



For Immediate Release
Wednesday, September 30, 2020

Contact

Ella Wiley, LDF, 212-965-2784, ewiley@naacpldf.org
Graeme Crews, SPLC, 334-224-0002, graeme.crews@splcenter.org
Inga Sarda-Sorensen, ACLU, 347-514-3984, isarda-sorensen@aclu.org

Federal Court Rules Alabama Must Take Steps to Better Protect Voters During COVID-19 Pandemic

BIRMINGHAM, Ala. — A federal court issued a decision today that will help protect the health and right to vote of medically vulnerable Alabamians.

The ruling in *People First of Alabama v. Merrill* means Alabama voters will not need a witness or notary to vote by mail if they have an underlying medical condition and provide a statement.

The decision also stipulates that voters 65 and older with an underlying medical condition won't need an ID so long as they provide other identifying information such as their driver's license number or last four digits of their Social Security number. In addition, it lifts Secretary John Merrill's ban on curbside voting.

The lawsuit was filed by the NAACP Legal Defense and Educational Fund (LDF), Southern Poverty Law Center, American Civil Liberties Union, ACLU of Alabama, and Alabama Disabilities Advocacy Program.

It was brought on behalf of several Alabama voters who require a safe alternative to voting in-person at a polling place during the COVID-19 pandemic because their health conditions make them higher risk for severe illness and death from COVID-19, as well as People First of Alabama, Greater Birmingham Ministries, the Alabama State Conference of the NAACP, and Black Voters Matter Capacity Building Institute.

Alabama currently has the fourth-highest per capita rate of COVID-19 cases in the country, and the virus continues to disproportionately infect and take the lives of older voters, Black voters, and voters with disabilities.

The court's ruling recognizes that Alabama voters like plaintiffs Eric Peebles, Annie Carolyn Thompson, Howard Porter Jr., Teresa Bettis, and Sheryl Threadgill-Matthews are at higher risk for severe complications from COVID-19 and that forcing them to comply with the challenged provisions would needlessly endanger their lives.

The following is reaction to today's ruling:

Deuel Ross, senior counsel at LDF: “This decision is a huge win for Alabama voters, especially voters of color and voters with disabilities. Given COVID-19, Alabama's draconian voting rules needlessly place the health and voting rights of Alabamians in danger. No one should be forced to risk their safety to exercise their constitutional right. State and local election officials have a responsibility to ensure that voting is easy and accessible for everyone in the pandemic.”

Caren Short, senior staff attorney at SPLC: “Today’s decision provides crucial relief in Alabama’s absentee voting process, allows for curbside voting in counties that wish to provide it, and ultimately will create a better public health situation in Alabama as it conducts an historic election. We’re deeply hopeful that the secretary of state and county election officials will accept the court’s ruling and begin educating Alabama voters on how they can vote safely and easily for the general election.”

Davin Rosborough, senior staff attorney with the ACLU’s Voting Rights Project: “This ruling recognizes the hardships these laws place on Black Alabamians and those at particular risk for COVID-19. This decision will help to ease those burdens in the midst of this deadly pandemic.”

Maia Fleischman, voting rights fellow, Alabama Disabilities Advocacy Program: “Alabama’s curbside voting ban and the photo ID requirement, especially during a deadly pandemic, disenfranchise voters with disabilities from participating in the November election. The court correctly recognized that the Americans for Disabilities Act ensures voters with disabilities are not forced to choose between exercising their fundamental right to vote and their safety.”

Ruling: <https://www.aclu.org/legal-document/alabama-opinion>

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

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