



TRANSMITTAL BY FACSIMILE AND EMAIL

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November 4, 2014

Jim Bennett,  
Alabama Secretary of State,  
PO Box 5616  
Montgomery, Alabama, 36103

Dear Secretary Bennett,

RE: Election Administration Issues

The right to vote is a core tenet of our citizenship. As Chief Justice John G. Roberts Jr. explains, “There is no right more basic in our democracy than the right to participate in electing our political leaders.” *McCutcheon v. FEC*, 134 S. Ct. 1434, 1440-41 (2014). This protection is enshrined in the 15th Amendment, which prohibits states from denying the right to vote based on race, and in several state constitutions.

Today, however, there is evidence of barriers to voting in Alabama that need to be addressed. For example, there are reports that Alabama citizens have been denied the right to vote due to a lack of “valid identification.” According to NAACP Legal Defense Fund, one example was “a 92 year old woman with [a] public housing ID,” who was rejected because of the state’s “last-minute decision” not to accept such identification as valid proof of identity.<sup>1</sup>

The example of last-minute decisions to exclude certain forms of identification, “for the first time this year,”<sup>2</sup> makes it clear that voters in Alabama are not freely able to exercise this most cherished right. We call upon the secretary of state’s office to investigate and address these issues immediately to ensure that Alabamans can exercise their legal right to vote.

Alabama’s Courts have long upheld the importance of an unabridged right to vote for eligible Alabamians. As described by the Alabama Supreme Court, “the right to vote is itself a fundamental right.” *Blevins v. Chapman*, 47 So. 3d 227, 231 (Ala. 2010).

These barriers to voting, however, are the consequences of recent changes in election administration, such as strict and costly ID requirements, limits on early voting, and manipulation of the registration process. As the Presidential Commission on Election Administration noted, there are problems with voter registration, access to the polls, polling place management, and voting technology that need to be addressed.<sup>3</sup>

The same concern extends to casting provisional ballots, which become even more relevant as these suppressive laws are implemented. As the Center for American Progress found, counties with a higher percentage of minorities cast provisional ballots at a higher rate than in counties with lower percentage of minorities in 16 states.<sup>4</sup> Together, these new restrictions on voting and the likelihood of communities with a higher percentage of minority voters casting provisional ballots may increase disenfranchisement among communities of color during this year's election.

To ensure that Alabamians can exercise their legal right to vote, immediate action must be taken to address these concerns.

Sincerely,

Michele L. Jawando

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<sup>1</sup> Josh Israel, "Alabama Voters with Public Housing, Shelter IDs are Being Turned Away," ThinkProgress, November 4, 2014, available at <http://thinkprogress.org/lbupdate/3588688/alabama-id-law-disenfranchises-citizens/>.

<sup>2</sup> Aviva Shen, "In Last Minute Decision, Alabama Says Voters Can't Use Public Housing ID at the Polls," ThinkProgress, November 3, 2014, available at <http://thinkprogress.org/lbupdate/3588262/in-last-minute-decision-alabama-says-voters-cant-use-public-housing-id-at-the-polls/>.

<sup>3</sup> Nathaniel Persily and others, "The American Voting Experience: Report And Recommendations Of The Presidential Commission On Election Administration" (Presidential Commission On Election Administration, 2014), available at <https://www.supportthevoter.gov/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>.

<sup>4</sup> Joshua Field, Charles Posner, and Anna Chu, "Uncounted Votes, the Racially Discriminatory Effect of Provisional Ballots" (Washington: Center for American Progress, 2014), available at <http://cdn.americanprogress.org/wp-content/uploads/2014/10/ProvisionalBallots-report.pdf>.