



ALNAACP



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**SENT VIA EMAIL**

April 17, 2020

Hon. John Merrill  
Alabama Secretary of State  
State Capitol Building Suite S-105  
600 Dexter Avenue  
Montgomery, Alabama 36130  
John.Merrill@sos.alabama.gov

**Re: March 19 Letter – Ensuring Ballot Access for Alabama Voters during the Coronavirus Pandemic**

Dear Secretary Merrill:

We write to follow up on our March 19 letter—sent on behalf of the undersigned civil and voting rights organizations—in which we requested that you take action to ensure ballot access for all Alabama voters during the ongoing coronavirus pandemic. Because we have received no response from your office, we write again to request that you implement the below reforms now to ensure that every eligible Alabama voter can vote safely and securely in the upcoming runoff election on July 14, 2020, and in November. These safeguards are necessary to protect Alabama voters’ fundamental constitutional rights. *See Dem. Exec. Comm. of Fla. v. Lee*, 915 F.3d 1312, 1319 (11th Cir. 2019) (blocking state practices that subjected voters to the “risk of disenfranchisement”).

Specifically, on March 19, we requested that your office:

- Permit every qualified voter in Alabama to vote through mail-in absentee ballot in every 2020 election;
- Clarify that voters with the highest susceptibility to COVID-19 are exempt from the photo ID requirements related to absentee voting;
- Extend the absentee ballot request deadline to 3:00 p.m. on Election Day;
- Accept absentee ballots postmarked by Election Day (July 14, 2020) and received within 10 days of Election Day;
- Allow any voter or a designee to drop off their absentee ballot at any polling place;
- Allow any person designated by the voter to pick up the voter’s absentee ballot and drop off that absentee ballot by the close of polls on Election Day;
- Allow curbside voting to any eligible voter who is concerned about coming inside a polling location; and
- Undertake an aggressive voter education plan to ensure voters are aware of and know how to exercise these options and to counter (intentional or unintentional) disinformation with facts.

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Although your office has taken one of these commonsense steps to avoid a public health disaster for the runoff election,<sup>1</sup> you have not offered a comprehensive plan for safeguarding voters throughout 2020. You have yet to adequately explain to voters how to safely navigate the absentee ballot process.<sup>2</sup> Under current law, voters are required to submit a photocopy of their ID and have two witnesses sign their ballot—steps that, for most voters, will require person-to-person interaction or travel outside of their homes in violation of the stay-at-home order. Your office has also failed to explain in any detail how it will allocate millions in federal elections funding provided by the federal coronavirus relief bill.

Election officials must take decisive action to protect the health of voters and election workers and prevent erosion of the democratic process. States that held elections in March and April saw massive statewide breakdowns in typical election procedures. For example, in Palm Beach County, Florida, at least five polling places could not open because workers did not show up at the polls. And, in Palm Beach County alone, more than 800 poll workers resigned the Monday before Election Day.<sup>3</sup> In Chicago and its suburbs, election officials were forced to relocate 94 polling places at the last minute after they decided that it was not safe for the sites to be used on Election Day.<sup>4</sup> And most recently, in Wisconsin, thousands of voters risked their health to vote in long lines when most polling locations closed and absentee ballots were not mailed out in time.<sup>5</sup>

We remain willing to work with your office in designing and implementing the protocols needed to allow all eligible voters to participate safely in the 2020 elections. We are available for a call or videoconference at your convenience. We respectfully request a response by Friday, April 24, 2020.

Sincerely,



Deuel Ross, *Senior Counsel*  
Natasha Merle, *Senior Counsel*  
NAACP Legal Defense & Educational Fund, Inc.  
(212) 965-7712

/s/ James A. Tucker  
James A. Tucker, *Director*  
Alabama Disabilities Advocacy Program

/s/ Scott Douglas  
Scott Douglas, *Executive Director*  
Greater Birmingham Ministries



Caren E. Short, *Senior Staff Attorney*  
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Benard Simelton, *President*  
Alabama State Conference of the NAACP

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<sup>1</sup> On March 18, your office issued emergency rules allowing “any qualified voter ... to vote an absentee ballot for the Primary Runoff Election of 2020” if that voter “determines it is impossible or unreasonable to vote at their voting place for the Primary Runoff Election of 2020 due to the declared states of emergency.” Emergency Rule 820-2-3-.06ER Absentee Voting During State of Emergency (Mar. 18, 2020), available at <https://www.sos.alabama.gov/sites/default/files/SOS%20Emergency%20Rule%20820-2-3-06-01ER.pdf>.

<sup>2</sup> Alabama Secretary of State’s Newsroom, “100 Days Left to Apply for Absentee Ballot for Primary Runoff Election,” <https://www.sos.alabama.gov/newsroom/100-days-left-apply-absentee-ballot-primary-runoff-election>

<sup>3</sup> “Coronavirus upends primary elections in Florida, Illinois, and Arizona; vote postponed in Ohio,” Los Angeles Times, March 17, 2020, <https://www.latimes.com/politics/story/2020-03-17/coronavirus-primary-election-confusion-florida-ohio-polling>.

<sup>4</sup> Rachel Hinton, “Coronavirus forces ‘entirely unprecedented’ Election Day scramble,” Chicago Sun Times, March 12, 2020, <https://chicago.suntimes.com/politics/2020/3/12/21177525/coronavirus-forces-move-chicago-cook-county-polling-places-unprecedented-election>.

<sup>5</sup> Ella Nilsen & Li Zhou, *How Wisconsin’s election disenfranchised voters*, Vox, Apr. 7, 2020, <https://www.vox.com/2020/4/7/21212053/wisconsin-election-coronavirus-disenfranchised-voters>.