



October 21, 2015

Hon. Robert Bentley
Governor of the State of Alabama
Alabama State Capitol, 600 Dexter Avenue
Montgomery, AL 36130

Dear Governor Bentley:

The closure of 31 Alabama Law Enforcement Agency (ALEA) driver's license offices raises serious concerns about your administration's commitment to provide critical services to Alabamians in need of identification to vote.¹ With the implementation last year of a strict voter photo ID law, these offices took on a responsibility not only to serve motorists but to ensure that eligible citizens can to obtain the ID needed to exercise their constitutional right to the franchise.

Even before the most recent closures, Alabama simply was not providing sufficient access to IDs, a potential violation of Section 2 of the Voting Rights Act. To guard against such violations, Common Cause urges you to reconvene the legislature and propose an amendment to Ala. Code § 17-9-30 (2011) to repeal the voter ID requirement.

We appreciate your decision last week to renew driver's license service, on a once-a-month basis, in the affected counties.² Nevertheless, we believe your office must go further to ensure Alabama's compliance with the Voting Rights Act.

Alabama's voter photo ID law is among the strictest in the country, invalidating formerly permissible forms of identification including utility bills, Social Security cards, and birth certificates. It is estimated that 250,000 to 500,000 Alabamians were affected by the law in the 2014 election.³

Such a strict ID requirement,⁴ when combined with inadequate means for Alabamians to procure the mandatory identification,⁵ inevitably results in a denial of access to the ballot box. This problem is particularly acute for the substantial number of low-income Alabamians who live in the mostly rural counties where ID offices are closed, and who lack access to public or private transportation that could carry them to other driver's license offices.

Accordingly, Common Cause urges you to convene a special session of the legislature to seek repeal of the voter identification law.⁶ At a bare minimum, we urge you to propose amendments to allow voters to provide alternative forms of identification, including an affidavit with a signature match. Such legally binding agreements, made under the penalty of perjury,

already are in place in several states with voter identification laws. Last but not least, we urge the continued operation of each ALEA driver's license office.

As governor, you are responsible for ensuring that state agencies abide by both state and federal law. While the ALEA offices may have been closed for budgetary reasons, the closures and the ID law combine to deny racial minorities an equal opportunity to participate in the political process, violating Section 2 of the Voting Rights Act of 1965, 42 U.S.C. § 1973.

Common Cause is a nonpartisan grassroots organization with more than 400,000 members and supporters, including thousands in Alabama. We are headquartered in Washington, D.C. and have chapters in 35 states dedicated to upholding the core values of American democracy. We work to create open, honest, and accountable government that serves the public interest; promote equal rights, opportunity, and representation for all; and empower all people to make their voices heard in the political process. As such, we urge Alabama to remove barriers to the franchise so that eligible voters may participate fully in our democracy.

I would be happy to discuss this matter further at your convenience. I can be reached at (202) 736-5740.

Sincerely,

Miles Rapoport, President

¹ See Press Release, *ALEA Relocates Personnel to District Driver License Offices*, Alabama Law Enforcement Agency (Sept. 30, 2015), available at: <https://localtvwhnt.files.wordpress.com/2015/09/driver-license-release-september-2015.pdf>

² See Statement, Office of the Governor, *Governor Bentley Issues Statement on Statuses of ALEA Rural Driver's License Offices*, State of Alabama (Oct. 16, 2015), available at: <http://governor.alabama.gov/newsroom/2015/10/governor-bentley-issues-statement-status-alea-rural-drivers-license-offices>.

³ See Report by Center for American Progress, NAACP Legal Defense Fund, Southern Elections Foundation, *Battle to Protect the Vote* at 8-10 (2014), available at: <https://cdn.americanprogress.org/wp-content/uploads/2014/12/VoterSuppression-report-Dec2014.pdf>. It bears mention that the report found serious election administration issues through the dispatch of mobile ID-issuing units throughout the state during the 2014 election cycle. According to Alabama Deputy Secretary of State Emily Marsal, these mobile units only managed to provide 5,070 voters with ID as of November 2014. *Id.*

⁴ See e.g., Wendy R. Weiser, Erik Opsal, *The State of Voting in 2014*, Brennan Center for Justice (June 17, 2014), <http://www.brennancenter.org/analysis/state-voting-2014>; See also John Schwartz, *Judge in Landmark Case Disavows Support for Voter ID*, NY Times (Oct. 15, 2013), available at: <http://www.nytimes.com/2013/10/16/us/politics/judge-in-landmark-case-disavows-support-for-voter-id.html>

⁵ See e.g., Kyle Whitmore, *Voter ID and driver's license office closures black-out Alabama's Black Belt*, Alabama Media Group, Sept. 30, 2015, available at: http://www.al.com/opinion/index.ssf/2015/09/voter_id_and_drivers_license_o.html; John Archibald, *Alabama sends message: We are too broke to care about right and wrong*, Alabama Media Group, Sept. 30 2015, available at: http://www.al.com/opinion/index.ssf/2015/09/alabama_sends_message_we_are_t.html.

⁶ See e.g., Ala. Const. §§ 76, 122, 339.