

## TESTIMONY

to the

House of Representatives Committee on House Administration,

Subcommittee on Elections

Field Hearing on Voting Rights and Election Administration in Alabama

City Council Chambers

Birmingham City Hall

Birmingham, Alabama

13 May 2019

Good afternoon and thank you for the opportunity to speak to you regarding Voting Rights and Election Administration in Alabama. I am Isabel Rubio and I am the Executive Director of the Hispanic Interest Coalition of Alabama. We were founded 20 years ago to increase opportunities for Hispanics in Alabama to achieve their dreams and aspirations. Our work is directly tied to the work of the foot soldiers of the 1960's and the ongoing struggle for equality, equity and social justice for all people.

On March 7, 1965 in Selma, Alabama, hundreds of people set out marching to Montgomery in a public peaceful demonstration to exercise their constitutional right to vote. As they descended the eastbound side of the Edmund Pettus Bridge, they were met with state troopers armed with billy clubs and tear gas who attacked the unarmed marchers. Many were beaten bloody - the picture of Amelia Boynton lying bloody and unconscious at the foot of the bridge - were circulated worldwide. The march was successfully completed 2 days later and this victory led to the passage of the Voting Rights Act of 1965.

The years following the passage of the Act saw many formerly disenfranchised persons vote for the first time and saw the make up of elected bodies shift to become more inclusive as Alabama was required to first seek advance federal approval before changing voting laws. The provision led the Department of Justice to block more than 80 proposed voting changes in Alabama. I am

able to stand here before you today and make this testimony in front of my Congresswoman, Terri Sewell, because of the Voting Rights Act of 1965.

The last decade in Alabama, however, has been an increase in the barriers for people who wish to exercise their right to vote - barriers that overwhelmingly affect impoverished folks and communities of color. These efforts include the closing of polling places, purging voter rolls, and gerrymandering and harken back to Alabama's long history of making voting difficult for many of its residents. In 2011, the state enacted a voter ID law, which made it illegal to vote without a government-issued photo ID and then subsequently challenged the federal government with a lawsuit to overturn key parts of the Voting Rights Act in *Shelby County v. Holder* - specifically Section 5 as it was in direct violation of federal law. Alabama emerged victorious in the legal battle when, in 2013, the Supreme Court struck down what is considered to be the heart of the Act and removed this requirement for 9 states, mostly in the South and including Alabama. As soon as the ruling was announced, Alabama moved forward to enact its voter ID legislation.

In 2015, Governor Bentley closed 31 driver's license offices. According to AL.com, in the ten counties with the highest proportion of minorities, the state closed offices in eight. This left many residents of color unable to obtain an identification in their own county, particularly impacting the Black Belt. Although this decision was ultimately reversed, it demonstrates the efforts by Alabama lawmakers to disenfranchise minority and poor voters.

In 2017, NAACP Legal Defense Fund found that about 118,000 registered voters -- disproportionately poor, black, or Latino -- wouldn't have the necessary documentation to vote under the voter ID law. According to their research, 3% of whites, 5.5% of black voters and 6.1% of Latino voters did not have valid identification that would allow them to vote.

Another issue impacting elections is that Alabama disenfranchises persons with felony convictions. In 2016, there were 286,000 eligible voters who would be unable to vote, nearly 8% of the voting population and 15% of the black voting population. There has been some headway

made here as Governor Ivey restored the rights of thousands of felons in 2017. Unfortunately, the State Attorney General has refused to deploy state resources to educate potential voters, even if they qualify.

Alabama is also one of four states that have passed legislation to require proof of citizenship in order to register to vote. While the law has not yet been implemented, there is concern as nationally, 7% of the voting population does not have ready access to their citizenship documents. This requirement would make the criteria to vote in Alabama local and state elections more strict than federal elections, where proof of citizenship is not required. This is especially of concern for the Hispanic community as we believe that because of physical attributes, names and how we speak English, we are more likely to be profiled as non-citizens. This provision to require proof of citizenship was included in HB 56, the harshest anti-immigrant law in the nation that passed in 2011.

Anti-immigrant legislation and voter ID efforts go hand in hand and are part of an overall effort to disenfranchise communities of color. Kris Kobach, the architect of anti-immigrant legislation efforts across the country including HB 56, is also closely associated with drafting legislation that supports voter suppression efforts.

While we currently have little specific information on the lack of persons being turned away at the polls because of citizenship, we have many anecdotes of Hispanics who have gone to cast their vote who report hostility from poll workers and jeers from other voters. These behaviours, and the general environment have a chilling effect on New American voters.

Thank you for your interest in this issue and its effect on the impacted communities in Alabama. We are hopeful that your efforts will increase the opportunities for justice to prevail for all.