

FREEDOM FROM RELIGION *foundation*

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November 26, 2019

SENT VIA U.S. MAIL AND EMAIL: John.Merrill@sos.alabama.gov

The Honorable John H. Merrill
Secretary of State
State Capitol Building – Suite S-105
600 Dexter Avenue
Montgomery, AL 36130

Re: Religious Oaths on Voter Registration Forms

Dear Secretary Merrill:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to an objection to the oath required on Alabama's voter registration forms. FFRF is a national nonprofit organization with more than 30,000 members across the country including members in Alabama. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

Multiple Alabama residents have contacted us over the past decade to report that the State of Alabama requires prospective election voters to fill out a registration form and swear to the veracity of the information they provide. The form requires a signature swearing the following oath:

“I solemnly swear or affirm to support and defend the constitution of the United States and the State of Alabama and further disavow any belief or affiliation with any group which advocates the overthrow of the governments of the United States or the State of Alabama by unlawful means and that the information contained herein is true, so help me God.”

Although Ala. Code § 17-3-52 (2013) appears to require voter applications to include such an oath, nothing in the provision appears to require voters to swear “so help me God.” The oath, as written, does not allow an appropriate alternative for those who object to it for reasons of personal conscience. Residents who are nonreligious and those of certain religions (such as Jehovah's Witnesses) may object to the oath.

Any requirement for religious oaths violates the First Amendment of the Constitution. *See Torcaso v. Watkins*, 367 U.S. 488 (1961). The Supreme Court held that neither a State nor the Federal government can force a person “to profess a belief or disbelief in any religion.” *Id.* (quoting *Everson v. Board of Education*, 330 U.S. 1, 15-16 (1947)). The prohibition on mandatory religious oaths is a well-settled issue. There must be a

Exhibit 3

secular affirmation available for any state resident that does not wish to swear, “[S]o help me God.”

We urge the State of Alabama to drop the religious oath altogether. The addition of “so help me God” to an oath is unnecessary and irrelevant to voter registration. This is supported by the fact that other states’ voter registration forms, which also require affirmation of veracity, do so without including an oath to God. *See, e.g.*, Florida Voter Registration Application (“I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, that I am qualified to register as an elector under the Constitution and laws of the State of Florida, and that all information provided in this application is true”). At a minimum, we ask that you include on the voter registration forms a voter’s right to affirm or avoid swearing to a god when signing.

Please notify us of the steps you are taking to address this violation so that we may notify our complainants.

Sincerely,



Christopher Line
Staff Attorney
Freedom From Religion Foundation