



Congress of the United States
House of Representatives

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The Honorable John Merrill
Alabama Secretary of State
P.O. Box 5616 Montgomery, AL 36103-5616

Secretary Merrill:

I am writing to express my grave concerns with the intended prosecution of nearly 700 Alabama voters for casting a ballot in the recent Republican Senate primary runoff election. In order to protect the integrity of our state's elections and to spare civically-engaged Alabamians from unfair felony charges, I urge you to reconsider your decision to turn over the names of crossover voters for prosecution by local district attorneys, which you've given county officials until November 6th to verify.

Less than a year ago, Alabama passed a law banning crossover voting, and this September's primary runoff election was the first time that law went into effect. With no substantial public information campaign to inform voters of the change, many Alabamians were unaware of the new law and now face prosecution for attempting to exercise their right to vote.

Widespread unfamiliarity with Alabama's crossover voting law is demonstrated clearly in Jefferson County, where Probate Judge Alan King has reported that election officials accidentally labeled Democratic primary voters as crossover voters in the recent runoff election. If even election officials were not able to correctly implement Alabama's crossover voting prohibition, it is irrational and counterproductive to threaten Alabama voters with felony charges for not carefully complying with the new law during its first implementation.

The maximum punishment for crossover voting, which you have recommended that district attorneys pursue, is extreme for these cases. Ten years in prison and up to a \$15,000 fine is also the maximum sentence in Alabama for sexual abuse or criminally negligent homicide. Trying to exercise one's right to vote without a full knowledge of new voting restrictions should never fall within the same category as these offenses.

Less than two months before a close election, the prosecution of voters for casting a ballot is also likely to have a deleterious effect on voter turnout. Threatening hundreds of voters with felony charges, jail time, and thousands of dollars in fines for voting will deter other voters from heading to the polls this December. Creating an environment of voter intimidation that threatens the integrity of our elections is counter to the original intent of the law banning crossover voting.

While prosecuting voters is counterproductive, there are steps our state can take to prevent crossover voting and to ensure compliance with the law. Election officials, who have voting records available to them, should not permit crossover voting. Just as our election officials would not provide a ballot to a minor to vote in our elections, it is within our state's power to train election officials to ensure that voters comply with the law.

In the immediate term, I urge you to consider the climate created by jailing and fining voters for casting a ballot in the recent Republican primary runoff election. I ask that you reconsider your proposed decision to turn over the names of Alabama voters who cast a ballot in the election to local district attorneys for prosecution.

Thank you for your prompt attention to this critical matter, and I look forward to your timely response.

Sincerely,

A handwritten signature in cursive script that reads "Terri Sewell".

Terri A. Sewell
Member of Congress