



Voter Engagement Advocacy for Alabama's Black Belt: *How Suppression of the Black Vote Impacts Democracy*

SUMMARY

Being able to cast a vote is a key constitutional right in the United States, yet many people are denied that right, including here in Alabama. Currently, various methods exist to limit who has access to a polling place and how a vote can even be cast. By working to reduce the barriers to voting; create a nonpartisan redistricting process; and register, educate, and engage voters, Alabama Institute for Social Justice (AISJ) seeks to increase voter participation, engagement, and protection to strengthen and defend our democracy. Going beyond maintaining the status quo will allow for greater participation in the elective process, especially among minority, low-income, and other marginalized communities.

Preliminary Thoughts

Alabama has a long legacy of racial discrimination and voter intimidation.

The passage of the 15th Amendment to the U.S. Constitution in 1870 declared citizens (men) would be allowed to vote without regard to race, color, or history of their own slavery. In response, Alabama, along with other Southern states, imposed a type of poll tax on its residents in an effort to suppress Black votes. In general, this meant that residents had to pay a tax to register to vote. These rules were not enforced uniformly, and election officers could demand that a voter produce a poll tax receipt, often targeting Black voters.

The 1901 Constitution of Alabama codified further voting requirements designed to exclude Black voters. These included an education requirement, payment of all poll taxes, and ownership of land, as well as a grandfather clause that required demonstrating that one's grandfather could vote in 1867 – something that was impossible for Black voters to do, as that year clearly predated Black enfranchisement.

These Jim Crow laws worked to disenfranchise Black male voters and

created a hostile environment for equal voting rights. Over time, the Black people of Alabama played their own role in shaping future voting rights, particularly in relation to the Voting Rights Act of 1965, through the efforts of civil rights activists in Birmingham, Montgomery, and Selma. The act banned using literacy tests, allowed for federal oversight of voter registration, and authorized the Attorney General to investigate the use of poll taxes.

Though state- and local-level enforcement of the Voting Rights Act was weak, it still gave Black voters the legal means to challenge voting restrictions and improve voter turnout.

Unfortunately, Alabama has once again been at the forefront of voting history, but this time with the U.S. Supreme Court decision in Shelby County, Alabama v. Holder in 2013. The court struck down a section of the Voting Rights Act that required certain jurisdictions with a history of discrimination to submit any proposed changes in voting procedures to the federal government for review.

Immediately, state and local governments started imposing barriers that disproportionately suppressed Black votes, including a voter ID requirement, shutting down polling places and driver's license

offices, and purging voter rolls. Regulations such as these create often insurmountable barriers to voting for marginalized populations in Alabama.

The state's voting restrictions serve to exclude many poor, rural, and minority voters while being at odds with the stated goal of protecting voter and election integrity. But by working to reduce these barriers to voting, create a process for nonpartisan redistricting, and engage new and current voters, we can protect the freedom to vote and remove barriers to participation at the ballot box.

Factors That Limit Black Votes in Alabama

Since 2016, the number of Black people who are registered to vote has been dropping. In November 2016, 72.8% of Black Alabama residents were registered to vote. In November 2018, the number of registered Black voters dropped to 67.4%, and in November 2020 it had further decreased to 60.6% [1].

We can also see that Black voter engagement is dropping in Alabama. In November 2016, 60.8% of Black voters cast a ballot, compared to 56.2% of white voters. In November 2018, Black voting numbers dropped to 49.5% compared to 51.6% of white voters. And finally, in November 2020, 54.8% of Black voters cast a ballot, while 62.9% of white voters did [1]. While the numbers tend to increase during presidential election years, it's unsettling to see how the Black vote has been shrinking. Myriad factors contribute to fewer Black Alabamians voting.

Stringent Voter ID Rules

At present, Alabama voters must present one of 12 forms of photo ID to vote. The most popular ID is a driver's license, nondriver ID, or an Alabama Photo Voter ID card. Residents can typically get these at a state

Motor Vehicles Division office, the County Clerk's office, or a library.

However, shortly after the *Shelby County v. Holder* decision, then-governor Robert Bentley closed 31 motor vehicle offices, citing budgetary reasons. These closures disproportionately impacted Black communities, with 8 of the 11 counties with a majority-minority population having a motor vehicle office close. While some offices were reopened with limited hours, access is still a problem. Many do not post their hours of operation or answer phone calls. As of 2017, as many as 118,000 eligible Alabama residents didn't have a photo ID and thus could not vote [2].

In addition, if a person wants to vote without a photo ID, two election officials must identify them as an eligible voter on the poll list, and both election workers must sign a sworn affidavit [3]. All of this purposefully limits who is able to cast a vote in Alabama.

Targeted Felon Disenfranchisement

Alabamians who have been convicted of felonies that the state defines as involving "moral turpitude" are blocked from voting [4]. The 1901 Constitution created this restriction, specifically targeting Black residents by including crimes like murder, burglary, rape, and domestic abuse – in fact, the delegate who introduced the provision said, "The crime of wife-beating alone would disqualify 60 percent of Negroes" [2].

As with many other voter restrictions, enforcement was unequally applied when it came to white voters versus Black voters. Counties had different definitions of what a crime of moral turpitude was, leading to 15% of Black voters being disenfranchised due to felony convictions compared to less than 5% of white voters [2].

Only in 2017 did Alabama clarify which crimes are considered to be ones of moral

turpitude [5]. However, there is still confusion about which felonies count, because the secretary of state's office refused to take any major steps to increase public education about the change.

BOX 1

Automatic voter registration sees registration numbers skyrocket

Twenty states and the District of Columbia have already instituted automatic voter registration (AVR) to much success.

Oregon was the first state to implement AVR, and its voter registration rates quadrupled through their Department of Motor Vehicles. In just the first six months after Vermont instituted AVR, their registration rates jumped 62% [14].

During the 2018 general election, Colorado, Oregon, Rhode Island, and the District of Columbia reported a range of 42% to 54% turnout rate of people who had been registered in their jurisdictions through AVR, with the AVR turnout being higher than the turnout among the general population in D.C. [15].

Beyond increasing the number of people registered, AVR keeps voter rolls more accurate by creating constant updates about voters' living status and reducing the odds of mistakes caused by processing paper registration forms by hand.

Half of all states in the U.S. require disenfranchised people to be notified about their loss or reinstatement of voting rights, but Alabama does not. In addition, Alabama requires disqualified felons to have paid all fines, fees, and restitution related to the conviction before they can apply to register to vote [6]. Once again, this creates

blockades to who can vote and confusion or doubt regarding one's own eligibility to vote.

Barriers to Alternative Voting

Unlike some other states, Alabama only allows absentee voting for voters who have an excuse. Accepted excuses include out-of-county travel, long work shifts that conflict with polling hours, military service, and incarceration. The voter must apply for an absentee ballot at least five days before the election, and they must apply for each election in which they seek to vote absentee.

Voters who face logistical challenges to voting at particular locations or during particular hours may not qualify for absentee ballots.

Meanwhile, Alabama does not offer any early voting options. Polls within the state must remain open between 7 a.m. and 7 p.m. on Election Day, and this 12-hour window effectively places the time to vote within working and child care hours.

In addition, closures of polling places have increased the voting populations at particular locations. This makes lines even longer, and increases the distance many voters must travel to get to their polling place [7].

All of these factors work to discourage or prevent some voters from ultimately casting their ballot.

Purges of Voter Rolls

Between 2016 and 2018, Alabama removed 69,545 voters from its state rolls because of voters' failure to respond to confirmation notices. Just over 29% of all voters removed during that time period were due to this list purge, more than were removed because they moved away or were convicted of a disqualifying felony [6].

People who are experiencing housing insecurity or lack regular access to the mail may also suffer from these purges, even if

they are otherwise eligible to vote in their precinct [7].

While purging policies are designed to separate active voters from those who are inactive or ineligible to vote, they are imperfect and often lead to the removal of eligible voters from the rolls without adequate notice. Technically, these policies do not stop a person who is entitled to vote from casting a ballot, but they do create a chilling effect on voting, as voters must complete additional paperwork prior to voting.

Continuing Voter Intimidation

Intimidation still occurs at polling places, with armed police officers loitering outside of polling sites and other potentially intrusive or vaguely threatening behavior. On Election Day 2020, a “Blue Lives Matter” sign was posted inside of a polling station in Pike County, while in Autauga County a sheriff’s deputy was hostile to a poll monitor who was following the law [8].

Behaviors such as this would clearly raise concerns among Black voters, as Black citizens are frequently the targets of racial profiling and police misconduct. In fact, one study showed that the presence of police at a polling station is associated with a 32% reduction in Black voter participation [9].

Partisan Gerrymandering

Gerrymandering negatively impacts faith in the electoral process as well as the ability for a population to vote for the change they need or want. Every 10 years, each U.S. state redraws its electoral districts, with the Alabama State Legislature responsible for drawing both congressional and state legislative district lines. Legislative majorities that earned a minority of the votes within the state are able to use their unearned power to make it harder for minority voters to cast a ballot.

Racial gerrymandering occurs in two ways: when legislators “crack” communities of color into different districts to prevent them from exercising greater political power overall, and when they “pack” people of color into the same district to prevent them from exercising greater political power in surrounding districts.

As of the November 2021 new congressional map, only one district out of seven exists in which Black Alabamians can elect preferred candidates, despite their comprising more than 27% of the state’s voting-age population. The new map limits their influence by packing a large number of Black Alabamians into Congressional District 7 than is necessary, while cracking other areas of the state with significant Black populations across Congressional Districts 1, 2, and 3. This packs and cracks Black votes in ways that result in unfairly limiting their political power [10].

The solution that some states have adopted is nonpartisan redistricting, which relies on independent commissioners to take citizens’ concerns to heart when redrawing district maps. In a 2017 national survey of 1,000 voters, 73% of respondents wanted congressional districts that are drawn with no political bias, even if it would mean their preferred political party would win fewer seats [11]. Currently, eight states already use this process in their own redistricting procedures [12]. Interest and precedent do exist, even if it has not yet been implemented here in Alabama.

What’s at Stake in Alabama

Through these various forms of voter suppression, Alabama has fostered a distrust of the electoral system. Despite these factors, many Black voters still participated in the 2020 election, leading to further legislative efforts to restrict their freedom to vote.

In 2021, Alabama state lawmakers introduced 29 election-related proposals,

some of which were designed to make voting more difficult for certain populations [13]. The state has officially banned curbside voting, which limits the access of disabled voters, as well as people who desire to limit their exposure to large crowds in light of the ongoing COVID-19 pandemic.

The current model of voting here in Alabama is working to silence voters and strip them of their constitutional rights. It does this through:

- Unequal access to obtaining a form of proper voter ID
- Felon disenfranchisement and lack of education regarding who can and cannot vote
- Lack of access to early voting and no-excuse absentee ballots
- Voter roll purges that punish the housing-insecure

- Voter intimidation in Black precincts
- Racially motivated gerrymandering

The status quo is failing to represent Black voters. As the legislature aims to tighten its restrictions on how people can access the polls, minority and low-income Alabamians are the ones who are most affected, having to take unpaid time off from work and suffer through standing in long lines simply to participate in the democratic process.

Black Alabamians will continue to have their votes suppressed if sweeping policy changes are not made. A state that denies citizens their right to vote does not represent its people and will end up only serving a select few while leaving the rest of the population behind, erased from representation by their own government.

RECOMMENDATIONS

- Reduce barriers to the voting process by implementing early voting, no-excuse absentee ballots, simplified voter identification requirements, and automatic and same-day voter registration.
- Enact protections against voter purging (which could be assisted with automatic voter registration) and voter intimidation.
- Increase the number of eligible voters who cast ballots through educational programs regarding voting rights, voter registration drives, and community engagement actions.
- Create an independent, nonpartisan redistricting commission to prevent discriminatory manipulation of voting districts.
- Require transparency of the redistricting process by ensuring public access to all meetings and allowing for public input.

References

1. Kaiser Family Foundation, "Voting and Voter Registration as a Share of the Voter Population, by Race/Ethnicity," accessed Jan. 17, 2022.
2. The Center for Public Integrity, "In Alabama, a long history of suppressing Black votes continues," Oct. 21, 2020.
3. National Conference of State Legislatures, "Voter ID Laws," accessed Jan. 17, 2022.
4. Ballotpedia, "Voting in Alabama," accessed Jan. 17, 2021.
5. ACLU Alabama, "HB282 (2017) - Definition of Moral Turpitude Act," accessed Jan. 17, 2022.

6. Southern Poverty Law Center, "Alive and Well: Voter Suppression and Election Mismanagement in Alabama," Feb. 10, 2020.
7. Alabama Advisory Committee to the United States Commission on Civil Rights, "Barriers to Voting in Alabama," February 2020.
8. Southern Poverty Law Center, "Overcoming the Unprecedented: Southern Voters' Battle Against Voter Suppression, Intimidation, and a Virus," March 2021.
9. Niven, David, "Policing Polling Places in the United States: The Negative Effect of Police Presence on African American Turnout in an Alabama Election," Dec. 28, 2021.
10. American Civil Liberties Union, "Alabama's New Electoral Lines are Racially Gerrymandered — Here's Why," Nov. 16, 2021.
11. Campaign Legal Center, "Partisan Redistricting – New Bipartisan National Poll," Sept. 11, 2017.
12. Ballotpedia, "State-by-state redistricting procedures," accessed Jan. 19, 2021.
13. AL.com, "Voter suppression or election security? Alabama lawmakers squabble over election reforms," March 15, 2021.
14. Brennan Center for Justice, "Automatic Voter Registration, a Summary," June 30, 2021.
15. FiveThirtyEight, "What Happened When 2.2 Million People Were Automatically Registered To Vote," Oct. 10, 2019.