

CURRENT CONDITIONS OF VOTING DISCRIMINATION IN ALABAMA

Alabama is the birthplace of the voting rights fight. From Selma to Shelby County, its notorious history of disenfranchising Black and other voters of color continues today. Racial discrimination in voting remains a persistent and significant problem in Alabama today.

- The 1901 Constitution of Alabama conditioned the right to vote on land ownership and employment, and instituted a poll tax, a literacy test, a criminal disenfranchisement rule, and grandfather clauses in order to fully disenfranchise Black voters.
- The Voting Rights Act of 1965 originally covered Alabama in requiring the entire state and its political subdivisions to submit voting changes to the Department of Justice (DOJ) for preclearance.
- In 1982, Congress had to amend Section 2 of the Voting Rights Act to ensure a “results test,” after the City of Mobile’s at-large voting districts diluted Black voting power, and were upheld by the U.S. Supreme Court in *Bolden v. Mobile*.

- In 2013, Section 5 of the Voting Rights Act was immobilized across the country due to a case from Alabama. The City of Calera in Shelby County had serially annexed Black voters out of the city for years without seeking preclearance under Section 5 for those annexations. A Black council member lost his seat because his district lost Black registered voters. After DOJ intervened, voters were able to elect candidates of their choice. The case became the basis for Shelby County’s challenge to the constitutionality of Section 5.

After the Supreme Court’s decision in *Shelby County v. Holder*, which nullified the preclearance requirement of Section 5, Alabama engaged in a host of discriminatory practices at the state and local levels. Below are a few of the most egregious acts of discrimination. A full accounting of Alabama’s actions can be found in reports by the [NAACP Legal Defense & Educational Fund](#) and the [Southern Poverty Law Center](#).

ALABAMA JURISDICTIONS USE METHODS OF ELECTION TO INTENTIONALLY DILUTE BLACK VOTING STRENGTH.

Since *Shelby County*, Alabama is the only state in the nation where federal courts have ordered more than one jurisdiction to submit to preclearance based on a finding of intentional discrimination. The City of Evergreen became the first such jurisdiction after voters challenged a five-member redistricting plan which retained three white-majority districts although 62% of the population was Black. Voters also challenged the system for determining voter eligibility, which removed voters if their names did not also appear on the list of utility customers. A federal court found the city intentionally discriminated on both accounts and ordered it to submit voting changes on redistricting and voter eligibility for preclearance through 2020.

Black voters challenged the method of electing school board members in Alabama's largest county, Jefferson County. Four school board members were still elected at-large from multi-member districts, and a fifth was elected from a single-member district. No Black person had ever been elected to an at-large seat. A federal court ruled that the at-large districts violated the Voting Rights Act, finding that the Alabama legislature created the districts "for the purpose of limiting the influence of Black voters." The court ordered the four districts to be divided into single-member districts and the county to submit voting changes for preclearance through 2031.

REDISTRICTING INTENTIONALLY UNDERMINES BLACK VOTING POWER.

In 2012, Alabama's Black legislators filed suit claiming that the legislature intentionally sought to dilute the Black vote by redrawing state legislative districts to pack Black voters into majority-Black districts, thereby reducing their influence in other districts. The Black legislators also claimed that the redistricting plan was an unconstitutional "racial gerrymander," that deliberately segregated voters into districts based on their race without adequate legal justification. The U.S. Supreme Court vacated a lower court decision rejecting the claims, concluding that the fact that the legislature "expressly adopted and applied a policy of prioritizing mechanical racial targets above all other districting criteria (save one-person, one-vote) provides evidence that race motivated the drawing of particular lines in multiple districts in the State." On remand, one of the Eleventh Circuit's most conservative judges, William Pryor, authored an opinion for a three-judge court, ruling that 12 of the majority-minority districts were unconstitutional because the legislature relied too heavily on race in drawing their boundaries.

AFTER INSTITUTING A PHOTO-ID REQUIREMENT TO VOTE, ALABAMA CLOSED DMV LOCATIONS THAT PROVIDE PHOTO ID IN MAJORITY BLACK COUNTIES.

Alabama's efforts to enact a photo ID law, which disproportionately burden voters of color, dates back several decades. Although prior to *Shelby County*, Alabama was required to seek preclearance before enforcing a 2011 photo ID law, it did not. Instead, the state waited until the Shelby County ruling and then allowed the photo ID law to go into effect without preclearance. The photo ID law was then the subject of multiple lawsuits, and a key issue in these cases was the limited ability of Black voters to obtain photo IDs in Alabama. In 2015, the Alabama governor and a state agency announced the closure of 31 driver's license offices, many in majority Black counties in the Black Belt region. The U.S. Department of Transportation opened a civil rights investigation under Title VI of the Civil Rights Act of 1964 and concluded that the closures had a disparate impact on Black Alabamians in violation of federal law.