

FOR IMMEDIATE RELEASE
June 15, 2020

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Federal Court Rules in Favor of Alabama Voters during COVID-19 Pandemic

*Litigation brought by LDF, SPLC, and ADAP successfully challenged barriers to voting
absentee and in person in upcoming July 14 election in Alabama*

BIRMINGHAM, Ala. – Today, in a [decision](#) that will protect the health and right to vote of medically vulnerable Alabamians, a federal court waived onerous absentee ballot requirements in at least Jefferson, Mobile, and Lee Counties – including the requirement that voters have their absentee ballot notarized or witnessed by two adults and the requirement that absentee voters who are 65 and older or disabled mail-in copies of their photo IDs – and lifted the statewide prohibition on curbside voting at in-person polling locations for the July 14, 2020 election.

The U.S. District Court for the Northern District of Alabama issued the ruling providing immediate relief in response to a motion for preliminary injunction filed by the NAACP Legal Defense & Educational Fund, Inc. (LDF), Southern Poverty Law Center (SPLC), and the Alabama Disabilities Advocacy Program (ADAP) on behalf of the plaintiffs, People First of Alabama, Greater Birmingham Ministries, and the Alabama NAACP, in the case. The ruling comes prior to any trial proceedings that may take place in [People First of Alabama v. Merrill](#).

The next major election in Alabama will take place on Tuesday, July 14. The deadline to request an absentee ballot for the July election is Monday, June 29.

[Since Thursday of last week, Alabama has broken the single-day coronavirus record four days in a row](#), demonstrating the state does not have community transmission under control. COVID-19 continues to endanger older voters, Black voters, and voters with disabilities whose pre-existing health conditions make them particularly at-risk for complications and death from the illness. The Court’s ruling waives the witness and photo ID requirement for those voters whose age or medical condition makes them more vulnerable to serious illness from COVID-19.

Some Alabama voters, like plaintiffs Robert Clopton, Annie Carolyn Thompson and Eric Peebles, meet multiple characteristics, therefore increasing their risk.

Finding that the plaintiffs demonstrated irreparable harm, the court held that “if the challenged election laws are not enjoined, the individual plaintiffs and similarly-situated voters could likely face a painful and difficult choice between exercising their fundamental right to vote and safeguarding their health, which could prevent them from casting a vote in upcoming elections.”

“No one should have to risk their health to vote. We’re happy that the Court removed Alabama's needless barriers to voting and that many tens of thousands of vulnerable people will now have a safe means of voting in July,” said Deuel Ross, Senior Counsel at LDF. “What happened in Georgia was a disaster, and the Court’s order will help prevent Alabama from facing a similar crisis.”

“On the thirtieth anniversary of the passage of the Americans with Disabilities Act, the decision of this Court reaffirms the mandate of the law – people with disabilities shall have equal access to all programs and services,” said Bill Van Der Pol, Senior Trial Counsel at ADAP. “People with disabilities should not be required to choose between two fundamental rights: access to the ballot box and their health and safety.”

While state officials around the South and nation have taken pro-active steps to waive many of the provisions challenged in this litigation, the Court’s ruling follows in the steps of decisions in [South Carolina](#) that waived witness requirements and in [Oklahoma](#) that waived notary requirements.

“This ruling is not only a victory for our clients, whose pre-existing conditions make them especially vulnerable to COVID-19, but it is also a victory for at-risk Alabamians who should not have to jump over unnecessary hurdles to vote, especially in the middle of a global pandemic,” said Caren Short, senior staff attorney for the SPLC.

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.

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