ German Lopez, [redacted], Vox (2017), <https://www.vox.com/policy-and-politics/2017/12/12/16767426/alabama-voter-suppression-senate-moore-jones> (last visited May 2019).

⁷ [redacted], 284 F.Supp.3d 1253 (N.D. Ala. 2018).

8

⁹ at 1274, 1280.

¹⁰ at 1281.

