

BACKGROUND ON ALABAMA’S DISCRIMINATORY PHOTO VOTER ID LAW: GREATER BIRMINGHAM MINISTRIES V. ALABAMA

On December 2, 2015, the NAACP Legal Defense & Educational Fund, Inc. (LDF), Covington and Burling, and local attorney Ed Still, on behalf of Greater Birmingham Ministries and the Alabama NAACP, filed a federal lawsuit to challenge Alabama’s racially discriminatory photo voter ID law. This case is the latest chapter in LDF’s long history of attacking discriminatory voting laws in Alabama.

Alabama’s Photo Voter ID Law

- Prior to 2011, people in Alabama were required to present ID in order to vote, but were allowed to show non-photo ID, such as a utility bill, a social security card, or a voter registration card.
- In June 2011, the Alabama State Legislature passed House Bill 19 (the “Photo ID Law”), which requires Alabama voters to present one of seven forms of photo ID to vote, whether in person or absentee:
 - A valid Alabama Driver’s License or non-driver ID;
 - A valid photo ID issued by Alabama, another state, or the federal government;
 - A valid U.S. Passport;
 - A valid employee photo ID card issued by Alabama or the federal government;
 - A valid student or employee photo ID card from a public or private college in Alabama;
 - A valid U.S. military photo ID card; or
 - A valid tribal photo ID card.
- A person cannot vote, however, using high school student IDs, photo IDs issued by public housing authorities, or even driver’s licenses that are expired more than 60 days or are otherwise “invalid.”

The Discriminatory Impact of the Photo Voter ID Law

- Last year, the Alabama Secretary of State estimated that the Photo ID Law would disfranchise anywhere from [250,000 to 500,000 registered voters](#).
- Black and Latino people in Alabama are less likely than white people to own the forms of photo ID required by the law to vote. Nationally, [25% of African-American and 16% of Latino voting-age citizens](#) have no form of government issued photo ID, compared to just 8% of whites.
- Over 600 ballots were confirmed as uncounted in 2014 because of the Photo ID Law.
- Voter turnout in Alabama in 2014 was the lowest that it has been in over two decades. Thousands of voters likely did not show up to vote or were turned away without being offered a ballot because they did not have the proper ID or did not know if they had the proper photo ID.

Alabama’s History of Discriminatory Voting Laws

- From the first discriminatory voter identification law in Alabama in 1893 (the Sayre Election Law) to discriminatory “voucher” requirements in the 1940s to attempts to halt the Selma marchers in 1965 to the present day, the State of Alabama has a [long history](#) of racial discrimination in voting.
- Because of the Alabama’s history of racial discrimination in voting, it was one of only nine (9) completely “covered” states under the Voting Rights Act of 1965’s Section 5 preclearance system.

- Preclearance served as our Nation’s “discrimination checkpoint” and required covered states like Alabama to seek permission from a federal court in Washington, D.C. or the U.S. Department of Justice before enforcing any new voting laws.
- From 1982 to 2013, the [U.S. Department of Justice](#) blocked forty-eight (48) proposed voting changes in Alabama because of those changes’ potential to discriminate against Black and Latino voters. The Department of Justice blocked five (5) attempts by Alabama to implement discriminatory voter re-identification laws and policies.
- Although the Photo ID Law was passed in 2011, Alabama did not seek to enforce the law until after the U.S. Supreme Court’s devastating decision in *Shelby County, Alabama v. Holder* on June 25, 2013, which removed Alabama’s preclearance obligations.
 - [Within a day](#) of the Court’s decision, Alabama officials announced that the Photo ID Law would be enforced in 2014.
- The Photo ID Law was one of three discriminatory voting measures passed by the 2011-2012 Alabama Legislature. The other two have already been largely blocked by the federal courts.
 - [Racially Discriminatory Anti-Immigrant Law HB 56](#): Within days of the passage of the Photo ID Law, the Alabama Legislature also passed HB 56, an anti-Latino law that included a documentary proof of citizenship requirement for voter registration. A federal district court [found](#) that there was substantial evidence that HB 56 was passed for a racially discriminatory purpose, and much of the law was later invalidated by the U.S. Court of Appeals. Because of HB 56’s dubious legality, Alabama has yet to enforce the proof of citizenship requirement.
 - [Racially Discriminatory Redistricting](#): In 2015, the U.S. Supreme Court [found](#) that the Alabama Legislature had likely redistricted the State Senate and House in a manner that intentionally cabined Black voters into legislative districts based on their race in order to diminish their influence in other districts. The Supreme Court returned the case to a three-judge court, which is now deciding on the best way to correct this discriminatory redistricting.

LDF’s Challenges to the Alabama Photo ID Law

- For the last two years, LDF has corresponded and met with Alabama state officials to alert them to the [serious burdens](#) that the Photo ID Law is placing on Black and Latino voters’ fundamental right to vote. The State has done little to respond to these concerns.
- In October 2015, when Alabama announced the closure of several driver’s license-issuing offices in its “Black Belt” and elsewhere, LDF again [warned](#) state officials that Black and Latino citizens are more likely to live in those areas and less likely to own vehicles, and that the closures would have a harmful effect on the ability of people of color to obtain the photo ID needed to vote.
- LDF has brought this lawsuit under the Voting Rights Act of 1965 and the U.S. Constitution to prevent Alabama from continuing to enforce this discriminatory Photo ID Law, and to protect the fundamental right to vote for the many thousands of Black, Latino, white and other voters in Alabama who have been or will be disfranchised by the law.