

EMPOWERING VOTERS AND VOTING RIGHTS ACTIVISTS IN ALABAMA: A TOOLKIT

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Please note: This guide was prepared by ACLU staff who are not licensed to practice law. The information found in this document should not be used as a substitute for consultation with a licensed legal professional, and it is not legal advice.

INTRODUCTION



Welcome to the ACLU of Alabama's voting rights toolkit! The right to vote is the very cornerstone of our democracy. At the ACLU, we believe that registering and voting should be as easy as possible.

Unfortunately, this is not always the case. Complicated regulations, unnecessary voter ID laws, and redistricting has stalled and clogged the voting rights machine. We need to amend these problems and make sure that everybody knows and exercises their voting rights to ensure that our nation is representative, democratic, and fair.

This toolkit is designed with a very simple purpose in mind: To present clear, effective guidelines for both exercising your right to vote and going out in your communities to empower others to do the same. We hope that this toolkit will be able to inspire and effectively teach best practices around organizing for voters' rights.

This toolkit is meant to be a "living" document, meaning that there is no static criteria. Take out parts of it, improve on some areas, tear out others: use this document in a way that will make sense for your particular community and goals. Each section in the toolkit will give you a brief overview of tips and tricks for achieving your goal, and there are relevant resources that explain the issue in further depth at the end.

If you have a question, want to talk more about the information, or are interested in hosting a workshop around this document, please reach out to the ACLU of Alabama.

Happy Voting!



IMPORTANT DATES AND DEADLINES

ELECTION DAY IS _____

Voter registration deadline for the primary elections
Last day to apply for an absentee ballot for the primary elections
PRIMARY ELECTION
Voter registration deadline for primary runoff election
Last day to apply for an absentee ballot for the primary runoff election
PRIMARY RUNOFF ELECTION (if necessary)
Voter registration deadline for general election
Last day to apply for an absentee ballot for general election
GENERAL ELECTION

QUICK TIPS FOR VOTERS

- If you are eligible, you can vote before election day by completing an absentee ballot.
- Make sure you have your photo ID with you. Accepted forms include a driver's license or passport. If you do not have a driver's license, you can also get a free voter ID by going to your registrar's office.
- Take a minute to look up your polling place ahead of time to avoid confusion.
- If you can, vote early in the day to avoid long lines.
- Ask for and receive help if you need it as long as it is not from an employer or union representative.
- If you think your rights have been violated, please let the ACLU of Alabama know at info@aclualabama.org or call the Alabama State Voter Hotline at 1-800-274-8683.



WHO CAN VOTE

Any person who meets the following criteria can register to vote in Alabama:

- At least 18 years old on or before election day
- Citizen of the United States
- Resident of Alabama
- Not barred due to a disqualifying felony conviction (see page 15)
- Not declared mentally incompetent by a court (see page 18)

REGISTRATION

WHERE CAN I REGISTER TO VOTE?

You may obtain a Voter Registration Form from any of the following:

- Secretary of State's office or website (<u>alabamavotes.gov</u>)
- Board of Registrar's office
- Probate Judge/License Commissioner's office
- County court house
- Post office, public libraries, community centers, WIC office, welfare office

WHEN CAN I REGISTER TO VOTE?

You can register to vote at any time of year EXCEPT during the 14 days prior to and the day of Election. All voter registration applications must be postmarked, hand-delivered, or submitted to a participating voter registration location on the registration deadline.

HOW CAN I UPDATE MY VOTER REGISTRATION INFORMATION?

Any registered voter should notify voter registration officials as soon as possible with any changes such as a change of name or address.

- When moving, you can get a form to update your voter registration when changing your address on the USPS website. You can then mail that form to the Board of Registrars.
- You can also update your address at all polling places on Election Day.
- Go online to <u>alabamavotes.gov</u> to register, check your registration status, or update your registration information at any time.



VOTING BY ABSENTEE BALLOT

THE STATE OF ALABAMA DOES NOT HAVE EARLY VOTING.

- If mailed, the ballot must be postmarked by no later than the day prior to the election.
- If hand-delivered, the ballot must be in the office of the Absentee Election Manager by the close of business on the day prior to the election.

HOW DO I QUALIFY FOR AN ABSENTEE BALLOT?

- You will not be in your county of residence on Election Day.
- You are ill or have a physical impairment that prevents you from being able to go to your polling location.
- You are a registered Alabama voter living outside of the county (including members of the armed forces and spouses, students, and US citizens who are currently overseas).
- You are an appointed election officer or poll watcher.
- You work a required shift of at least ten hours that coincides with polling hours.
- You are currently incarcerated for a non-disqualifying felony.

HOW CAN I APPLY FOR AN ABSENTEE BALLOT?

- You can write or go to your local Absentee Election Manager to obtain an application. Usually, this is the Circuit Clerk.
- Download and print an absentee election application from <u>alabamavotes.gov</u>.
- Submit the completed application to your Absentee Election Manager either in person or by US mail.
- No absentee ballot application may be mailed in the same envelope as another voter's absentee ballot application.
- If the office needs additional information, the Absentee Election Manager will contact you. They may request evidence on the reason for voting absentee if the voter has a history of absentee voting.
- Absentee ballot applications must be received no later than the fifth calendar day before the election.



VOTING BY PROVISIONAL BALLOT

WHAT IS A PROVISIONAL BALLOT?

A provisional ballot is provided if a voter's eligibility is called into question. For example, if a person does not have an ID with them, their name is not on the poll list, or their address is incorrect.

If you do not have a photo ID with you at the polls, you can fill out a provisional ballot. You then have until 5pm on the first Friday following the election to submit a valid ID to the Board of Registrars.

A voter who has requested an absentee ballot but has not received one can also vote by provisional ballot.

VOTING ON ELECTION DAY

WHAT SHOULD I KNOW ABOUT VOTING ON ELECTION DAY?

- Take a minute to confirm your polling place before going to vote.
- All campaigning that takes place on Election Day should be done at least 30 feet from the entrance to your polling place.
- If you require assistance to vote, you are able to ask anybody except for an employer or union agent to help you. Poll workers are also able to provide additional assistance.
- If you remain in the booth for over four minutes, you may be asked if you require assistance from a poll worker. If you do not need assistance, you will have one additional minute. If there is no line, you can have as much time as necessary to cast your vote.
- All voting should be done privately and confidentially. Poll workers or other voters are not allowed to examine your ballot, unless you request their assistance.
- All polling places are required to be accessible to people with disabilities. If your disability is not accommodated, contact your county's Probate Judge ASAP.
- You are allowed to wear campaign buttons and T-shirts, but you cannot loiter outside of the building after casting your vote.
- Nobody should be taking photographs or videos inside of the polling location.

If you run into any problems while voting, please call Alabama's elections hotline at 1-800-274-8683.



ALABAMA'S CROSSOVER VOTING LAW

In May 2017, a new law was signed that bans voters from crossover voting in party primaries.

WHICH PRIMARY AM I ELIGIBLE TO VOTE IN?

You can vote in any primary during any election as long as you are a registered voter in Alabama. Whether Democrat, Republican, or Independent, you can vote in any party primary, regardless of how you voted in any previous elections.

However, this new law changes which runoffs you are eligible to vote in.

- If you voted Democrat during the primary, you cannot vote in the runoff for the Republican primary, if there is one.
- If you voted Republican during the primary, you cannot vote in the runoff for the Democratic primary, if there is one.
- If you did not vote during the primary, you can vote in either runoff, if there is one.

WHAT HAPPENS IF I TRY TO CROSSOVER VOTE?

Crossover voting is a class C felony, so attempting it could potentially result in a fine or even jail time. Polling places are charged with recording which primary you vote in and checking to ensure you are not crossover voting. Some may do this electronically.

However, if you are told you cannot vote in the runoff because of party affiliation and you believe you were listed incorrectly, you can request to cast a provisional ballot.

HOW DOES THIS AFFECT THE GENERAL ELECTION OR FUTURE ELECTIONS?

It doesn't. The crossover ban only impacts a single primary, so after the primary is over, voters can choose any candidate on the ballet during the general election. Voters can also choose a different primary to vote in during future elections.



ALABAMA'S VOTER ID LAW

According to recent legislation, all Alabama voters must present a valid, government-issued voter ID when going to place your vote.

WHAT TYPES OF IDENTIFICATION ARE ACCEPTED?

- Valid Driver's License, from any state
- Valid Non-driver ID, from any state
- Valid Alabama photo voter ID
- Valid state-issued ID, from any state
- Valid federal-issued ID
- Valid US passport
- Valid employee ID from Federal Government, State of Alabama, County Government, Municipality, Board, Authority, or other entity of this state
- Valid student or employee ID from a college or university in the State of Alabama, including postgraduate technical or professional schools
- Valid military ID
- Valid tribal ID

WHAT IF I DO NOT HAVE A PHOTO ID?

If you do not have any other form of voter ID, you can get a free photo voter ID from the State of Alabama by going to your Board of Registrar's office, Secretary of State's office, or mobile ID locations when available.

In addition, a voter who does not have a valid photo ID at the polls shall be permitted to vote if the individual is positively identified by two election officials as a voter on the poll list who is eligible to vote and the election officials sign a sworn affidavit so stating.

A copy of the free voter ID application can be found at <u>alabamavoterID.com</u>, as well as in the Resources section of this toolkit. This form can be filled out at the same time that your register to vote, although it needs to be submitted in person at the Board of Registrar's office.



WHAT WILL I NEED TO SHOW TO GET THE ID?

To get the free photo voter ID, you will need to do the following:

- Sign a form saying that you do not have another accepted form of photo ID.
- Show a photo ID document or a non-photo document with your name and birthdate.
- Show documentation that proves your date of birth.

After you have completed the process, your ID should come in the mail in the next 14 days.

ARE THERE EXCEPTIONS TO THE VOTER ID LAW?

Yes. Any person who is registered to vote and is a member of the military, a spouse or dependent of someone in the military, or who lives overseas and whose last address was in Alabama is not required to show photo ID in order to vote by absentee ballot.

Additionally, if someone has a disability that cannot be accommodated by their polling place, making that location inaccessible, they are also not required to show photo ID to vote by absentee ballot. If this applies to you, make sure to mark that on the appropriate spot on your absentee ballot application.



Voter IDs can present a serious challenge to getting people to the polls and giving them the opportunity to exercise their right to vote. Keep up with the ACLU to learn about our ongoing efforts to get rid of unnecessary laws such as these.



A GUIDE TO REGISTERING VOTERS IN ALABAMA

Want to help increase voter participation in your community? Do you have an upcoming event where there will be a lot of people? Take charge, help your community stay informed, and assist them when registering to vote!

HOW TO REGISTER PEOPLE TO VOTE

- Bring along copies of Alabama's voter registration form.
- Get people to fill out the information completely AND sign the form.
- Mail or hand-deliver the completed forms to your local Board of Registrar ASAP.
 - TIP: It is best to hand deliver so you can make sure the forms are processed and stamped.
- Registration deadlines are 15 days before an election day.

BEST PRACTICES FOR REGISTERING PEOPLE TO VOTE

- Engage as many people as possible to be volunteers. The more people you have, the more people you can reach.
- Bring any materials necessary to register people: pens, clipboards, etc.
- Remember to keep all completed forms in a confidential space. Do NOT share any personal information unless you have permission from that person.
 - o TIP: A large manila envelope works well to keep the forms confidential.
- If somebody asks a question you don't know the answer to, direct them to the Secretary of State's office at 1-800-274-8683.
- If you are setting up a table, make sure that you have permission from the organization or company that owns the property that you are on.
- Remember: when you are registering voters, you CANNOT endorse a specific candidate, position, or political party. Registration should be for anybody who wants to vote, and should not be dependent on someone's political views.
- Be creative, and have fun! Registering people is a great way to spark up a discussion with people in your community and get them excited about the voting process.



REGISTERING VOTERS IN YOUR SCHOOL OR UNIVERSITY

Your school or university is a great venue for putting together a voter registration drive. Schools and universities have a large concentration of people who have just become old enough to register. There are many opportunities where a large number of the student body is concentrated in an area, such as around mealtimes or before the start of classes. Furthermore, there are a large number of teachers and administrators who may jump at the chance to teach real life politics and civic engagement through direct action, such as a registration drive.

PREPARING FOR YOUR REGISTRATION DRIVE

- Think about the make-up of your school and who could be your potential allies. Is there a government club on campus that might want to participate or an administrator who has registered voters before?
- Reach out to departments or teachers that are teaching subjects like civics, politics, government, or history. They might be particularly interested in using this as a unique way to encourage students to get involved in political discourse.
- Reach out to local or state organizations that have done voter registration before, and see if they would like to come to your school to help.
- Familiarize yourself with the guidelines and process for voter registration. You want to make sure you are following all necessary guidelines.
- Talk to your school's principal, dean, or other administrator to get permission to do this on campus. Typically, you want to talk to them at least 2-3 months before your desired date for the registration drive.
- Some schools may be skeptical about allowing this on their campus, but don't give up!
 Get the guidelines for having events on campus and follow them. It helps to have student and faculty support, so try to get as many people as possible on your side.
- If you feel like you are being denied because of what you are trying to do, contact the ACLU. Remember: you have the right to organize and start clubs in your school.
- Contact your local Board of Registrar's office to see if they will stop by your school.
 Many of them already do and are happy to do so!



PLANNING YOUR REGISTRATION DRIVE

- You should start your planning at least 2 months ahead of time to give yourself enough room for unforeseen circumstances.
- Make sure to advertise ahead of time. You want to have time to promote your event.
- Reach out to teachers, heads of local clubs, and people who do the school announcements to let people know about the event.
- Ask your friends to volunteer. The more people with clipboards, the better.
- Keep all details readily accessible and documented in whatever form works best for you.
 Google spreadsheets are a great way to have more than one person contributing to a document.
- Use your social media profiles to promote the event. Try to use creative memes and graphics to grab people's attention.
- Make your event fun! You can have music, door prizes, or games to recruit and engage people.
- Have a sign-up sheet on hand in case someone at the event is interested in volunteering. You never know what can come out of a well-organized event.

Remember: It's not all about registering voters. It's about making sure people are informed and engaged with the political process. Registering voters is important, but we also need to make sure that people actually go out and vote on election day!



GETTING PEOPLE TO THE POLLS

Registering potential voters is a crucial first step towards engaging your community in the voting process, but your efforts cannot stop there. Even if everybody in your community who is eligible is registered, this means very little unless they actually go to the polls and cast their vote. Therefore, you must also develop a plan to engage voters so they feel empowered enough to vote.

WHY AREN'T PEOPLE MAKING IT TO THE POLLS?

THEY DO NOT HAVE THE TIME OR RESOURCES.

People who work long hours or more than one job, have children at home, or are
dealing with any number of issues in their personal lives may not feel that they have the
time or energy to make it to the polls.

How do I change that?

- First of all, you must stress the importance of voting. Yes, we all live busy lives, but if at all possible, we have a civic duty to make sure our opinions are heard.
- There is a provision that somebody who works a required shift of over 10 hours is eligible to vote by absentee ballot. If someone falls into that category, encourage them to apply for an absentee ballot.
- Polls are open from 7am-7pm. If you go on off-peak hours, it sometimes only takes a few minutes. In general, peak voting times are 7-8am, 11:30-1:30, and 5-7pm.
- Organize vans or set up a ride share for people who cannot drive to their polling place.

THEY DO NOT HAVE THE CORRECT INFORMATION.

• If someone is unsure of where their polling place is, what form of ID is accepted, or any other guidelines, they are less likely to vote.

How do I change that?

Share this toolkit with them or direct them to the Alabama Secretary of State's office.
 Make sure that people feel comfortable going to the polls, and try to answer any questions that they have.



 Encourage them to look up their polling place the day before going out to vote, and remind them on their phone or a piece of paper that they can carry around with their ID. Whenever they have spare time, they are all set to vote!

THEY DO NOT THINK IT MATTERS OR THAT THEIR VOTE MAKES A DIFFERENCE.

 This is a big hurdle to overcome because apathy is one of the biggest enemies of effective organizing.

How do I change that?

- Think for a minute about the person you are interacting with. What do they care about?
 Do they enjoy hiking in parks? Do they have children enrolled in public school? Talk to
 them about how voting, especially in local elections, can have a profound and direct
 impact on their lives.
- Read up on local candidates and issues that are being voted on in your upcoming
 election and share this with them. It is always best practice to remain as bipartisan as
 possible, but if you know they are passionate about a particular issue, show them the
 candidates' stances on that issue.
- Remind them about the struggle to bring voting rights to all people. Alabama has had a
 long history of fighting to make sure that everybody has equal access to the polls. With
 gerrymandering and other efforts to restrict access, we are still fighting this today.
- If voting made no difference, nobody would care enough to restrict access to the polls.
 Every vote counts!

WHAT CAN I DO TO INCREASE CIVIC ENGAGEMENT?

- Be knowledgeable and speak out often. People listen to their friends, neighbors, and family members, and if they know that you are passionate about the issue, they may think more about it, too.
- Host a watch party at your house or a local bar/restaurant for political debates! This is a great way to bring people together in a casual, informative setting.
- Speak out on your social media accounts. This reminds people of upcoming deadlines. Share stories that might inspire them to vote.
- Host a post-election party and offer prizes for everybody with an "I Voted" sticker.



VOTING RIGHTS FOR PEOPLE WHO HAVE BEEN CONVICTED OF A CRIME

Based on the Alabama Constitution, people who have been convicted of a crime of moral turpitude lose their right to vote. A law signed in May 2017 defined a list of 46 crimes that are crimes of moral turpitude.

CONVICTIONS THAT CAN STILL VOTE

If you have NOT been convicted of a crime of moral turpitude, including but not limited to the following offenses, or if you were determined to be a Youthful Offender at the time of your conviction, then you have NEVER lost your voting rights.

- Misdemeanors
- Felony DUIs
- Driving while suspended
- Drug possession for personal use,
- Fraudulent use of a credit card
- Receiving stolen property
- Domestic violence
- Indecent exposure

In order to exercise your right to vote, make sure you are registered before election day.

If you are currently incarcerated and have never been convicted of a crime of moral turpitude, then you can vote by absentee ballot. Ask a Sheriff or Warden to obtain one, and select the "have a physical impairment" option.

CONVICTIONS THAT ARE ELIGIBLE FOR CERV

If you have been convicted of a crime of moral turpitude but not an ineligible conviction (listed on next page), then you can apply for a Certificate of Eligibility to Register to Vote (CERV), which will restore your voting rights if granted.

- Manslaughter
- Assault
- Kidnapping in the 1st or 2nd degree
- Human trafficking
- Terrorism, Soliciting or providing support for terrorism, Hindering prosecution of terrorism



- Endangering the water supply
- Possession, manufacture, transport or distribution of a destructive device or biological weapon
- Selling, furnishing or giving away a destructive device or biological weapon
- Possession, manufacture, transport or distribution of a detonator, explosive, poison or hoax device
- Possession or distribution of a hoax device represented as a destructive device or weapon
- Attempt to commit an explosive or destructive device or biological weapon crime
- Conspiracy to attempt an explosive or destructive device or biological weapon
- Hindrance or obstruction during detection, disarming or destruction of a destructive device
- Possession or distribution of a destructive device or weapon intended to cause injury or destruction
- Trafficking in cannabis, cocaine, amphetamines, methamphetamines or other illegal drugs
- Bigamy
- Torture or willful maltreatment of a child under the age of 18
- Aggravated child abuse
- Prohibited acts in the offer, sale, or purchase of securities
- Burglary
- Theft of property or lost property
- Theft of trademarks or trade secrets
- Robbery
- Forgery

In order to be eligible to apply, you must meet the following criteria:

- 1. No pending criminal charges.
- 2. Completed full sentence, parole/probation, OR been pardoned.
- 3. Paid all fines, fees, and restitution ordered at the time of the sentence on the disqualifying felony.

Once eligibility is established, contact the Board of Pardons and Paroles in the county that you live in to start the application process.



CONVICTIONS THAT ARE INELIGIBLE FOR CERV

Of the 46 crimes of moral turpitude, there are 14 crimes that are ineligible for CERV. If you have one of these convictions, then you can only apply to restore your voting rights IF you are granted a pardon. Treason and impeachment are not pardonable offenses.

- Murder
- Rape
- Sodomy
- Sexual abuse
- Sexual torture
- Incest
- Parents/guardians permitting children to engage in obscene matter
- Production of obscene matter involving a minor
- Production or possession of obscene matter
- Possession with intent to distribute child pornography
- Enticing a child to enter a vehicle for immoral purposes
- Soliciting a child by computer
- Impeachment
- Treason

If you have questions about your need or eligibility for voting rights restoration, contact the Board of Pardons and Paroles at (334) 353-7771 or (334) 353-8067, or visit their website at pardons.state.al.us.

If you have questions about your voter registration, voter ID requirements, or ballot options, contact the Secretary of State at (334) 242-7210 or 1-(800)-274-8683, or visit their website at alabamavotes.gov.



VOTING RIGHTS FOR PEOPLE WITH DISABILITIES

WHAT ARE MY RIGHTS IN ALABAMA?

- Alabama prohibits voting only for people declared mentally incompetent by a judge.
- Only a court can declare someone mentally incompetent and thus unable to vote.
 Service providers cannot make the decision on whether someone is competent to vote.
- You have the right to ask for and receive help when going to vote.
- You have the right to decide who will help you vote (excluding employers or union members).
- Even if someone is helping you, you have the right to privacy. Your helper should respect that.
- If you are told that you cannot vote when you arrive on Election Day, you have the right to ask for a provisional ballot.

WHAT CAN I DO TO RESTORE MY RIGHTS IF I HAVE LOST THEM?

- To restore your voting rights, you should petition a judge to lift the declaration of mental incompetence.
- Various organizations such as the ACLU, the National Disability Rights Network, and Bazelon Center for Mental Health Law can give you more information on your rights.



BUILDING ON THIS TOOLKIT

We hope that this toolkit has been an informative guide to pique your interest in fighting for voting rights and increasing civic participation in Alabama. This toolkit was designed to be a building block for you to start your advocacy work around this important issue.

HOW CAN I GET MORE INVOLVED WITH THE ACLU'S VOTING RIGHTS EFFORT?

- Schedule a phone meeting with our Public Advocacy Director. This will be a short, 15
 minute discussion on your community's goals, questions, and ideas. All efforts and
 communities will and should be different. It is only by knowing more that we can offer
 personal, tailored advice.
- Plan a workshop based on the information in this toolkit. Find a venue and some people
 who are willing to learn, and we are happy to come and present a workshop!
- Get right to it and start registering people! We are happy to assist, but there is nothing stopping you from starting your own campaign today. Be sure to engage with local organizations and build a strong support base. We will be here to answer any questions.
- Keep up with national news and events. Although there is plenty of work to do in Alabama, nationally we need to continue demanding we restore and update the Voting Rights Act. For more information, visit aclu.org/issues/voting-rights/voting-rights-act.
- Ask to be added to our email list, become a member, and follow us on Facebook,
 Twitter, and Instagram. We will send out new information, updates, calls for volunteers,
 or event information. You can also visit our website at <u>aclualabama.org</u>.

WHO CAN I CONTACT FOR INFORMATION IN THIS TOOLKIT?

Lucia Hermo, Public Advocacy Director, ACLU of Alabama lhermo@aclualabama.org (334) 420-1745

Do you have an idea to improve this toolkit? Let us know!



RESOURCES

Application for Voter Registration (Fillable PDF)

http://sos.alabama.gov/sites/default/files/voter-pdfs/nvra-2.pdf

Application for Free Photo Voter ID Card

http://www.alabamavoterid.com/downloads/ApplicationForFreeALPhotoVoterIdCard.pdf

Vote Riders' Information and Wallet Card on Alabama Voter ID

https://www.voteriders.org/ufaqs/alabama-voter-id-information/

Rock the Vote's Voter Registration How-To Guide

http://www.rockthevote.com/assets/publications/field/voter-registration-how-to.pdf

Teaching Tolerance: Toolkit for "The Young and the Registered" (For Educators)

http://www.tolerance.org/young-and-registered

Nonprofit VOTE's Seven Tips on Getting Out the Vote

http://www.nonprofitvote.org/documents/2012/04/seven-principles-of-getting-out-the-vote.pdf

ACLU of Alabama's Voting Rights Restoration for Voters Convicted of Crimes https://www.aclualabama.org/voting-rights-restoration

Bazelon Center for Mental Health Law's A Guide to the Voting Rights of People with Mental Disabilities

http://www.bazelon.org/wp-content/uploads/2017/01/voting-rights-guide-2016.pdf

