

1 percent or more of the population is black. A
2 federal investigation determined that these
3 closures had a disparate and adverse effect based
4 upon race.

5 The state was ordered to reopen the
6 offices, but many of the offices are reopened on a
7 very limited schedule. For example, a person in
8 Sumter County, which is a majority-black county,
9 can only visit the driver's license office on the
10 2nd and 4th Tuesday of the month from 8:00 to
11 12:00 and from 12:30 to 2:30 to get a driver's
12 license. If they arrive without the proper
13 paperwork, of course, you don't get the
14 identification. They must wait a significant
15 amount of time, if you can even get back for
16 another chance, not to mention the work
17 requirements and traveling. And if someone has
18 very low income, it's difficult to get up there.

19 As the Commission should know, in-person
20 voter fraud is virtually nonexistent across the
21 country. And in Alabama, as stated in the recent
22 case of Greater Birmingham Ministries versus
23 Merrill -- this decision just came out in January

1 -- where the Court said, "Cases of proven
2 in-person voter fraud in Alabama are extremely
3 rare." This case also states substantial numbers
4 of Alabama voters are adversely affected with
5 minority voters disproportionately so. So over
6 20,000 black registered voters in Alabama have no
7 valid photo ID that is accepted under the photo ID
8 law. So they're registered voters, but they don't
9 have the ID to vote. It's over 20,000, which,
10 obviously, can make a huge difference in an
11 election.

12 This translates, of course, into the
13 thousands of individuals adversely affected by
14 this, what we would call, an unnecessary law. So
15 instead, you know, we would request that the
16 Secretary of State maybe not -- you know, it's not
17 necessary to show up to every, you know, peach
18 festival and peanut festival. We would -- we
19 would hope that he would work to kind of get rid
20 of this voter ID law instead because it makes it
21 extremely difficult for people of color to vote,
22 as statistics show.

23 Second, we have had trouble with Mobile

1 County. The ACLU of Alabama, my organization, set
2 up a hotline to report difficulties in voting on
3 election day for the special senate election here
4 this past December, the one where Senator Jones
5 won, and we received complaints all day on our
6 hotline. On election day in particular, we got
7 word of dozens and dozens of people prohibited
8 from voting in Mobile County because the address
9 on their driver's license does not match the
10 address on the registration rolls. That is not a
11 requirement. For example, you can use your
12 government employee ID or your university ID or
13 your passport to vote. Those don't contain
14 addresses. So why in Mobile County are they
15 requiring an address match between what's on the
16 roll and what's on the driver's license?

17 As people know, people move frequently.
18 Especially if you're of lower income, then you
19 might be renting and moving to different places.
20 As for the individuals in Mobile, we heard that
21 many just left when they were told by the election
22 officials that their address doesn't match. They
23 have to get back to work or they only had a

1 certain amount of time, not to mention the lines.
2 Some of them stayed and they were told to get into
3 the line for a provisional ballot, but that line
4 was long. For some people, it was like an hour
5 and a half up to two hours.

6 I had actually been on the phone with the
7 probate judge and, you know, I told him that, you
8 know, get some more computers down there or
9 something if you're going to force people at least
10 to go into these provisional lines. But they
11 shouldn't be checking them -- addresses exactly
12 like that anyway. So many people left that line
13 because it was taking too long. So if they didn't
14 leave the first line, they did leave the second
15 line. We have heard that this particular probate
16 judge in Mobile County has been doing this for
17 years, which is troublesome.

18 Third, a law went into effect last August
19 that now defines what a crime of moral turpitude
20 is. Moral turpitude laws were created in 1901 in
21 Alabama, effectively to disenfranchise black
22 voters. Because there was no definition of moral
23 turpitude for over 100 years, election officials

1 could broadly prevent individuals from getting the
2 right to vote, which is worrisome. A new Alabama
3 law was passed last year that finally actually
4 defined what crimes are crimes of moral turpitude.

5 Many people have asked the Secretary of
6 State if you could notify these people that
7 they're eligible to vote. Secretary Merrill
8 claimed it was not his responsibility to notify
9 those voters that they are eligible to vote again.
10 So largely, that task has been left to nonprofit
11 entities without the same resources. And also, we
12 don't have the records, but whereas, we've been
13 just trying to get people registered to vote again
14 and get their voting rights restored, entities
15 like the Legal Services of Alabama, The Ordinary
16 People Society, and the ACLU of Alabama.

17 Fourth, I should mention in the moral
18 turpitude law, the State did not repeal the
19 provision that requires fees and fines to be paid
20 off to vote again. This means that the State
21 directly discriminates against the poor. Many
22 poor people cannot vote simply because they are
23 poor.

1 Fifth, another law passed last year that
2 made crossover voting illegal, meaning that
3 someone voting in one party's primary could face
4 fines and jail time if they voted in the other
5 primary's runoff. Following the republican
6 primary runoff between front-runners Roy Moore and
7 Luther Strange, Secretary Merrill said that 674
8 people who voted in the runoff had also voted in a
9 democratic primary and recommended that they be
10 prosecuted to the full extent of the law and given
11 up to five years in prison for voting. That was
12 his suggestion. And this crossover voting law, as
13 you know, as I just mentioned, was brand new.

14 To us, it seems that it was occurring --
15 if this was occurring, if people were, you know,
16 accidentally or maybe intentionally, you know,
17 voting in the runoff, it could have easily been
18 stopped by the election officials. It seems like
19 it was probably a result of lack of training if it
20 was happening or at least instructions to the
21 election officials. They could have stopped any
22 of this from occurring. They had the voting
23 records immediately available to them. But

1 instead, the Secretary of State urged five years
2 in prison for voting.

3 Eventually, it came out that it was mostly
4 administrative error, I think as you've heard
5 today, but the damage was already done with many
6 individuals worried that maybe making a mistake
7 while voting might land them in prison. And as
8 we'll get to later, the bureaucracy of voting is
9 very complicated, so I am worried myself, am I
10 going to make a mistake, am I not going to have
11 the right person signing it over my shoulder. You
12 know, so many asked Secretary Merrill to clarify
13 that the crossover voting law does not apply to
14 the general election because there's this fear
15 that, wow, we might go to prison if we make a
16 mistake. He said, quote, That doesn't confuse me,
17 and I don't know why it would confuse anybody
18 that's a thinking person in the state, end quote.

19 Sixth, we have concerns about the
20 bureaucracy of having to vote. In order to have
21 your vote counted in an election in Alabama, you
22 need to register to vote 14 days before the
23 election, which -- which you can do online which

1 is great, but only -- you can only vote online if
2 you have an Alabama driver's license or a
3 nondriver ID. Otherwise, it has to be mailed in
4 or filed in person. If you miss the deadline,
5 you're out of luck. Can't vote.

6 Seventh, absentee voting should not be so
7 difficult. To vote absentee, you should -- you
8 should -- you need to apply for an absentee ballot
9 five days before an election, return it one day
10 before the election, unless you have a work or
11 medical emergency and then only if you have
12 verifiable proof that you can satisfy one of five
13 -- five reasons for being unable to vote during
14 normal polling hours. People in my own family
15 have interestingly not even gotten their absentee
16 ballot for the last election, so they weren't even
17 able to vote. So I'm still actually confused on
18 the absentee. And I look over the process, and it
19 confuses me almost every time. And then with the
20 fear of potentially going to prison, it's -- it's
21 worrisome that, you know, people won't be voting.

22 Eighth, I do not completely understand
23 putting active voters on the inactive voting list.

1 So I'm going to read from Alabama Code 17-4-9
2 which states, "Any voter who fails to vote for
3 four years in his or her county shall have his or
4 her name placed on an inactive voter list by the
5 local board of registrar" -- "registrars." Excuse
6 me. So that's if you're not voting for four
7 years, you get put on the list. That's what it
8 seems like to me, but we've had individuals --
9 many individuals that voted in the 2016
10 presidential election, then they could not vote in
11 the special senate election a few months later in
12 2017, in the primary or the regular election.
13 That was not four years of inactivity; they had
14 just voted less than a year ago. However, they
15 were marked as inactive.

16 Secretary Merrill -- I wasn't here for his
17 portion. I mean, he would even tell you that Mo
18 Brooks -- many members of Mo Brooks' family
19 couldn't even vote on his election day, and he was
20 on the ballot for U.S. Senator, because of the
21 inactive voter confusion. Mo Brooks was inactive
22 and so were his, I think, his son and his
23 daughter-in-law, I believe.

1 So at the ACLU of Alabama, we simply
2 believe that people should be allowed to
3 participate in democracy. It's kind of easy. We
4 want voter ID laws to be repealed. You know, we
5 -- we want there to be fairness in elections. But
6 we question some of the -- the reasons that have
7 gone into the voter ID laws that have even been
8 admitted in statements.

9 We would also suggest the implementation
10 of automatic voter registration for all eligible
11 citizens. Automatic voter registration lowers
12 costs. It reduces the potential for voter fraud,
13 which seems like a good idea, and keeps the rolls
14 updated. It keeps a very clean roll. Any time
15 anyone interacts with any government services, it
16 can be automatically corrected so their address
17 can be updated every time they move, pay a new
18 power bill, or whatever that they might be doing.

19 If for some reason reducing the potential
20 for voting fraud and saving money are not what the
21 State of Alabama would like, I mean, we just
22 simply ask that the Secretary of State's office
23 and the Alabama legislature explore many of the

1 other possible options designed to make it easier
2 for eligible citizens to register to vote and cast
3 their vote.

4 For example, same-day or election-day
5 registration, early voting, and no-excuse absentee
6 ballots are just a few examples of laws designed
7 to increase voter participation. So we sincerely
8 hope to expand voting in Alabama. Unfortunately,
9 but the Alabama Secretary of State, he admits he
10 doesn't necessarily want to make it easy to vote.
11 He was quoted as saying, quote, As long as I'm
12 Secretary of State of Alabama, you're going to
13 have to show some initiative to become a
14 registered voter in this state, end quote. That's
15 my statement.

16 MS. CARROLL: Great. Thank you. So with
17 those statements complete from the panels, we'll
18 now turn to the question portion. As always, if
19 you can indicate to me if you would like to have a
20 question. I'd like to start with you, Mr. Park.
21 So you had indicated in your discussion, I
22 believe, of the Wetumpka County case that folks --
23 and I may be wrong about that -- but that folks

1 were voting that had used business addresses; is
2 that correct?

3 MR. PARK: Yes.

4 MS. CARROLL: And so I'm curious, what
5 information -- what informational efforts were
6 made to make sure people understood which address
7 they were supposed to provide and then just to
8 give you kind of a follow-up, Mr. Boone had
9 indicated that an address requirement is not
10 necessary for -- to cast the ballot. A, is that
11 true? And B, were you speaking of an address that
12 failed to match the registration or were you
13 speaking of an address that was improperly given
14 with regard to the ID that they were provided?

15 MR. PARK: If you go back to 1994, there
16 was a highly contested election, where in Greene
17 County, there were suitcases of absentee ballots
18 delivered to the polling place on election eve.
19 And they were frequent -- those absentee ballots
20 frequently went to business addresses and to --
21 like county offices and places like that. So
22 Alabama changed its law, and you're supposed to
23 get an absentee ballot at your -- at your home.

1 For in-person, you're supposed to keep your
2 driver's license up to date. Now, I can't speak
3 to Mobile, but Mobile is only one of 67 counties
4 in Alabama. One would think that focus in Mobile
5 should be where -- where things should be.

6 MS. CARROLL: Okay. But, I guess, getting
7 back to my question though in terms of information
8 about the example that you gave.

9 MR. PARK: In Wetumpka?

10 MS. CARROLL: I believe, yeah. You had
11 indicated that the absentee ballots were
12 problematic because the voters had used a business
13 address.

14 MR. PARK: No. This was Phenix -- Phenix
15 City when they --

16 MS. CARROLL: Phenix City. I'm sorry.

17 MR. PARRK: -- reviewed -- when they
18 reviewed voter registrations.

19 MS. CARROLL: Okay. So it was the
20 registration itself. And what information is out
21 there for voters to understand which address they
22 should use?

23 MR. PARK: It's a matter of state law that

1 you -- you register at your home.

2 MS. CARROLL: I understand it's a matter
3 of state law, but I guess this is a similar
4 question to what Ms. Shearer was asking earlier to
5 the Secretary of State to the extent that we hope
6 that folks will follow state laws. And the goal
7 is to allow people to vote. It seems like we
8 would have an incentive to make sure that -- that
9 folks understood what the state law was. What
10 efforts are being made that you know of to ensure
11 that?

12 MR. PARK: I don't know of any efforts
13 that are being made specifically to ensure that,
14 but, you know, we just need to review the voter
15 rolls and -- and those people we can contact and
16 tell them we re-changed their registration.

17 MS. CARROLL: All right. So I guess as a
18 follow-up to that then too -- and I'm sorry to
19 pepper you with this, but I just want to try to
20 nail down this point. My understanding is that
21 Secretary of State Merrill has made a statement
22 that when a registrar confirms that an address is
23 valid, quote, they are not in the business of

1 confirming whether it's a residential or a
2 business address, end quote. If that's the
3 Secretary of State's position, I guess I'm a
4 little baffled by your response that you want to
5 make sure that the rolls are correct.

6 MR. PARK: That's -- that's the Secretary
7 of State's view, but the -- the local
8 jurisdictions are the ones that are responsible
9 for their voter rolls. There -- there is supposed
10 to be -- there was when I was here -- an effort to
11 some of the statewide database, but the probate
12 judges were not all on board with that.

13 MS. CARROLL: All right. And then the
14 next question I had -- and I apologize to the rest
15 of the Committee. And I will try to do all of
16 these at once, and then y'all can have your turn
17 too.

18 In terms of -- and this was the Circuit
19 Court of Elmore County decision that you
20 referenced the eight absentee ballots that were
21 illegally cast. That was Judge Sibley Reynolds'
22 ruling in the Lewis Washington case that they were
23 neither signed nor witnessed. I mean, that --

1 that suggests that they were insufficient as
2 opposed to necessarily fraudulent; is that
3 correct.

4 MR. PARK: There was some -- I have seen
5 Judge Reynolds' order, and what -- what there was
6 was proof that either the voter didn't sign the
7 application or the witness didn't sign the
8 application. Al Agricola represented the winning
9 party. Al is a lawyer here in Montgomery, and he
10 had -- he had a handwriting expert express an
11 opinion on the validity of the signatures. So
12 they passed initial muster, but they were
13 fraudulent because the wrong person signed them.
14 I mean, I can't sign an absentee -- I shouldn't
15 sign an absentee ballot for somebody else.

16 MS. CARROLL: Okay. And then, Mr. Boone,
17 I have one question for you. You spoke in terms
18 of Mobile County as your second point and the
19 hotline that the ACLU had set up. Can you -- can
20 you give us some indication of the number of folks
21 we're talking about that -- that the ACLU suspects
22 did not cast a vote that were entitled to vote?

23 MR. BOONE: We're not exactly sure on the

1 exact number because a lot of the people that were
2 contacted -- we had, you know, almost a dozen --
3 over a dozen that probably -- that called us, but
4 they were standing there basically telling us
5 everyone that's leaving in the lines.

6 So there -- so it could be -- I mean, I'm
7 worried about it could possibly -- it could be up
8 to 100 or more. I'm not sure because it was
9 happening throughout the day, and I don't know how
10 many precincts it was occurring. I don't even
11 know how many precincts in elections there are in
12 Mobile.

13 But if that was the instruction from --
14 which is what I fear is that if the instruction
15 came from the probate judge, that's basically --
16 that's the manual that the election officials are
17 looking at or if they're going off the probate
18 judge's instructions to check every address, then
19 it could be -- I have no idea however many voters
20 are in Mobile and who don't have a correct --
21 their address just happens to match that data.

22 MS. CARROLL: And did the ACLU make a
23 record of the calls that they received?

1 MR. BOONE: We kept -- we -- no. It was
2 coming in pretty -- we didn't keep every single
3 phone call. We kept a record of some of them that
4 we were able to write down. But we didn't write
5 down every single call and name, and some people
6 don't give up, you know, all of their information,
7 for example. And because we care rightly about
8 privacy, it's one of our big issues, we don't
9 necessarily ask for that information.

10 MS. CARROLL: Would it be possible for you
11 in written comments to provide us with information
12 about the number of calls that you received?

13 MR. BOONE: I think I can do that. I
14 would have to just check with my executive
15 director, but I don't think that should be a
16 problem.

17 MS. CARROLL: So I am going to go down the
18 line this way, and then I'll come back this way.
19 So I'm going to start with Member Maurie Shevin,
20 and then if you could pass to Member Angela Lewis,
21 who will be next.

22 MR. SHEVIN: Thank you. Also, Mr. Boone,
23 to your second point, I want to make sure that I

1 understand this correctly. When the address on
2 the driver's license does not match the address on
3 the voter rolls in Mobile County, those ballots
4 were being challenged or those voters were being
5 challenged; is that correct?

6 MR. BOONE: What do you -- I guess -- what
7 do you mean by challenged I guess? Question --

8 MR. SHEVIN: Well, the voter was not free
9 to cast a ballot.

10 MR. BOONE: They were, from what I've
11 heard -- you know, I wasn't there. But from what
12 I heard, they were told, oh, sorry, you -- you
13 have to have this matching address. So at that
14 point, some people would just leave and be like,
15 well, look, I don't -- I got to go, and some would
16 say, well, you -- and then if they -- if they
17 would say, I still want to vote. I mean, this is
18 me. This is my picture, which is what we believe
19 it comes down to, what's on the actual photo which
20 is what the law says, it's about the
21 identification on the photo, but other people were
22 told, well, you can go check.

23 And there's a head election official, I

1 think, at each precinct, and that person is
2 supposed to be able to either give them a
3 provisional or if they can verify -- I think it's
4 like their county of birth and stuff -- they might
5 be able to get a regular ballot. I don't know the
6 procedure exactly, but that's my understanding.
7 So then some others were gone to the provisional
8 line.

9 MR. SHEVIN: And a quick follow-up
10 question, is it a legitimate issue to be concerned
11 with a voter's address?

12 MR. BOONE: I'm not -- you know, I don't
13 -- I don't have a direct answer on that one. It's
14 not something we've talked about within our
15 organization since I'm representing them today.
16 My -- my initial thought is, you know, it just
17 seems this is -- it's one in a series of keeping
18 people from accessing the vote. I mean, if it's
19 their photo and it's that person and they're at
20 the correct precinct, which you would know from
21 the rolls, I can't imagine -- just because you
22 happened to have moved to a new apartment in the
23 next month or maybe you had to move in with a

1 parent, I can't believe you'd lose your right to
2 vote, which is so important to the Constitution
3 because of something so technical.

4 I mean, technical and -- because it's
5 technical and because something -- we want
6 everything to be fair, of course, of course. But
7 it seems like there's so many obstacles and
8 barriers put in the way. Myself, I feel like I
9 could -- you know, I do this -- I'm a staff
10 attorney for the ACLU. I feel like I could
11 potentially make a mistake. And if I feel like I
12 can make that mistake, I know that there's plenty
13 of people out there who live very busy lives and
14 it's difficult to even make time to vote much less
15 check every single box that the State of Alabama
16 requires.

17 And like I said at the end, I mean, I'm
18 just interested in people participating in
19 democracy, not being left off because of these
20 technicalities that have nothing to do with voter
21 fraud.

22 MS. CARROLL: Dr. Lewis.

23 DR. LEWIS: Thank you for coming today and

1 sharing your information with us. My first
2 question is for Mr. Park. You spoke about the
3 voter fraud in several counties -- Wetumpka,
4 Phenix City, and Guntersville. And my question
5 is, would the current Alabama photo -- photo ID
6 law that we have in place have stopped those
7 instances of fraud or those elections being
8 overturned?

9 MR. PARK: It wouldn't have stopped
10 Wetumpka because Wetumpka is absentee ballot, so
11 it's a different question. Let's see.
12 Guntersville, I think -- Guntersville was also
13 absentee ballot, so it's a different question.
14 Phenix City, the question is because people who
15 may have been registered and may be residents of
16 Georgia might have voted. You know, again,
17 that -- that would be a -- an in-person thing that
18 I would think -- I don't know that any -- any of
19 those problems -- their voters. They are problems
20 with the registration roles.

21 DR. LEWIS: So can I assume your answer to
22 my question would be no?

23 MR. PARK: The answer is no because they

1 are different problems.

2 DR. LEWIS: All right. Thank you. My --
3 my second question is, you talked about instilling
4 confidence in the electoral system and gave a lot
5 of statistics about how people feel about voting
6 in America. Is the photo ID law the only way to
7 instill public confidence in the U.S. electoral
8 system?

9 MR. PARK: No, Dr. Lewis. I don't -- I
10 don't believe it is. I think one -- one thing you
11 can do is prosecute instances of voter fraud when
12 you find them.

13 DR. LEWIS: Are there other ways besides
14 prosecuting and the photo ID?

15 MR. PARK: Well, I think those things
16 attest to the integrity of the system and then,
17 you know, every election there is a flash fire.
18 Mobile may be the flash fire. Baldwin County one
19 time was the flash fire. Tuscaloosa was the flash
20 fire.

21 There's -- they go around and you've got
22 -- what you've got to do is look past -- past the
23 fact. But otherwise, the election is going to --

1 elections run as they're supposed. And you want
2 to run the election as well as you can. That's --
3 that builds confidence in the system.

4 DR. LEWIS: A question for Mr. Boone. In
5 reference to the hotline, what -- and I know you
6 have a concern for privacy for those people who
7 called. Do you have any record or -- of the
8 number of calls or any recordings or any of those
9 individuals who called would be willing to submit
10 public testimony to -- via e-mail or whichever
11 form they see fit to make that a part of our
12 official record today?

13 MR. BOONE: I think it -- that might be
14 possible, and I can reach out to some of those
15 individuals. And the individuals I would be
16 thinking of are the individuals who kept calling
17 just to check and see. You know, they seemed like
18 they were very engaged, and then they were asking
19 their friends did you have trouble and they were
20 -- their friends were having trouble. And then
21 they were on Facebook messaging some of their
22 family members did you have trouble in your
23 precinct. Yes, I had trouble in my precinct.

1 There's some individuals that I might be
2 able to contact because I did keep some of those
3 names. Like I said, I was kind of jotting down
4 notes as they were coming in, so I don't have all
5 of it. But I'd probably be able to check back in
6 my notes, and I starred, I think, the people who
7 were calling back frequently.

8 DR. LEWIS: Thank you.

9 MS. CARROLL: And we have a question from
10 Member Daiquiri Steele.

11 MS. STEELE: Thank you. This question is
12 for Mr. Boone. You have already spoken about the
13 individuals who had trouble on election day, and
14 so, of course, you had the hotline set up, as many
15 organizations do, to gather information about
16 possible problems on election day. Does your
17 organization do any work with respect to any
18 possible problems with the voter registration
19 process itself? For instance, our Secretary of
20 State came this morning and he gave us a number of
21 about 900,000 new registered voters in the state.
22 But that number is more of a numerator, and I'd be
23 interested to know what the denominator is. So

1 of the people who actually got to register, how
2 many attempted to? Does your organization collect
3 any of that information or happen to have a
4 hotline set up to collect that information?

5 MR. BOONE: We don't when it comes to
6 voter registration. We've -- we make attempts at
7 trying to help people get registered. Recently
8 though, part of our focus has been on the
9 restoration of rights, actually, since the new law
10 was passed and because that's a whole new
11 demographic of individuals that need to be, you
12 know, educated on the somewhat complicated moral
13 turpitude law. And it's very confusing.

14 And I think someone mentioned it earlier
15 today. It's hard to even know what you were
16 charged with or if you've paid all your fines or
17 if you're still on supervision. It's very
18 complicated. So our efforts recently have been
19 into restoration of rights. So we haven't had as
20 much time for registration, and I don't know the
21 denominator. I don't know the percentages of the
22 Secretary of State. That's not the number we
23 have, but we have been focusing a little bit more

1 on the moral turpitude law.

2 MS. STEELE: Okay. And one more thing,
3 madam chair has already requested information
4 concerning some of these assets and Dr. Lewis some
5 of the information concerning --

6 THE COURT REPORTER: I'm sorry. Can you
7 speak up a little bit? I'm sorry.

8 MS. STEELE: That better? So inasmuch as
9 the information has already been requested, I
10 would just ask that to the extent -- and I know
11 you may or may not have it. But to the extent you
12 have any information also on the demographics of
13 the individuals who are -- who are calling in,
14 would you submit that as part of your testimony as
15 well?

16 MR. BOONE: Calling in the hotline on the
17 day of the election?

18 MS. STEELE: So the same information that
19 the chair has requested. If you have any
20 information on the demographics of those
21 individuals, can you just include that?

22 MR. BOONE: I will check. That's not
23 necessarily questions we were asking. We mostly

1 just have names and like precinct numbers. Yes,
2 but I'll look and see what I can do.

3 MS. CARROLL: Well, certainly, if you can
4 put people in touch with us, as Dr. Lewis
5 suggested, that might be something we could
6 inquire into as well. I love that I've also been
7 speaking out of dead mic in the meeting. So I
8 believe Member Jones has a question.

9 MR. JONES: So this question is for you,
10 Mr. Park. Again, thanks for being here. The
11 first thing you note were kind of national
12 statistics about our -- our kind of faith in
13 elections, but you noted a lot of local issues.
14 And so can you give me a sense or at least talk
15 about, you know, differences across counties or
16 how we might think about how -- or look into how
17 counties look over this process, both in
18 registration and kind of going through to voting
19 day?

20 MR. PARK: I'm not -- not -- the
21 statistics are -- are national. Instances of
22 prosecution of absentee ballot fraud are local.
23 We know that, for the most part, we don't hear

1 about problems with elections. I'm going back --
2 when I talked about Baldwin County, I think that
3 was the gubernatorial election between Siegelman
4 and Riley where the complaints were coming out of
5 Baldwin County.

6 You know, this election, they come out of
7 Mobile. You know, for the most part, it's a dog
8 that doesn't bark. And I think that should attest
9 to the efforts that local officials and local
10 election officials and county officials are making
11 because they're the ones most responsible for
12 pulling this off.

13 MR. JONES: So is there --

14 MR. PARK: Is that responsive?

15 MR. JONES: Well, can you talk a little
16 bit more about that -- how we might think about
17 those efforts, so how Madison County might differ
18 from Baldwin County and in how they run those
19 things and those efforts to prevent voter fraud
20 and also encourage voter participation?

21 MR. PARK: Well, one thing the Committee
22 might do is ask -- invite like the local registrar
23 here in Montgomery County, if you're sitting in

1 Montgomery County, to talk about the efforts that
2 they made because they're -- they're the ones on
3 the ground. You might -- if you go to Huntsville,
4 you could ask for the registrar in Madison County.
5 So those are the things that the Committee might
6 -- steps that the Committee might take that would
7 be enlightening to them, to the Committee.

8 MR. JONES: Okay. And I've got a
9 follow-up question, and as long as I have time, I
10 also have one question for Mr. Boone. But you
11 talked a little bit about disparate impact with
12 the laws, and you said something about the laws --
13 I just need you to clarify this, that as long as
14 the laws have a neutral intention, even if there
15 are disparate effects, that might not be a
16 constitutional issue. Can you clear up a little
17 bit what you -- that for me?

18 MR. PARK: Correct. Treating someone
19 differently because of their race is
20 unconstitutional. That's known as disparate
21 treatment. Federal law and the Voting Rights Act
22 as well prohibit things that not just are intended
23 to but have the result of. And in the terms of

1 the Voting Rights Act, what it talks about have
2 the result of giving minority citizens less than
3 an equal opportunity to elect the candidate of
4 their choice. So -- so it would be a neutral -- a
5 state law that has a disproportionate impact on
6 minority citizens.

7 MR. JONES: Regardless of intention of the
8 law?

9 MR. PARK: Correct.

10 MR. JONES: Is that -- okay. Thank you.

11 MR. PARK: Correct. And the Supreme Court
12 has said that disparate impact itself is not
13 unconstitutional but it's also prohibited by
14 federal statutory law.

15 MR. JONES: Okay. And if I've got time,
16 madam chair.

17 MS. CARROLL: We're great. Yeah.

18 MR. JONES: Mr. Boone, so the hotlines of
19 interest, did you take steps to intervene and also
20 kind of investigate? So -- so rather, if you
21 could describe the process. You received the
22 call. Did you send people out to the polling
23 places to see if this was happening, kind of how

1 widespread it was? And did you also take steps to
2 intervene?

3 MR. BOONE: What we did was whenever we
4 would get a call, we would try to keep the notes
5 on which ones were of value, and sometimes we
6 didn't get all the notes down, I think. But what
7 I did mostly was if someone did call, I would -- I
8 would try to do an investigation just on the fly,
9 basically. So I would try to call. I was in
10 touch with the Secretary of State's office that
11 day, can you please call this precinct and tell
12 them to do the right thing?

13 I was on the phone -- I got -- it took a
14 while, but I got ahold of the probate judge in
15 Mobile County. I called him multiple times
16 throughout the day. You know, can you please
17 inform your election officials to go by the manual
18 and can you also -- you know, there's lines that
19 are over an hour in some places. Can you get some
20 more computers there or individuals or another
21 head election official because people are leaving
22 your lines because it's taking too long. So
23 whenever I would hear about a precinct that was, I

1 guess, in trouble or -- then I would try to let
2 him know. So I was mostly just trying to call
3 Secretary of State's office and the probate judge
4 in Mobile County.

5 And then we had instances of police
6 intimidation or individuals who felt like it was
7 police intimidation where cops are right outside
8 the voting precincts like when you come into the
9 door, which has worried us in the ACLU for over
10 100 years because, you know, that discriminates
11 against people who might have something on their
12 record or they're worried about what the police
13 might stop them and question them or if a police
14 officer is standing behind where they're giving
15 their information to -- or showing their ID.

16 So, you know, that could have a deterrence
17 on certain populations from voting. So what I
18 would do in those cases was if it was a sheriff's
19 -- if it was someone who's a deputy sheriff, I'd
20 call the local sheriff. If it was a city cop, I'd
21 talk to the police chief and say, you know, can
22 you please explain or at least tell your officer
23 not to stand right by the door or can he park his

1 car across the street if there is -- you know,
2 have there been any safety concerns? Why is there
3 an officer standing outside the door and why is he
4 there when everyone is giving their name.

5 As you know, there's a history of
6 discrimination in Alabama. So -- so usually, I
7 was just intervening on the fly and then, you
8 know, from some of the information we would take
9 down, we did speak with other groups to discuss
10 whether or not any of this information or if
11 possibly if there were to be some type of lawsuit
12 in the future, if we needed to contact these
13 individuals again or investigate the likelihood of
14 a lawsuit. And so I guess it was for that purpose
15 as well -- just, of course, with those
16 individual's permission. We're not going to
17 instigate a lawsuit unless a plaintiff was
18 completely on board. So --

19 MS. CARROLL: All right. I'm going to
20 turn on the mic. I've got a few more questions.
21 So Mr. Park, you recommended, I think, hopefully
22 that we reach out to local registrars. Would you
23 also recommend I take it reaching out to probate

1 judges? Because it sounds like they're also in
2 charge of enforcing the voting regulations.

3 MR. PARK: I think that -- that's right.

4 MS. CARROLL: All right. Another question
5 for you, Mr. Park, going back to the figures you
6 provided with regard to voter confidence, those
7 are statistics that were gathered by polling
8 places with regard to confidences opposed to
9 evidence or fraud itself, correct?

10 MR. PARK: That's correct.

11 MS. CARROLL: All right. Mr. Boone, going
12 to -- you referenced section 17-4-9 of the Alabama
13 Code with regard to inactive voter list. I think
14 this actually goes to your point about the absence
15 of clarity in some of the electoral law. I've got
16 a copy of that section in front of me now.
17 According to that -- to the Code itself -- and I
18 just want to read this for the record.

19 This portion, it deals with, Any voter who
20 fails to vote for four years in his or her county
21 shall have his or her name placed on an inactive
22 voter list by the local board of registrars. Once
23 on the inactive list, the voters shall reidentify

1 with the local board, the registrars, in order to,
2 again, have his or her name placed on the active
3 voter registration list. Notwithstanding the
4 foregoing, if a voter on the inactive list goes to
5 his or her polling place to vote on an election
6 day and identifies him or herself to the election
7 official responsible for the voter registration
8 list update. Such a voter shall be permitted to
9 vote provided the voter completes a voter
10 reidentification form.

11 My reading of the statute would suggest
12 that even for a voter who had been removed, they
13 would have been permitted to cast a regular
14 ballot, not a provisional ballot, but a regular
15 ballot under the terms of this Code. Are you
16 saying that did not happen in these cases?

17 MR. BOONE: I guess what I was saying was,
18 it's problematic because people will leave -- they
19 will leave the first table that they go to. Once
20 they're told that they're an inactive voter, they
21 might not stay around. And it's --

22 MS. CARROLL: And --

23 MR. BOONE: Yes. Sure.

1 MS. CARROLL: I'm sorry to interrupt. But
2 to your knowledge, is there any information that's
3 being given to voters that the language of this
4 statute permits them to identify and fill out a
5 reidentification card and cast a ballot -- a
6 ballot?

7 MR. BOONE: Ask that again. So --

8 MS. CARROLL: So -- so I guess this goes
9 back to your question that you were asking,
10 Ms. Shearer, about information, right? To the
11 extent that we have these laws, to the extent
12 there's some confusion and -- and possibly having
13 to change line to make the trains run on time and
14 people are trying to vote, what sorts of
15 information are being given to folks? So if I
16 show up, I'm told I'm inactive. Am I told, look,
17 all you have to do is prove where you live, that
18 you're a member of this -- this precinct entitled
19 to vote here, and you can fill out this
20 reidentification card and cast a ballot under the
21 terms of this statute? Is that information
22 provided at the polling place?

23 MR. BOONE: I have heard of it being

1 provided. I've heard of other people not hearing
2 it exactly like you read it. And I think that's
3 where I'm worried. If the training isn't there or
4 if the election officials don't have the codes or
5 the manual in front of them, I don't know what
6 they're telling. I mean, every precinct, and like
7 you've kind of heard already, every county can be
8 different. Every registrar might run their county
9 a little bit differently. And so I don't know
10 exactly what's being told to each person.

11 MS. CARROLL: And who is the state
12 official that's responsible for ensuring that
13 consistent information is given to voter from
14 precinct to precinct?

15 MR. BOONE: The Secretary of State
16 provides a manual, from my understanding, that's
17 supposed to be uniform, and every precinct is
18 supposed to do the exact same thing. Now,
19 conveniently or, you know, however you want to
20 interpret it, the Secretary of State also has the
21 ability to say, well, I can't help what the
22 registrars do in their particular county.

23 So, you know, where does -- you know, not

1 really a true liability -- but like where does the
2 liability in a figurative sense, you know, lie?
3 Is it with the Secretary of State giving the
4 manual? Was the manual correct? You know, I hope
5 it is, but then how is the training.

6 MS. CARROLL: All right. I -- I have a
7 general question for both of you. We haven't
8 talked at all at this hearing about other
9 impediments to access, things like the hours that
10 polling places are kept open, the -- you spoke a
11 little bit to the presence of law enforcement at
12 some polling places but not all polling places. I
13 mean, what's your sense of what impact do those
14 have in voter participation and access?

15 MR. BOONE: You can go ahead, Mr. Park.

16 MR. PARK: My -- my instinct is they would
17 be episodic at best. And not gentle.

18 MR. BOONE: I don't have the studies
19 offhand, but it seems that there should be -- you
20 know, to us, from our ACLU perspective, we want as
21 many people to vote as possible. I mean, I think
22 we would -- I'm personally -- I don't know if this
23 is ACLU's position, but I wish election day was a

1 holiday so individuals who are working and have
2 kids, have to pick kids up from day care,
3 practice, or whatever would be able to -- it would
4 be easier for them to vote. And then if there's
5 long lines or other types of impediments, I think
6 voting should be -- anyway, whatever the
7 statistics might show to get fuller participation
8 is where I usually land myself. I'm not sure
9 about the organization. Generally, the
10 organization is on the line of we want more people
11 participating in our democracy.

12 MS. CARROLL: And just one quick follow-up
13 question, and then I'm going to send it down to
14 Michael Innis-Jimenez who also has a question.
15 But who set the hours at these polling places? Is
16 that statewide legislative set or is it done by
17 the probate judges or county commissioners?

18 MR. BOONE: I'm under the impression that
19 it was -- it's somewhere in the state code. Do --
20 I'm not sure if --

21 MR. PARK: The polling hours are
22 established by state law so that they're common
23 across the state.

1 MS. CARROLL: Okay. Thank you. Michael
2 Innis-Jimenez.

3 MR. INNIS-JIMENEZ: I've got a question
4 for Mr. Park. You talked about early voting. The
5 goal -- I guess our goal and the goal of the
6 democratic society is to have as many people
7 participate who are -- who are legally eligible
8 to.

9 You mentioned at the very beginning that
10 early voting -- you see early voting as not really
11 helping as far as turnout. My question is, is it
12 hurting turnout at all and is there a reason to
13 not take that affirmative step to make it easier?
14 That's one. And two, some states have gone to
15 instant -- instant registration. Do you see a
16 problem with that in the state or are you
17 registering on the day of election.

18 MR. PARK: With respect to -- to early
19 voting, I can't -- I can't say that, you know, it
20 doesn't -- that it doesn't have the opposite
21 effect. But the studies show that it doesn't
22 increase turnout. It moves it around. And so
23 it's a question of do you want to spend the money

1 to make it easier for some folks who would
2 otherwise vote to vote early? And that's a --
3 that's a -- that's a matter of cost. I've -- I've
4 lost your second question.

5 MR. INNIS-JIMENEZ: It was about
6 registration, you know --

7 MR. PARK: Instant registration? I think
8 people should be able to opt out.

9 MR. INNIS-JIMENEZ: I mean, at the polling
10 place, if you --

11 MR. PARK: Same day?

12 MR. INNIS-JIMENEZ: Same-day registration.

13 MR. PARK: I would see it, as an election
14 official, as problematic.

15 MS. CARROLL: Mr. Ayers.

16 MR. AYERS: Mr. Boone, you mentioned the
17 Secretary of State's manual that gets sent out to
18 all the different polling areas. Do you have any
19 information at all that anything in that manual is
20 in any way inaccurate?

21 MR. BOONE: I don't have any information
22 was on that.

23 MR. AYERS: Okay.

1 MR. BOONE: I haven't -- I haven't --
2 actually, I asked for a copy. I don't know if the
3 Secretary of State's office might have forgotten,
4 but I didn't -- I didn't get a copy. So I wasn't
5 able to review what's -- you know, page by page
6 what's in the manual.

7 MR. AYERS: But there hasn't been anything
8 to your knowledge that like, well, the Secretary
9 of State is telling everybody to do this and it
10 turns out that's not correct under state law?

11 MR. BOONE: Not to my knowledge.

12 MR. AYERS: Because I mean, we're kind of
13 -- this is one of the overarching points is making
14 sure that it's uniform and making sure that
15 they're getting the correct guidance. You
16 mentioned that -- that, well, perhaps somebody's
17 not following his guidance perfectly and so forth.
18 And I mean, that -- that type of thing, you'd have
19 to have -- you said the word "conveniently." It
20 kind of threw me off as though there was like this
21 kind of a scheme to do this.

22 But I mean, there's always going to be
23 situations where somebody doesn't like somebody

1 that's local isn't doing exactly what they need to
2 be doing. I mean, that's going to be --
3 obviously, the goal is to try to minimize that as
4 much as possible, right?

5 MR. BOONE: Yes, sir. I think -- I think
6 the reason I used the word "conveniently" is just
7 because, you know, if once we see something that's
8 wrong, I guess it's convenient for either the
9 local authority, whether it be the registrar's
10 office or the Secretary of State's office -- it's
11 hard for us to know exactly where it went wrong,
12 right?

13 Because Secretary of State's office can
14 point toward the registrars and say that was a
15 mistake on their end. But they're saying, well,
16 we never were told that at our, you know, large
17 group meeting. So it's fingers pointing both ways
18 which makes it difficult for us to say like who
19 exactly is, you know, like liable or who -- where
20 the fix should come from. So I mean, I'm-- you
21 know, I'm just kind of at the point where do we
22 try to just fix both ends, both the local and
23 what's coming from Montgomery, from the Secretary

1 of State's office.

2 MR. AYERS: Which, I guess, just
3 emphasizes the need to make sure that the manual
4 is accurate?

5 MR. BOONE: Correct.

6 MR. AYERS: Because that is on paper. Now
7 we don't have to rely on he said, she said at that
8 point, which might be something we need.

9 MS. CARROLL: So at this point, I would
10 recognize Mr. Jones.

11 MR. JONES: So to that point, can you -- a
12 question for either of you. You talk about the
13 process and how that manual -- so when -- when and
14 how the manual is distributed and then how the
15 information in that manual is consumed by those
16 actually doing the election process. And I note
17 this just because, as a student and someone who
18 teaches students now, sometimes they get the
19 textbook, right, but they don't ever open it. So
20 can you talk about the process of when they get
21 the manual and how -- the expectations of going
22 through the manual? And a question for either of
23 you.

1 MR. PARK: Well, I think the best way for
2 you to find that out is to talk to the --

3 MR. JONES: So -- okay. Okay.

4 MR. PARK: -- people in the Secretary of
5 State's office about their distribution schedule
6 and then talk to -- if you go visit with
7 registrars or county election officials, find out
8 how that's distributed. And my recollection is
9 that -- I believe that at least at the local
10 level, they'll do training sessions.

11 MR. JONES: Mr. Boone, do you have a
12 sense?

13 MR. BOONE: Yeah. Just off -- you know,
14 what -- I agree with Mr. Park. I would go to the
15 Secretary of State's office and ask them. I asked
16 them their exact schedule. I don't know. From
17 what I recall, I think Secretary Merrill tries to
18 release it -- or he releases one in the summer,
19 which is because if there's any new laws that
20 happened during our legislative session -- which
21 makes sense -- over the spring, once that's over,
22 he can add those new laws that have signed by the
23 governor into the manual. And I -- I think he

1 usually puts the statute in there, but then
2 hopefully there's some type of guidance as well to
3 explain the practical effects of the law. I think
4 he releases it in the summer. I'm not 100 percent
5 sure on that.

6 MS. CARROLL: So I would recognize Member
7 Maurie Shevin.

8 MR. SHEVIN: I want to get back to this
9 question of the issue you have addressed on a
10 photo ID not being the same as where the voter
11 shows up to vote at a precinct. Recognizing that
12 there are down ballot races for city council or
13 for legislative -- you know, for the legislature,
14 is it -- in your judgment, Mr. Boone, is it
15 legitimate -- a legitimate concern for the State
16 to make sure that the voter is voting in the
17 correct -- in the precinct of his or her address?

18 MR. BOONE: I'm not -- it seems like, I
19 guess, where they live does matter in some sense.
20 I guess what confuses me is that -- is that that's
21 not what's in the Alabama statute. That's not in
22 the Code. So, I mean, there's -- you can use your
23 United States passport -- as you probably know --

1 your employee ID, your university ID. All of
2 those don't have your address on there.

3 I think what's most important is when you
4 register, you register -- I believe from what I
5 remember, you register from your home address.
6 And so you should -- as long as you're at the
7 right -- what I think I'm concerned about or what
8 we should all be concerned about is just to make
9 sure that they're at the right precinct. I don't
10 -- if the person is at the right precinct, I don't
11 understand the need to check -- I mean, be refused
12 from voting just because the address doesn't
13 match. I mean, it's -- and it's possible too -- I
14 know because I've heard from people that their --
15 their old address, the one that was on their
16 license, is still in the same precinct, and they
17 were still told, no, you can't vote. So in that
18 case, it wouldn't have really mattered.

19 So I'm not so sure exactly why -- I think
20 it's important that people vote in the correct
21 precinct. I'm not so sure how -- why we need an
22 extra technicality of checking everyone's address
23 whenever the photo ID law was there for

1 identification purposes. And also, there's
2 questions of why the photo ID law was put in place
3 in the first place, in my opinion.

4 MS. CARROLL: I would recognize Ms. -- or
5 Dr. Lewis. I'm sorry.

6 DR. LEWIS: Mr. Boone, you made a
7 statement how Secretary of State John Merrill --
8 your closing actual sentence -- do you know where
9 you received that information? Was it a newspaper
10 article? Was it a speech? And when you submit
11 your written statement, can you provide us a
12 source so that we can go back and look at the
13 entire context of that statement?

14 MR. BOONE: I will do that and I will find
15 it. I don't think -- I feel -- I'm going off -- I
16 think it's from AL.com or it's possible it's from
17 his social media. I'm trying to remember because
18 there's two different quotes I think I used.

19 DR. LEWIS: Okay. It was the very last
20 one about people have to show some initiative to
21 vote in Alabama. If you could provide us with the
22 entire source for that so we can go back and
23 review, I would appreciate it. Thank you.

1 MR. BOONE: That makes sense. I can do
2 that. Thank you.

3 MS. CARROLL: Do others have questions? I
4 have a couple more questions. I'm full of
5 questions. I apologize.

6 So I want to go back also to the Phenix
7 City case. I did a little more research on it in
8 the time we've been talking. It looks like in
9 that, there was also some questions that were
10 raised by the NAACP about whether or not the
11 election law actually required a business or a
12 residential address.

13 Do you have any information on how -- I
14 understand how it was resolved ultimately, but in
15 terms of clarification of the law itself, do you
16 know if any clarifications were made.

17 MR. PARK: I do not. I do know that the
18 local NAACP called for the voter rolls in Phenix
19 City to be cleaned up.

20 MS. CARROLL: Correct. I remember you
21 said that. All right. Great. In terms of fraud
22 -- have you found -- in terms of the statistics
23 about confidence in the vote, have you found

1 there's any difference in terms of those
2 statistics with the implementation of voter ID
3 statutes? So, for example, you gave quotes from
4 August or studies, rather, from August of 2017 as
5 well as the 2016 election. Obviously, both of
6 those were after the time Alabama had passed its
7 voter ID law and national voter ID laws in many
8 states were put into place. Have you found that
9 to have any effect in people's confidence in the
10 vote?

11 MR. PARK: These are the most recent
12 studies that I've found.

13 MS. CARROLL: Okay.

14 MR. PARK: So I -- you know, they -- it
15 would postdate a lot of the photo ID -- the
16 enactment of photo ID laws, but people are still
17 concerned about fraud in voting.

18 MS. CARROLL: All right. So even with the
19 enactment of these laws, there's still, obviously,
20 54 and 41 percent, I believe, are the numbers you
21 gave us?

22 MR. PARK: Yes.

23 MS. CARROLL: Okay.

1 MR. PARK: And that will be in my written
2 remarks.

3 MS. CARROLL: Fabulous. Thank you. And
4 if you can include in your written remarks, if you
5 can find any studies that predate the voter ID
6 laws, I think that would be helpful to give us a
7 sense of how reassuring are these voter integrity
8 laws that -- that are being passed. I would
9 appreciate that.

10 In terms of the early voting issue -- and
11 this is also for you, Mr. Park. In terms of the
12 early voting concerns you raised, one of the
13 concerns you raised was the example that people
14 may change their minds as new information becomes
15 available about candidates. We've seen that, as
16 you noted, in -- in numerous recent elections
17 where additional information is provided within a
18 month or so of when the election is designed to
19 take place. And I understand that that is an
20 issue and a concern. But isn't that also, to some
21 extent, a risk that a voter him or herself can
22 make a choice to take on as opposed to vesting the
23 decision-making process about when people have

1 access to vote entirely in the government?

2 MR. PARK: That's correct. But the
3 voter -- the voter may find that the choice they
4 made wasn't a good one and would make a
5 more-informed choice had they waited.

6 MS. CARROLL: Of course, I feel like
7 that's half the time in politics as it is,
8 regardless of when I vote. All right. In terms
9 of the cost analysis, you indicated that you
10 believe that there was a higher cost, I believe,
11 to early voting or would increase the cost. You
12 made a statement of you have to ask yourself the
13 question do you want to invest the additional
14 money in early voting. Is -- is -- do you
15 actually have data that suggests that there's an
16 increased cost incurred by early voting?

17 MR. PARK: You'd have to get the polling
18 places opened, you have to provide election
19 officials, so you are going to -- going to incur
20 costs.

21 MS. CARROLL: Now, we heard from our
22 previous individual who testified, Mr. Crayton,
23 that there were instances of early voting that was

1 possible through mail-in balloting. Is that
2 something that you believe would also increase
3 costs or is that something that does not tend to
4 have a significant cost impact?

5 MR. PARK: Mail-in voting as a general
6 practice or mail-in voting as a --

7 MS. CARROLL: Early -- early voting or
8 absentee voting by mail-in voting. So you're
9 describing early voting where you actually go to a
10 physical location --

11 MR. PARK: Correct.

12 MS. CARROLL: -- and casting a ballot?

13 MR. PARK: Correct. That's -- that's what
14 we typically understand as early voting. Your --
15 your absentee ballot may -- may be -- you know,
16 you might -- might get to pick it up early, but my
17 recollection was the -- talking about the state
18 law five days and a day.

19 MS. CARROLL: All right. And in terms of
20 the distribution of those costs, one of the
21 issues, also, that Mr. Crayton raised was that
22 early voting actually allowed for better
23 preparation with regard to voting, addressed some

1 of the issues of long lines that Mr. Boone alluded
2 to.

3 Do you have any information on how that
4 decreases the cost or increases a sense of
5 certainty about elections?

6 MR. PARK: No.

7 MS. CARROLL: All right. Does anyone else
8 have any other questions? Because otherwise, I
9 could just keep going. I'm sorry. You can
10 imagine what it's like at our supper table, the
11 four of us in the family.

12 All right. So Mr. Boone, I had some
13 additional questions for you. As I read section
14 1749, there's no differentiation between either a
15 federal or state election or a primary versus a
16 general election. Have you found any data that
17 suggests that the differentiation you were
18 describing where individuals had voted, say, in a
19 federal presidential election, then showed up to
20 vote in a state primary election and were told
21 they had been removed from the rolls despite the
22 fact that they had voted within the past four
23 years? Do you have any information that that's

1 either included in the election manual or -- or
2 there's widespread confusion about that?

3 MR. BOONE: I don't have any --

4 MS. CARROLL: Okay.

5 MR. BOONE: -- evidence of
6 differentiations, you know, between state and
7 federal elections.

8 MS. CARROLL: All right. I think that's
9 actually all the questions that I have. And just
10 for the record, the election manual is, in fact,
11 available online through the Alabama Law
12 Institute, so that's something that we can also
13 examine as a committee if we're interested in
14 doing that. I think that Mr. Ayers' suggestion
15 that we look at that was a very good one. I
16 actually -- I -- I was deceptive. I apologize. I
17 have one more question, Mr. Boone.

18 With regard to the identifications, we've
19 heard conflicting testimony just today about what
20 sorts of identifications are permissible under
21 Alabama state law. As I understand it, as of June
22 3rd, 2014, included in what one can use is: A
23 valid driver's license; a valid nondriver's ID; a

1 valid Alabama voter -- voter ID; a valid
2 state-issued ID from Alabama or any other state; a
3 valid federal-issued ID; a valid U.S. passport; a
4 valid employee ID from the federal government,
5 State of Alabama, county government, municipality,
6 board of authority, or other entity of this state;
7 valid student or employee ID from a university or
8 college in the State of Alabama; and a valid
9 military ID.

10 Are you aware of any restrictions or do
11 you have any sort of data about restrictions that
12 are in place with regard to the use of these
13 particular IDs? In other words, are people being
14 turned away if they show up with their military
15 ID.

16 MR. BOONE: I don't have evidence of that.
17 It's something that I've heard. So I have heard
18 individuals say that, you know, the election
19 officials are like, I haven't seen one of these
20 before. And then it's kind of -- which worries me
21 because then they might have to make a call to us
22 or, you know, call the Secretary of State, and the
23 Secretary of State has to call the, you know,

1 registrar for that county. That registrar has to
2 then go to that particular precinct and say, no,
3 passports are allowed.

4 So because I've heard that makes me
5 wonder, you know, are they, again, being properly
6 trained or is -- I think what I would like is --
7 and I don't know this for a fact. I don't know if
8 it's not there or if it's there. It sounds to me
9 like it's not always there. It seems like the
10 manual should be handy if you are -- if there's
11 questions at the polls.

12 So if someone says, a passport, I'm not
13 sure about those, or, you know, that's a Georgia
14 license; this is Alabama. So, you know, can you
15 please check the manual. I think that would be my
16 -- maybe a suggestion the Commission can make.
17 And I'm not 100 percent sure on, you know, where
18 -- if the manual is even close by or if it's not.
19 So I don't have any information on that

20 MS. CARROLL: Well, I will say just
21 looking at the shear page number online, it seems
22 quite voluminous. So -- I mean, that's -- we
23 lawyers are paid, after all, by the word. So, you

1 know, I guess that that goes back to the point you
2 were making, Mr. Ayers, that the training perhaps
3 is also something that we should look into. Does
4 anyone else have any other questions?

5 DR. LEWIS: I do.

6 MS. CARROLL: Excellent. Dr. Lewis.

7 DR. LEWIS: So Mr. Park, I'm looking back
8 at your testimony. You talked about photo ID and
9 in-person fraud, and you gave one example of it
10 occurring. Do you have any statistics or evidence
11 or research that indicates that in-person fraud at
12 the polls occurs in Alabama?

13 MR. PARK: There was a conviction in 2004.
14 We also have Hernandez Hernandez down in Mobile.
15 I don't have any statistics, but it's very
16 difficult to catch if you don't have -- if -- if
17 you have a photo ID requirement, it -- it deters
18 it. But without it, it's difficult to catch. In
19 that case, somebody voted, and her sister showed
20 up and was found -- in her sister's name, and her
21 sister showed up and was found she already voted,
22 which was not the case.

23 DR. LEWIS: Okay. Maybe -- let me maybe

1 rephrase the question. Besides, I think you
2 mentioned two or three cases in Alabama, are there
3 other cases that we can refer to, to -- because of
4 one of the justifications for this law in Alabama
5 is fraud. Is there any other evidence that we can
6 look at where this was rampant in Alabama to
7 provide us with evidence for that law? Are there
8 justifications for that law besides those three
9 incidents?

10 MR. PARK: I haven't seen any
11 convictions --

12 DR. LEWIS: No.

13 MR. PARK: -- if that's what you're
14 talking about.

15 DR. LEWIS: Evidence that it occurred,
16 anything besides these instances you talk about
17 today.

18 MR. PARK: I'm not -- I can't point to
19 any, but the only way we'd find out about it is if
20 there was a conviction.

21 DR. LEWIS: Okay. Thank you.

22 MS. CARROLL: All right. So at this
23 point, there's no other questions from any

1 Committee member. We appreciate y'all's
2 information. Just as a reminder, as I indicated
3 to other speakers, the record is open for 30 days.
4 We welcome your written comments and additional
5 information, and we appreciate y'all coming in and
6 appearing in person. At this point, we will be in
7 recess for the lunch break until 1:00 p.m., at
8 which point we will resume with panel four.

9
10
11 (A lunch recess was taken.)
12

13 MS. CARROLL: So I'm calling the meeting
14 back to order. We are on panel four, and we've
15 split the panel into two different groupings of
16 panel four. So for the first iteration, we have
17 Jennifer Holmes from the NAACP Legal Defense Fund,
18 and we have Jonathan Barry-Blocker from the
19 Southern Poverty Law Center. For both of my
20 speakers, you will have 15 minutes to present your
21 comments. The timer will keep the 15 minutes.
22 When it's green, it means you're within your 15
23 minutes. At three minutes, it'll go to yellow,

1 which is telling you to wrap it up. At one
2 minute, you should pretty much finish what you're
3 saying because, otherwise, you risk getting
4 interrupted by me, and you don't want to be the
5 first panelist interrupted by me.

6 MR. BARRY-BLOCKER: So much pressure.

7 MS. HOLMES: Pressure.

8 MS. CARROLL: Yeah. I know it is. It is.
9 So with that pressure in place, after you finish
10 your comments, members of the Committee will then
11 ask questions, but we'll wait until both of you
12 all are done. So with that, I'm going to start
13 with you, Ms. Holmes.

14 MS. HOLMES: Great. Thank you. Good
15 afternoon, madam chair and members of the
16 Committee. My name is Jennifer Holmes, and I'm
17 the Eric H. Holder, Jr., Fellow at the NAACP Legal
18 Defense and Educational Fund, Inc., or LDF. Thank
19 you for the opportunity to testify on this vital
20 topic of access to voting in Alabama.

21 Since its founding in 1940 by Thurgood
22 Marshall, LDF has been a leader in the struggle to
23 secure, protect, and advance voting rights for

1 black voters and other communities of color
2 through litigation, advocacy, and education. Many
3 seminal voting rights lawsuits in which LDF has
4 been involved arose in Alabama, including Schnell
5 v. Davis which outlawed literacy tests; Dillard v.
6 Crenshaw County, which helped to integrate nearly
7 200 of Alabama's city councils, county
8 commissions, and school boards; and Shelby County
9 v. Holder in which LDF defended the
10 constitutionality of the Voting Rights Act.

11 My testimony will focus on the obstacles
12 to voting that black voters face in Alabama since
13 the Shelby County decision in 2013. We heard
14 testimony earlier this morning about section five
15 of the Voting Rights Act and the preclearance
16 process. For nearly 50 years, section five
17 required certain states, counties, cities, and
18 towns with a history of chronic racial
19 discrimination in voting to submit all proposed
20 voting changes to the U.S. Department of Justice
21 or a federal court in Washington, D.C. for
22 preapproval. This requirement was known as
23 preclearance and was considered the crown jewel of

1 the Civil Rights Movement because it served as our
2 democracy's discrimination checkpoint by halting
3 discriminatory voting changes before they were
4 implemented. The preclearance process provided a
5 quick and an efficient way of addressing America's
6 pervasive and persistent problem of voting
7 discrimination.

8 Under that framework, communities were
9 given broad public notice about proposed voting
10 changes and the status quo was preserved until the
11 effect of those proposed changes on voters of
12 color could be fully explored. Section five
13 placed the burden of proof, time, and expense on
14 the state or locality to demonstrate that proposed
15 voting change was not discriminatory before that
16 change went into effect and could spread its harm.

17 This framework was important. Between
18 1969 and 2015, the Department of Justice objected
19 to more than 90 proposed voting changes in Alabama
20 under section five, and other proposed voting
21 changes were withdrawn or altered after DOJ
22 requested more information. Section five served
23 Alabama voters well as both a safeguard and a

1 deterrent against voting discrimination and voter
2 suppression.

3 In 2013, the Supreme Court immobilized the
4 preclearance process in its decision in Shelby
5 County. The Court held that the formula for
6 determining which sections would be covered by
7 section five was unconstitutional, effectively
8 disabling section five and disabling the
9 preclearance process.

10 LDF continues to closely monitor how
11 Alabama and other formerly covered states and
12 localities respond in the wake of the Shelby
13 County decision and has been keeping a detailed
14 account of post Shelby County voting -- voting
15 changes in every state in our regularly updated
16 online publication, Democracy Diminished.

17 LDF attorneys also regularly engage with
18 communities of color across the nation that are
19 especially vulnerable to urge them to alert LDF of
20 any potentially discriminatory changes. In the
21 last several years, LDF attorneys have met with
22 community leaders and individuals across Alabama
23 to investigate these complaints, and LDF staff are

1 on the ground conducting poll monitoring during
2 major elections over the past three years.

3 Based on LDF's work since the Shelby
4 County decision, I will provide a sampling of the
5 obstacles to voting that black voters currently
6 face in Alabama. In the aftermath of Shelby
7 County, formerly covered jurisdictions were
8 emboldened to act. Here in Alabama, for example,
9 the legislature passed a restrictive photo voter
10 ID law, of which we've heard a lot of testimony,
11 passed in June 2011. But the State declined to
12 submit this law for preclearance for two years.

13 Indeed, the sponsor of the photo ID law
14 anticipated that if submitted for preclearance,
15 the law would result in a lengthy court battle.
16 Within days of the Shelby County decision with --
17 with the preclearance process effectively
18 scuttled, the Secretary of State's office
19 announced that it would now prepare to implement
20 the law.

21 In December 2015, LDF filed a lawsuit on
22 behalf of Greater Birmingham Ministries, the
23 Alabama NAACP, and four voters challenging

1 Alabama's photo ID law. The lawsuit alleges that
2 the law has a discriminatory effect on black and
3 Latino voters and that the legislature enacted the
4 law for the purpose of discriminating against
5 people of color. This is both a disparate
6 treatment and a disparate impact claim.

7 According to our expert in the litigation,
8 more than 118,000 registered voters lack a photo
9 ID that can be used to vote under the law, and
10 black and Latino voters are twice as likely than
11 white voters to lack such an ID. This figure
12 breaks down as 50,000 registered voters who lack
13 any acceptable ID and 68,000 registered voters
14 who, although they have an ID, have discrepancies
15 in the name on the ID or other information on the
16 ID that would prevent them from using it to vote.

17 Although the Secretary of State disputes
18 this figure, the Secretary of State's expert in
19 the litigation does acknowledge that black and
20 Latino voters are twice as likely to lack an ID as
21 white voters. Black and Latino voters without a
22 photo ID are also much more likely than their
23 white counterparts to lack access to vehicles, to

1 live in poverty, and to face other barriers to
2 obtaining an ID.

3 For example, black voters are three times
4 more likely than white voters to live more than
5 five miles from an ID-issuing office and to live
6 in a -- in a household without a vehicle. In
7 October 2015, the governor made these travel
8 burdens even worse when he took the drastic step
9 of partially closing 31 driver's license issuing
10 offices, most of which were located in -- in
11 Alabama's rural Black Belt.

12 The governor closed driver's license
13 offices in eight of the ten counties with the
14 highest proportion of black voters. These
15 important offices were opened only one day a month
16 for the entire 2016 election season, making it
17 more difficult for black voters in these poor and
18 rural communities to obtain the required photo ID.
19 The governor only agreed to reopen these offices
20 in December 2016 after the presidential election
21 and after an investigation by the U.S. Department
22 of Transportation that found that Alabama's
23 partial closure of the offices had a

1 discriminatory effect on black voters in violation
2 of title six of the Civil Rights Act.

3 Despite this compelling evidence, in
4 January -- last month -- the district court judge
5 dismissed our lawsuit. We were surprised and
6 deeply disappointed by this ruling, but just
7 yesterday, LDF submitted our brief to the 11th
8 Circuit seeking a reversal and asking the circuit
9 court to provide relief in time to protect the
10 rights of Alabamians ahead of the November 2018
11 elections.

12 In 2014, 2016, and most recently in
13 December 2017, LDF has been on the ground for
14 Alabama's major primary and general elections to
15 assist voters. In the 2017 special election, we
16 again conducted nonpartisan poll monitoring as
17 part of our Prepared to Vote initiative. We had
18 more than 30 volunteers across five counties in
19 the state and we also operated a hotline that
20 voters could contact.

21 Unfortunately, we observed or received
22 reports of many systemic voting -- voting-related
23 problems on election day, including long lines at

1 predominantly black precincts, lack of or
2 malfunctioning voting machines, insufficient
3 numbers of ballots, and law enforcement officials
4 conducting warrant checks at polling places. In
5 particular, we heard from frustrated voters whose
6 attempts to cast a ballot were stymied by the
7 photo ID law or Alabama's inactive voter
8 procedures.

9 As mentioned before by the ACLU of
10 Alabama, poll workers in Mobile County barred
11 people from voting or improperly forced voters to
12 cast provisional ballots when they presented an ID
13 with an address that did not match the address on
14 their registration record, even though the photo
15 ID law does not require a voter to present an ID
16 with an address at all. Indeed, some of the
17 accepted IDs, such as passports, do not list an
18 address.

19 This misapplication of the voter ID -- of
20 the photo ID law is more likely to affect voters
21 who do not have an alternate form of ID or cannot
22 take additional time off from their workday to
23 contest a poll worker's decision or to retrieve an

1 alternate ID.

2 A second major frustration for voters was
3 Alabama's inactive voter procedures. In January
4 2016 -- 2017, the Secretary of State's office sent
5 postcards to all registered Alabama voters.
6 Voters whose first card was returned undeliverable
7 and who did not reply to a second card were
8 designated as inactive. This had nothing to do
9 with their voting record in the past four years.
10 This error-prone process for identifying purported
11 inactive voters resulted in widespread voter
12 confusion.

13 On election day, numerous voters were
14 alarmed to discover, at the polls, that they were
15 on this inactive list that they had never heard
16 of, despite having voted in recent elections.
17 Although inactive voters should have been
18 permitted to cast a regular ballot as long as they
19 updated their registration information at the
20 polls, LDF received many reports that poll workers
21 were turning away inactive voters or improperly
22 requiring them to cast provisional ballots or
23 answer immaterial and illegal questions, such as

1 the county of their birth, before allowing them to
2 cast a vote.

3 Shortly after the election, LDF notified
4 the Secretary of State of these two issues in a
5 series of letters. We continue to urge Secretary
6 Merrill to investigate these problems and issue
7 public guidance about how his office intends to
8 avoid them in the future and how voters who are
9 denied the right to vote can remedy that outcome
10 in the immediate days after an election.

11 Even when applied as intended, Alabama's
12 photo ID law and its inactive voter list
13 procedures disproportionately burden poor, rural,
14 and transient voters who are often black or
15 Latino. The erroneous application of these laws
16 only magnifies this effect. As far as we know,
17 the Secretary of State has not investigated these
18 issues.

19 By contrast, the Secretary of State's
20 office did choose to investigate a young person of
21 color for voter fraud based on an off-the-cuff
22 remark he made during a newscast about people
23 coming "from different parts of the country to

1 pitch in and canvas for Doug Jones."

2 Unsurprisingly, the investigation concluded that
3 the man was a properly registered Alabama voter
4 and that the allegations of any widespread voter
5 fraud were a myth.

6 There is a belief that black voter turnout
7 in December's special election, in the election of
8 a candidate heavily supported by black voters mean
9 that Alabama's restrictions on voting did not have
10 a negative impact. This is a fallacy. First,
11 only about 40 percent of registered Alabamians
12 voted in the December 2017 election, whereas in
13 November 2016, turnout was in the mid 60s.
14 Although black voters constituted a higher
15 proportion of the electorate than usual in 2017,
16 turnout was down in the special election.

17 Second, black voters showed amazing levels
18 of commitment and fortitude in the 2017 special
19 election braving the cold, the long lines, and a
20 web of restrictive voting measures in order to
21 make their voices heard. While LDF is heartened
22 that some but not all voters were able to overcome
23 these obstacles, the Constitution and the Voting

1 Rights Act demand that such obstacles should have
2 never been erected in the first place.

3 In conclusion, the proliferation of
4 discriminatory and restrictive voting measures in
5 Alabama in the wake of the Shelby County decision
6 highlights the need for action. LDF and other
7 civil rights organizations have tried to
8 aggressively combat the attacks on voting rights
9 in the absence of section five, but we cannot do
10 it alone.

11 Congress must pass one of the multiple
12 bipartisan bills that have been introduced since
13 2013 to restore the preclearance process of the
14 Voting Rights Act. Alabama's legislature can also
15 pass its own voting rights protections. At a
16 minimum, even under the current legal framework,
17 state and local officials should promote voter
18 access through increased poll hours and locations,
19 better-trained poll workers, adequate machines and
20 ballots, and more meaningful engagement with
21 communities of color.

22 Finally, the Secretary of State must be
23 responsive to complaints from voters and reports

1 from advocates on the ground and provide clear
2 guidance when voting issues arise. We must all
3 play a role to encourage and safeguard full
4 participation in our democracy. Thank you.

5 MS. CARROLL: Thank you. And we'll hear
6 from Mr. Barry-Blocker now.

7 MR. BARRY-BLOCKER: Thank you. Good
8 afternoon, everybody. My name is Jonathan
9 Barry-Blocker. I am a staff attorney with the
10 Southern Poverty Law Center. The Southern --
11 Southern Poverty Law Center is a longtime
12 participant in support of voting rights advocacy.
13 In the 1970s and '80s, the Center filed two suits
14 to increase African-American representation in the
15 legislature in the judiciary. And currently, the
16 Center's voting rights efforts cover the deep
17 south.

18 In collaboration with the NAACP, LDF, and
19 The Sentencing Project, we filed an amicus brief
20 in the appellate court highlighting the history of
21 racial discrimination inherent in Louisiana's
22 felony disenfranchisement law. Our attorneys in
23 Florida have been canvassing and gathering

1 petitions to qualify a constitutional amendment on
2 voter restoration for the November 2018 ballot.
3 Then next week, the Center and a number of
4 grassroots organizations will submit a brief in
5 support of plaintiff's appellants challenging
6 Alabama's photo ID law.

7 Specifically, my testimony is going to
8 focus on my efforts with the restoration of the
9 formerly incarcerated. That's the work I was
10 doing while I was at Legal Services Alabama and
11 which I will continue at Southern Poverty Law
12 Center.

13 Just to give you some background on what
14 my perspective is on this problem, there is a
15 history of disparate impact in Alabama. I think
16 *Hunter v. Underwood*, 471 U.S. 222(1985) showed
17 that the registrars in Alabama denied higher
18 ratios of black citizens the right to vote based
19 on their criminal histories. It appeared to be
20 indiscriminate, whether it was a felony or a
21 misdemeanor, partially because there was no firm
22 policy at the time. That was back in the 1980s.

23 The legislature, after that provision in

1 the 1901 Constitution was struck down under Hunter
2 v. Underwood, the legislature passed an amendment
3 getting the definition of moral turpitude back in
4 as a functioning policy of the law. Currently, in
5 Thompson v. Alabama, the Campaign Legal Center has
6 filed a lawsuit challenging -- let me make sure I
7 get this correct. Yes, they are challenging the
8 moral turpitude provision and policy, and
9 currently they are actionable claims that have
10 survived dismissal, focused on intentional
11 discrimination under the 14th and 15th Amendments.

12 What a big focus of their lawsuit is, is
13 looking at court debt and whether or not it's
14 functioning as a poll tax. Even though the Court
15 has chosen to dismiss that particular claim, the
16 fact that the court debt and outstanding legal
17 obligations are functioning as a major barrier is
18 relevant for consideration.

19 Just to let you know, approximately 15.1
20 percent of Alabama's black citizens cannot vote as
21 of a 2016 report by The Sentencing Project, and
22 based on population data from the census, that was
23 about 196,808 citizens. Previously, it was 8.4

1 percent of black citizens could vote, and that was
2 in 1980.

3 Also, there's been a recent heavy
4 disenfranchisement in counties with notable black
5 populations. And when I say notable black
6 populations, I'm specifically referring to those
7 with 20 percent black or higher. So the largest
8 number of voters purged for felonies were in
9 Mobile, Montgomery, Houston, and Jefferson
10 Counties. And respectfully, Mobile had 1,245
11 people purged for felonies, Montgomery had 782,
12 Houston County had 481, and Jefferson had 453.
13 That was as of a 2016 Election Administration &
14 Voting Survey report issued by the government.

15 The largest percentage of the population
16 being purged for felonies occurred in Macon, Dale,
17 Washington, and Dallas Counties. Macon saw 31
18 percent of its voting population purged for
19 felonies, Dale saw 25 percent purged for felonies,
20 Washington County saw 20 percent, and Dallas saw
21 20 percent. All of the counties that I mentioned
22 have a black population comprising at least 20
23 percent or more of the population.

1 I now want to transition to the recent act
2 that defined moral turpitude. This was partially
3 as a response to the Campaign Legal Center's
4 lawsuit. And the acts went ahead and set forth --
5 there were about 40 crimes that were going to be
6 considered crimes of moral turpitude. Many of
7 these 40 crimes -- they are all felonies, but
8 they're not necessarily the original crimes of
9 moral turpitude set forth in the 1901
10 Constitution.

11 And in fact, what you'll notice upon
12 closer review is that most of these crimes are
13 street-level crimes, meaning crimes they expect
14 poor or black people to commit. What you will
15 find missing are ethics crimes. You will find
16 public corruption crimes missing and tax evasion.
17 Most frauds missing. Basically, your white collar
18 crimes are nowhere in there.

19 So it can be inferred that the purpose of
20 this provision is still to disenfranchise the poor
21 and the -- the nonwhite. So what is apparent
22 impact? Well, two politicians who have recently
23 been convicted of corruption and ethics charges

1 technically still have the right to vote under the
2 definition of moral turpitude present in Alabama,
3 whereas as many black citizens or poor citizens
4 cannot because of the various crimes listed.

5 What I also would like to bring attention
6 to is drug trafficking. Many of you may not be
7 aware, but drug trafficking is one of those war on
8 drugs crimes that come with stiff mandatory
9 minimum sentences, as well as stiff fines. And we
10 are talking about mandatory minimum sentences that
11 range anywhere from 3 to about 25 years, day for
12 day. And we're talking about fines that can start
13 anywhere as low as sometimes 25,000 and go up to
14 200,000.

15 The idea being that a drug trafficker,
16 someone like Pablo Escobar who had islands and
17 yachts and boats, and so the fines reflect as
18 much. However, drug trafficking crimes do not
19 take into account the intent of the offender. It
20 only takes into account the weight set by the
21 government, and these weights were in a sense set
22 arbitrarily at the height of the drug frenzy. So
23 what you have are poor people who just happened to

1 have too much of one particular drug around them
2 or within their control being charged with drug
3 trafficking.

4 So what does this mean? Once they're
5 convicted and they've served their mandatory
6 minimum sentence, they now have a stiff fine here
7 in Alabama of 25,000, 50,000, or 200,000 they must
8 pay off. In Alabama, there is a law, codified in
9 section 12-17-225.4, which allows the district
10 attorney to go after outstanding court debt. So
11 imagine, if you will, someone has served their
12 three- to ten-year minimum mandatory sentence.
13 They now have their \$25,000 fine plus whatever
14 court fees have been assessed plus whatever
15 enhancements.

16 I'll give you a case in point. I assisted
17 someone who came out. He had a minimum of \$50,000
18 fine. I think his total debt was looking at about
19 a little closer to 60. He got out of prison. He
20 was paying it consistently.

21 However, under that law I cited, if you do
22 not pay your debt within 90 days, the district
23 attorney has the authority to initiate collections

1 against you and then levy a 30 percent interest
2 rate on what your outstanding debt is. So while
3 he had started making headway, I think he knocked
4 off about 10,000, all of a sudden, that 30 percent
5 hit. Last I spoke with him, he owed closed to
6 60,000, and he had just pretty much stopped trying
7 to make major payments. He was making the minimum
8 monthly payment but no longer was he trying to
9 really make a dent because, as he said, there's no
10 way I'm going to be able to do it in my lifetime
11 with that much money. He is otherwise a
12 functioning member of society, has a very good
13 job, he does what he's supposed to do, owns a
14 home, and everything else.

15 But what he cannot do is reclaim his right
16 to vote because under the current law, you must be
17 paid up on your court debt. So what I would like
18 this Committee to bring attention to is the fact
19 that drug trafficking convictions will function as
20 a permanent bar to voting in Alabama because the
21 cost of the fine is so prohibitive and no other
22 crime under the criminal code imposes as much as a
23 financial burden as drug trafficking convictions

1 do.

2 And what you should be aware of is
3 currently, there's a fentanyl trafficking bill
4 working its way through the legislature, and they
5 have just decided to reduce the minimum wait to, I
6 think, at about -- they're looking at maybe one
7 gram triggering trafficking. Heroin, which
8 usually is blended with fentanyl, is at four
9 grams. So what they're saying is one gram of
10 fentanyl will trigger trafficking which will
11 trigger a \$25,000 minimum fine.

12 And if it's going to be your poor
13 populations or your black populations that are
14 being caught with this drug, then what we're going
15 to have is a -- a pretty high bar for restoring
16 the citizens of Alabama. So looking at that,
17 understanding that with the Act and its practical
18 application, what some of the -- the one drug
19 crime that is considered a crime of moral
20 turpitude, what are the hurdles to
21 enfranchisement.

22 Historically, the Board of Pardons and
23 Paroles was a little behind in processing

1 applications. According to The Sentencing Project
2 in their 2016 report, only 16,000 restorations
3 happened from 2005 to 2015. Now, I want you to
4 compare this number with the fact that -- they
5 estimate 250,000 citizens were disenfranchised as
6 of 2016. So there is a delay in processing
7 claims.

8 After speaking with people I was helping
9 at clinics and even prior clients who had done it
10 on their own, it is not uncommon for the pardon
11 process, which was the old process, to take
12 anywhere from five to eight years to get someone
13 restored. And that the citizen will usually have
14 to be very adamant about reclaiming their rights.

15 Alabama, next to New Mexico, has the
16 highest -- second highest percentage of voters
17 disenfranchised for felonies, approximately 10,793
18 as of 2016. That's 9.2 -- .7 percent of the total
19 purged. New Mexico is first with 48.55 percent of
20 total purges attributed to felonies. And again --
21 but their number is 10,493 citizens.

22 I spoke a little bit about court debt, and
23 court debt is critical because of new law. To

1 reclaim your rights, you'll have to go for the
2 pardon or a certificate of -- certificate of
3 eligibility to register to vote or what we will
4 call CERV. Those are your two pathways. To get a
5 pardon, you usually have to have committed murders
6 or a sex crime or some type of child exploitation
7 crime. Everything else is a CERV pathway.

8 What I can say is the Board of Pardon and
9 Paroles has been very responsive to making their
10 process more streamlined. And so they have done a
11 very good job of making sure that anyone who files
12 a CERV application is addressed within 60 days,
13 and they note the status of their ability to
14 reclaim the right to vote. If at ever they are
15 beyond the 60 days, they would tell us to call
16 them, and I would call, and the director of
17 pardons, Akisha Jones, would personally look into
18 the matter and usually resolve it within a day and
19 get some communication out. So they have been
20 very responsive.

21 They also have updated their system so
22 that someone doesn't have to fill out a mystery
23 form or put together a mystery amount of

1 information and submit it to them. As of right
2 now, the Board of Pardon and Paroles allows you to
3 submit simply by an e-mail the requisite
4 information to jump-start your CERV process. So
5 they have been great with getting -- with trying
6 to address the backlog.

7 I want to make the Committee aware that
8 there was a report done or a study called
9 Discretionary Disenfranchisement, The Case of
10 Legal Financial Obligations 46 -- volume 46 of the
11 Journal of Legal Studies starting at page 309 that
12 look at the burden of court debt on citizens
13 trying to reclaim their right to vote. They found
14 in their 2017 published study that one-third of
15 CERV applications were denied due to court debt,
16 that the median court debt for Alabama citizens is
17 \$3,956, whereas they estimate the average annual
18 income of formerly incarcerated people is about
19 \$9,000.

20 They saw that the fees -- court fees
21 compromise -- comprise about 57 percent of a
22 citizen's assessed court debt and there was strong
23 statistically significant correlation between

1 outstanding court debt and a citizen's use of the
2 public defender. So they saw that 82.3 percent of
3 public defender users have a balance -- an
4 outstanding court debt balance compared to 67.1
5 percent of those who retain private counsel.

6 Blacks and nonblacks generally -- or I'm
7 sorry. Black and nonblacks are generally assessed
8 similar amounts of court debt. However, they were
9 noticing that blacks were less able to pay back
10 due to the systemic wealth gap. However, they did
11 make note that blacks appeared more likely to
12 apply for restoration, and black women at a rate
13 that nearly doubled that of black men.

14 Something to also be aware of is
15 sentencing enhancements. I'm a former prosecutor
16 from central Florida, and I find it very
17 interesting here in Alabama there are enhancements
18 upon enhancements upon enhancements. Usually,
19 they apply additional mandatory incarceration as
20 well as additional thousands of dollars in fines.
21 So if there's a firearm involved, if it's near a
22 school, a church, whatever they've decided to make
23 an enhancement in this state, you are adding on

1 another layer of debt and, therefore, impacting
2 anyone's ability to reclaim their rights.

3 What is worth mentioning is that the Board
4 of Pardon and Parole -- even though the law is not
5 clear on it, the Board of Pardon and Parole will
6 consider any felony conviction in a federal court
7 no matter what jurisdiction, the same as a felony
8 conviction out of -- in Alabama state court, as
9 long as the language of the conviction or the
10 language of the crime -- the federal crime
11 substantially matches or tracks the crime of moral
12 turpitude under Alabama state law.

13 So when you're looking at restoration for
14 people here in -- in the state, you have to ask
15 them not only what is their conviction under state
16 law, you need to know what are their convictions
17 in federal court. So if someone was in the
18 military, if they're in Guam or protectorate,
19 Puerto Rico, U.S. Virgin Islands, you need to
20 know, did they have a conviction there. It's also
21 worth noting that the Board of Pardon and Parole
22 will take into account your convictions in other
23 jurisdictions, such as other states or native

1 American ports, only if your restoration requires
2 a pardon.

3 Now, what's the wrinkle with that?
4 They're going to say, you need to go get your
5 pardon from that other jurisdiction before you can
6 get your pardon here in Alabama. So what's
7 happening is other jurisdictions -- case in point,
8 someone had a conviction in Georgia. Georgia
9 said, well, you're not a citizen. We're not
10 really bothered about whether or not we're going
11 to pardon you so we're not going to. He had done
12 everything he needed to do in Alabama. Because he
13 could not take care of Georgia, he could not take
14 care of Alabama.

15 And lastly, before my time runs out, I
16 just want to stress, there is a lot of confusion.
17 There will need to be a lot of public education.
18 We were helping people at our clinics who were --
19 because of confusion, thought their conviction
20 solely in another state was blocking them for 40
21 years from being able to register here in the
22 State of Alabama.

23 Or someone had killed someone in

1 self-defense, served time in jail, but never
2 charged, and for 50 years never attempted to vote.
3 And he had to be dragged into the church to find
4 out that he could actually register that very day.
5 So it's a very big issue here, and I think on a
6 practical basis, we need to do a lot more public
7 education. Thank you.

8 MS. CARROLL: Great. Thank you. So we
9 will do questions for these two speakers. We do
10 need to be really cognizant of time. So we will
11 do questions for about seven or eight minutes,
12 which is much shorter than we've done so far. So
13 everybody remember questions should be concise and
14 to the point.

15 I'm going to start out. Ms. Holmes, I'm
16 going to start with you.

17 MS. HOLMES: Sure.

18 MS. CARROLL: You spoke of the --
19 dismantlement of section five of the Voting Rights
20 Act and the benefit of preclearance. Section
21 three of the Voting Rights Acts -- Act also offers
22 remedies. Can you speak to the difference in the
23 remedy that's available in terms of a restraining

1 order under section three versus the remedy that
2 you described under section five and how that can
3 impact populations?

4 MS. HOLMES: Sure. So I'm not going to be
5 able to talk about all the technicalities, but I
6 think the major thing is, is the order of
7 operations here. The beauty of section five is
8 that it comes before the actual voting change is
9 put into effect. You don't need litigation to
10 actually address it. And, you know, you can root
11 out a problematic voting practice before it
12 actually is implemented.

13 Other remedies under the Voting Rights Act
14 in section three. Section two are more of
15 after-the-fact remedies. And when we're talking
16 about elections, you know, you're on a time clock.
17 Once a -- once a voting practice goes into effect,
18 elections happen and people suffer under those --
19 under those voting changes. And even if they are
20 remedied after the fact, you've already sort of
21 lost out on people's rights in that interim.

22 So -- and we bring cases under section
23 two, and section three is also a viable vehicle.

1 But because of that delay, the -- the impact is
2 just not as -- as great because you have years
3 during which people's rights are being restricted.

4 MS. CARROLL: All right. And I have a
5 question -- thank you. I have a question also for
6 you, Mr. Barry-Blocker. And actually, I'm going
7 to go to the last thing you said, which was the
8 discussion about confusion and consistency. That
9 was a big topic with our last panel as well.

10 I mean, what is your sense of a way to --
11 I mean, we -- we talked in the last panel about
12 the fact that the Secretary of State can issue the
13 manual, but it's up to the local county
14 commissioner to actually implement or the
15 probation judges -- or the probate judges, rather,
16 to make sure that the implementation is proper and
17 correct. And as a result, you may have
18 inconsistencies. What's your recommendation to
19 try to reduce some of this inconsistency?

20 MR. BARRY-BLOCKER: From my perspective,
21 mobilize the people. I'm not -- not overly
22 focused on trying to convince government agencies,
23 because they're already overwhelmed, to make sure

1 training is happening. If enough people are
2 banging at the doors to see something happen or
3 get a clarification, people will have to do it
4 because they don't want bad press.

5 So my focus was always holding a clinic,
6 training people, and then just speaking with
7 people who need the assistance by any means
8 necessary, to get them to start asking questions,
9 to start making phone calls. And I found that if
10 you harass someone with phone calls enough, you'll
11 get some type of response.

12 MS. CARROLL: All right. I'm going to
13 open the floor -- I'm going to just go around. So
14 it's going to go Marc, Tari, and Dr. Lewis. And,
15 again, please keep in mind brief because,
16 obviously, we have a lot of folks who want to ask
17 questions.

18 MR. AYERS: Goodness. That was way too
19 close. One quick question for you, Jonathan. The
20 30 percent interest which you mentioned, did you
21 -- I may have heard that wrong. Did you say that
22 was discretionary or like the prosecutor could --

23 MR. BARRY-BLOCKER: Correct.

1 MR. AYERS: -- attach this?

2 MR. BARRY-BLOCKER: Yes. So the
3 prosecutor has to initiate the action to assess
4 the 30 percent and then seek to collect it or have
5 it added on to the outstanding court debt on that
6 particular case. So -- but it is not automatic.
7 But they are warned, at least I've seen for the
8 Shelby County sentencing form, when an offender
9 gets their -- their paper, their sentencing, their
10 post colloquy, whatever you want to call it, it
11 does warn this is with 30 percent interest, but it
12 requires the prosecutor to start the process.

13 MR. AYERS: And quickly, for -- for Jenny,
14 you had -- I think you're the one that said this
15 -- that black and Latino voters are twice as --
16 twice as more likely to not have an ID. Is that
17 what -- is it twice as more likely to not have one
18 of the things on the voter ID list to take to the
19 polls or are we talking just about a specific ID?

20 MS. HOLMES: It's any of -- any of the IDs
21 that are acceptable at the polls under the law.
22 So it's not just -- not just a driver's license
23 but any of the acceptable forms of ID.

1 MR. AYERS: The bills or the --

2 MS. HOLMES: Well, I don't believe a bill
3 is an acceptable form of ID.

4 MS. CARROLL: That's correct. It's not.

5 MR. AYERS: Oh, okay.

6 MS. HOLMES: But -- but like passport or a
7 driver's license or an Alabama university student
8 ID, et cetera.

9 MR. AYERS: All right.

10 MS. CARROLL: All right. So now we'll go
11 to Tari Williams.

12 MS. WILLIAMS: This question is for Mr.
13 Barry-Blocker.

14 MR. AYERS: It's off. I don't know if you
15 need it.

16 MS. WILLIAMS: That's okay. It doesn't
17 matter. When the Secretary of State gave
18 testimony earlier, he stated that the availability
19 of CERV applications didn't fall within his
20 office's responsibility, that that falls within
21 Pardon and Paroles. And so my question is, do you
22 know whether or not Pardon and Paroles is actively
23 doing some type of public education or public

1 outreach to the community to make sure that those
2 applications are available? And you also stated
3 that there had been some changes recently
4 regarding that if an application takes more than
5 60 days, someone can call and then they can now do
6 it by e-mail, and I'm just -- I just want to know
7 if people are aware of that.

8 MR. BARRY-BLOCKER: All right. So to your
9 first question, is the Board of Pardons and
10 Paroles doing outreach with regards to CERV
11 applications? Initially, Board of Pardons and
12 Paroles did not even have a CERV application that
13 you could fill out. So what -- in answer to your
14 question about just knocking on the door, I went
15 ahead and created a type of worksheet and they
16 would just tell them, submit this because it will
17 have all the information in one. I guess they
18 didn't want all that, so they've since created an
19 an application.

20 As far as outreach, starting at a clinic I
21 did with the Vernon Crawford Bar Association in
22 Mobile, Director Akisha Jones did show up and
23 speak on behalf of the Board of Pardon and Parole.

1 And she did make us aware of the new online
2 application process, and she answered any
3 questions any citizen had. She also makes herself
4 available to do outreach. The last I spoke with
5 her, she had done an event in Huntsville, if I
6 recall. I know it was in the northern part of the
7 state. So she does make herself available to
8 leave Montgomery and go do outreach if invited.
9 And she's very forthright and welcoming when you
10 engage with her, so it doesn't feel strained.

11 As far as your second question, the law
12 requires that the Board of Pardon and Parole
13 address a CERV application within 60 days. So
14 that is why there's that 60-day deadline. And so
15 they do, for the most part I think, try pretty
16 good to get it going and reach it, but it -- just
17 a couple of times, it required us to make a phone
18 call to say, hey, someone hasn't heard. But I
19 haven't seen it be egregious. And so the
20 Secretary of State is right, that is the Board of
21 Pardon and Parole's responsibility, but they
22 appear to be handling it pretty well.

23 MS. CARROLL: Dr. Williams -- or Dr.

1 Lewis. I'm sorry.

2 DR. LEWIS: That's okay. This question is
3 for Ms. Holmes. Thank you for coming to give us
4 the information today. So you talked about the
5 Voting Rights Act, section five, and Mr. Park
6 talked about that a little bit earlier. And this
7 may be too big of a question for us to answer
8 today.

9 He talked about, you know, the history of
10 why we have the formula in place for section five.
11 What approach would you think we would need to
12 take to deal with this huge problem of
13 preclearance and, you know, passing a new law or
14 how can Alabama deal with this? What -- what
15 strategy as far as section five could we use to
16 deal with this? I don't know if that's too broad
17 or --

18 MS. HOLMES: No. It's -- it's a great
19 question, and it's -- it's a huge question. There
20 -- there are some bills that have been introduced
21 in Congress over the last couple of years that
22 have attempted to formulate -- create a new
23 formula for which states and what areas will be

1 covered by -- by section five. You know, section
2 five itself was not struck down. It was just the
3 formula that calculates which jurisdictions are
4 covered by section five. And often, a critique is
5 that, oh, it only covers areas in the south.

6 So some of these bills take a -- an
7 approach that -- that is relatively neutral to --
8 in terms of coverage of different areas across the
9 country. I think that's a great approach. It's
10 not only areas in the south that have voting
11 problems, and I fully acknowledge that. And I
12 think a -- a bill like that would be something
13 that -- that we support.

14 In terms of what we can do in Alabama, of
15 course, the Voting Rights Act sets only a floor.
16 So Alabama can -- the Alabama legislature is free
17 to pass any sort of voting protections that go
18 above and beyond what's required by the
19 Constitution or federal statute in its own
20 legislature. And I don't know if that would
21 involve some sort of more internal preclearance
22 process or if it would have to go through the
23 Secretary of State. I'm kind of just thinking of

1 something off the top of my head. But you can be
2 creative and try to implement or create some sort
3 of check that will only apply to Alabama
4 elections, and you don't have to wait for the U.S.
5 Congress to act.

6 DR. LEWIS: And can I follow up, Jenny?

7 MS. CARROLL: Sure.

8 DR. LEWIS: When you submit your written
9 testimony, can you put a reference to those bills
10 that have been in Congress?

11 MS. HOLMES: Absolutely. I think there
12 are three or four and we -- I'll put in references
13 to those.

14 DR. LEWIS: Thank you.

15 MS. CARROLL: All right. Before we change
16 panels, I would ask, each of you cited some data
17 points in terms of your experience and contact.
18 If you could include those also in your written
19 comments, that would be extraordinarily helpful.

20 The other thing I want to point out is a
21 point of clarification in answer to the question
22 that Mr. Ayers raised inquiring about the 30
23 percent collection fee. I've got the statute in

1 front of me, and it actually indicates that you
2 shall assess a collection fee of 30 percent. So
3 it is not discretionary. It appears --

4 MR. BARRY-BLOCKER: Okay.

5 MS. CARROLL: -- in addition it says that
6 -- and this is interesting and I think warrants
7 noting as well that 75 percent of the collection
8 fee is distributed to the attorney's office that
9 is -- that is collecting that fee. So I'll also
10 suggest that there's a financial incentive to turn
11 over these collections. So we will also include
12 the entirety of that in our record as well.

13 Thank you all so much. I would ask that
14 you stick around in the event that we have
15 additional time for questions. I know that y'all
16 raised a lot of great points, and my guess is
17 there are additional questions. But thank you so
18 much for your testimony.

19 At this point, we will hear the second
20 half of panel four, and that will consist of
21 Charlotte Morrison from the Equal Justice
22 Initiative and Executive Director Scott Douglas of
23 the Greater Birmingham Ministries. So welcome and

1 thank you all for coming. Same advice I gave to
2 the last speakers with regard to time. The time
3 period will be marked on this clock, and I just
4 ask you to abide by it. And in the interest of
5 time, I'm going to start with you, Mr. Douglas.

6 MR. DOUGLAS: Thank you. Thank you for
7 this opportunity. I'm Scott Douglas, executive
8 director of Greater Birmingham Ministries located
9 at 2304 12th Avenue North in Birmingham. GBM, as
10 we call it, is a 49-year-old multi-faith
11 organization serving metropolitan Birmingham and
12 the State of Alabama. We have Jews, Christians,
13 and Muslims, blacks, whites, and brown united in
14 providing emergency assistance to low-income
15 families and working together over the years to
16 improve those systems manifested in private and
17 corporate practices and public policies that
18 affect the poor unjustly. Education is a system,
19 housing is a system, health care is a system,
20 transportation is a system, criminal justice is a
21 system, and certainly voting is a system.

22 For decades, GBM has conducted voter
23 registration among. 2,000 plus families we serve

1 each year in need of utility, food, housing,
2 clothing, and other emergency assistance. Since
3 2007, we have mounted, at various levels of scale,
4 voter registration drives beyond our doors, not
5 just those come to us in need, going into
6 low-income neighborhoods across our city. And for
7 GBM, it is a principle for us that just as no one
8 should be denied access to housing, access to
9 education, access to health care, access to
10 transportation, access to justice, neither should
11 be denied access to the vote if they could
12 otherwise qualify.

13 It is a principle embedded in holy text,
14 not the least clear verse of which is Proverbs 31,
15 the 31st chapter, ninth verse which proclaims,
16 "Yes, speak up for the poor and helpless and see
17 that they get justice." To the degree that access
18 to housing that is decent and affordable and
19 quality health care and transportation that is
20 reliable is the determined by public policies.

21 Access to vote for poor people is
22 fundamental in deciding who gets to make public
23 policies and how those public policies affect the

1 quality of their life and the quality of life of
2 us all. When the voices of the poor are muted or
3 silenced, public policies reflect the absence of
4 the voices of the poor with often dire
5 consequences for their quality of life.

6 In Alabama, seeking justice for the poor
7 regarding the voting franchise has always been a
8 difficult venture, especially given our current
9 state constitution. Conceived in infamy and
10 perpetrated by fraud, it was self-produced to
11 disenfranchise the black vote and seriously reduce
12 the vote of all poor people. Disenfranchisement
13 was certainly the goal in the 1901 constitutional
14 convention. As the convention president, John
15 Knox proudly proclaimed at the time of the
16 convention that what he wanted to do was, quote,
17 Establish white supremacy by law, unquote.

18 To facilitate the process -- this process
19 during the vote, on the 1901 constitution that was
20 produced by the convention, thousands upon
21 thousands of votes of black men in Alabama's Black
22 Belt that they cast against the new constitution
23 were counted by white vote counters and votes for

1 the new constitution. In fact, if those votes had
2 not been corrupted, the new constitution would
3 have been fair.

4 If you're looking for vote fraud, the vote
5 of -- on the 1901 constitution is the pinnacle or
6 rather the pits of vote fraud, and it was
7 implemented not by voters but by a conspiracy of
8 state officials. That conspiracy was so well
9 known, it was called at the time an open secret.
10 It was only decades later that the Voting Rights
11 Act, worn through the blood, the struggle,
12 persistence, and clarity of vision, shared by the
13 famous and the unnamed began to right that wrong.

14 So fast forward to Alabama's HB19 photo ID
15 law enacted in 2011 alongside HB56, the
16 anti-immigrant law that itself had a
17 voter-suppressive proof-of-citizenship clause.
18 The two together comprised a people-of-color
19 voter-suppression combo. The photo ID law was
20 written not to come to effect immediately. But by
21 that time, the -- by later -- by 2014, rather --
22 I'm sorry -- the Shelby case was decided in 2013,
23 and there was no longer a preclearance to be

1 demanded.

2 Without the protection of the guts of the
3 Voting Rights Act, preclearance, the changes in
4 Alabama's voter ID laws place a tremendous burden
5 on already economically and socially burdened
6 black and Latino families.

7 Money is obviously a burden, by
8 definition, for low-income people. Scarce funds
9 are needed not only for even -- for even free so
10 called, unquote, state-issued photo IDs. But
11 also, for the underlying documents that's needed,
12 like birth certificates to -- to get the IDs.

13 Transportation is a burden for low-income
14 people. That is not so obvious of those of us who
15 have reliable transportation. If you're poor and
16 happen to live in urban areas and there is public
17 transit, you still can't rely on public
18 transportation to get you to the polling place or
19 the DMV before work or after work on time. Now,
20 that's a preexisting burden that existed before
21 the photo ID law, but the added burden is having
22 to get to the nearest DMV office in the urban
23 areas, and in many Black Belt counties, if there

1 is a car in the family, it's being used by the
2 breadwinner who has to use the car to commute back
3 and forth to work, often in a Black Belt
4 neighboring county.

5 As for GBM direct experience with
6 low-income people burdened by Alabama's photo ID
7 laws, there's a case of Elizabeth Ware. Due to
8 Ms. Ware's fixed income, lack of reliable
9 transportation, and limited mobility, HB19
10 substantially burdens Ms. Ware's ability to vote.
11 Ms. Ware's income consists solely -- consisted
12 solely of Social Security Disability as a result
13 of a number of serious maladies, including bullet
14 fragments in her back. Ms. Ware does not drive
15 and has limited transportation options. The bus
16 stop is four to five blocks from her house and
17 walking that distance takes her over an hour and
18 causes her pain, and rides by car are unreliable
19 for Ms. Ware.

20 The nearest place to get a license where
21 Ms. Ware will go get an ID is not in walking
22 distance of her home, and a ride can cost 20 bucks
23 -- \$20, a significant amount for someone with

1 Ms. Ware's fixed income. Ms. Ware finally was
2 able to get the free voter ID card. However, she
3 was wrongly denied -- I'm sorry.

4 She -- she attempted to get the free voter
5 ID card; however, she was wrongly denied the card
6 by the -- the ID by the staff member who had been
7 improperly trained who told her that because she
8 had an ID in the past, she was now ineligible for
9 the free voter ID card now, despite her
10 circumstances.

11 Finally, after becoming a plaintiff in our
12 lawsuit, Ms. Ware's attorneys aware -- arranged
13 for the Secretary of State's office mobile unit to
14 visit her home during her deposition, and she had
15 never heard of the mobile ID unit prior to
16 litigation. The unit's process was deeply flawed
17 and faced many technical issues when attempting to
18 issue Ms. Ware an ID. Ultimately, it took over an
19 hour to issue Ms. Ware a temporary ID, and she had
20 to wait for the permanent ID to be mailed to her.
21 This process clearly cannot be replicated for the
22 thousands and thousands of other people in Alabama
23 who do not have an ID, a personal home visit by a

1 mobile unit.

2 And now there's the -- and now there's the
3 deceased Debra Silvers who was unable to replace
4 her photo ID after a house fire destroyed both her
5 ID and the underlying documents that she would
6 need to replace it. To begin replacing the
7 documents lost in her fire, Ms. Silvers had to pay
8 for a ride to various government agencies. Each
9 trip costed her 15 to \$20. Ms. Silvers paid over
10 \$100 in cost of transportation before getting a
11 temporary nondriver ID. These costs were
12 especially substantial given that Ms. Silvers had
13 just lost everything in the fire and was in the
14 process of rebuilding her entire life.

15 Ms. Silvers was in such dire straits that
16 she had required the Red Cross to house herself
17 and her children. Once Ms. Silvers had obtained a
18 temporary nondriver ID, she attempted to vote in
19 March 2016, but she was turned away because the
20 poll worker could not see the picture on the
21 temporary ID and that old ID had expired. HB19
22 directly prohibited Ms. Silvers from participating
23 in the franchise. And finally, Alabama photo ID

1 law is the new poll tax. But the reason for the
2 existence of the current new poll tax is the same
3 reason for the existence of the first one. Thank
4 you.

5 MS. CARROLL: Thank you. We'll now hear
6 from Ms. Charlotte Morrison.

7 MS. MORRISON: Good afternoon, my name is
8 Charlotte Morrison. I'm a senior attorney with
9 the Equal Justice Initiative here in Montgomery.
10 Alabama today has one of the nation's highest
11 disenfranchisement rates. 15 percent of
12 African-American adults and nearly a third of
13 African-American men in Alabama have lost the
14 right to vote. Alabama is one of only ten states
15 where a person with a felony conviction may lose
16 the right to vote permanently unless restoration
17 is sought and all fines are paid.

18 We wanted to take our time on this panel
19 to speak specifically about the voter restoration
20 process and why this does very little to
21 ameliorate the problem. First, the vast majority
22 of people in Alabama's prisons are serving a
23 sentence for a conviction considered by law to be

1 one of moral turpitude. These citizens are,
2 therefore, subject to permanent
3 disenfranchisement. They must go through the
4 voter restoration process, either by applying for
5 a certificate of eligibility to vote or a pardon.

6 Certificates of eligibility to vote, or
7 the CERV, will not be issued to anyone who owes
8 fines or is on parole supervision. This means
9 that the vast majority of people leaving Alabama's
10 prisons cannot apply for a CERV. They are
11 ineligible for a CERV. I just wanted to -- to
12 emphasize that most people leaving prison will
13 have to go through the pardon process in order to
14 restore their right to vote.

15 One reason that Alabama has one of the
16 highest incarceration rates in the nation, in a
17 nation that leads the world in incarceration
18 rates, is that it incarcerates people for longer
19 periods of time than almost any other state. One
20 in four people incarcerated in Alabama is serving
21 a life or a virtual life sentence. They will be
22 on parole for the rest of their lives.

23 Pardons are available to people on parole

1 supervision, but applications for voter
2 restoration through the pardon process are
3 available only to applicants who have successfully
4 served three years. So you have to serve three
5 years before you are given an application. It
6 takes the board then three additional years to
7 process your application. So pardon applicants
8 typically wait six years before they can have
9 their voting rights restored. All applicants who
10 have not paid their court fines will be denied.
11 This requirement that all fines be paid acts as a
12 permanent bar to voter restoration for tens of
13 thousands of people in Alabama.

14 We wanted to talk specifically about one
15 case that is representative of this process. Our
16 client, Stanley Washington, who is
17 African-American, who was originally sentenced to
18 life imprisonment without the possibility of
19 parole for possession of cocaine in 1995.
20 Ordinarily, this offense is punishable by a
21 mandatory minimum of three years' imprisonment.
22 However, because Mr. Washington had previously
23 pled guilty to possession of cocaine and

1 third-degree burglary, he was sentenced to a
2 mandatory death-in-prison sentence under Alabama's
3 felony offender act. He was also fined \$50,000.
4 That fine is mandatory under Alabama law.

5 Mr. Washington was one of the first
6 prisoners whose sentence was reduced after the
7 Alabama Supreme Court unanimously decided to allow
8 judges to reconsider sentences of life without
9 parole for nonviolent offenders. In 2008, Mr.
10 Washington was paroled. He was released in
11 January of 2009. After his release,
12 Mr. Washington was hired by my office as a reentry
13 coordinator in our post-release educational
14 preparation program, a full-scale residential
15 reentry program here in Montgomery.

16 We represented Mr. Washington at his --
17 we -- at his hearing to restore his voting rights
18 in 2011. His application was denied because he
19 had not paid the \$50,000 fine. It did not matter
20 that Mr. Washington was 63 years old, that he was
21 on SSI. It did not matter that he had paid his
22 parole fees, \$40 a month, consistently for six
23 years.

1 Alabama's disenfranchisement scheme and
2 moral turpitude test did not evolve in a vacuum.
3 Since emancipation in 1865, many states have tried
4 to block or restrict black people from voting.
5 After the 15th Amendment barring racial
6 discrimination in voting was adopted in 1870,
7 southern states continued to disenfranchise black
8 voters through poll taxes, literacy tests,
9 grandfather clauses, violent intimidation, killing
10 many black people who tried to vote.

11 State laws disenfranchising people
12 convicted of a felony also proliferated during
13 this period, especially in southern states as the
14 largest population of African-Americans where
15 lawmakers were explicit about the need to suppress
16 the black vote. Alabama's long -- I'm sorry. In
17 1901, Alabama amended its constitution to expand
18 disenfranchisement to all crimes involving moral
19 turpitude, which apply to misdemeanors and
20 noncriminal acts after the president of the
21 constitutional convention argued that the state
22 needed to avert the, quote, menace of negro
23 domination, unquote. Alabama's long and violent

1 history of erecting insurmountable obstacles for
2 African-American voters and the undisputed
3 evidence that felony disenfranchisement laws have
4 a racially disparate impact should disqualify
5 Alabama from using convictions and fines as
6 mechanisms to deny the citizens -- deny citizens
7 the right to vote. Thank you.

8 MS. CARROLL: Thank you. We do have, as
9 before, a limited time for questions. So I have
10 two brief questions for each of you and then I
11 will -- I'll focus this time and work the opposite
12 way, so just let me know if you have a question.

13 Charlotte Morrison, for you, one question
14 I have is most states have some version of this
15 felon disenfranchisement -- and perhaps,
16 Mr. Blocker, you can also speak to this. What's
17 -- what's the motivation behind it? What's the
18 logic behind it? Why is it important that we
19 disenfranchise felons.

20 MS. MORRISON: No state disenfranchises --
21 has a permanent disenfranchisement -- I'm sorry --
22 most states don't have a permanent
23 disenfranchisement that is -- where the

1 restoration is triggered only after you've paid
2 your fines. So that's where Alabama is unique.
3 There's only a handful of states that -- that do
4 that.

5 MS. CARROLL: But beyond that, I mean most
6 states do have some restriction on enfranchisement
7 based on a conviction, at least during the period
8 of time you're serving or under some supervision.
9 So what is the theory behind it? Why would you do
10 that as a matter of election law or practice?

11 MS. MORRISON: I think it's rooted
12 specifically in -- in the history of our country,
13 evolving from a country of enslaved people and
14 figuring out what to do moving from three-fifths
15 to the full voting rights. And I think you'll
16 find the answer in -- in that connection.

17 MS. CARROLL: And you would concur with
18 that?

19 MR. BARRY-BLOCKER: I would concur. And
20 I'm originally from Florida, and we would -- the
21 process there is you would have to apply to the
22 Board of Clemency, which is essentially the
23 governor and some other executive members. And