

Civil Action No. 2:16-CV-818-GMB

Town of Hayneville, Plaintiff,

v.

**Council District "A" Candidates for the August 23, 2016 Election, namely
Lula Tyson-Bailey, Rickey Bell, Kim Payton, and Carole C. Scrushy, Defendants**

In respond to the lawsuit:

I Lula Tyson-Bailey feel that THE COURT SHOULD BE ASKED TO DENY the request based on at least four basics.

- 1. A free and fair election was held as prescribed in District "A". Votes were awarded bases on the High three.**
- 2.The fact that one of the top three was later disqualified, has no bearing as 5 people competed for three position. The top three qualifying vote receivers remain.**
- 3. Another election would serve to de-legitimize the will of all of those who voted.**
- 4. The Alabama Legislature – Code of Alabama 1975**

Section 11-44G-1

Procedures in event of vacancy - City council.

(a)(1) A vacancy in the office of city council member in any Class 7 or Class 8 municipality shall be filled by the city council at the next regular meeting or any subsequent meeting of the council. The person elected shall hold office for the unexpired term. In the event a vacancy is not filled within 60 days after it occurs in a Class 7 or Class 8 municipality, each existing city council member, including the mayor, may submit a name to the Governor for appointment. If the Governor fails to make an appointment from any submitted names within 90 days after the vacancy occurs, the judge of probate shall call a special election to fill the vacancy.

(2) In the event the Governor is unable or unwilling to make the appointment within the time period provided, he or she shall immediately notify the judge of probate of the county.

(3) Any election called pursuant to this section shall be conducted pursuant to Chapter 46 of this title.

(4) In the event more than one vacancy exists in the office of city council member or in the office of mayor, or both, all vacancies shall be filled in the same manner.

As I understand when the new administration take office (November 7, 2016) a majority vote

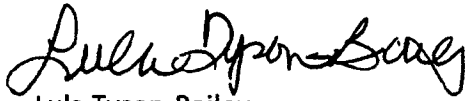
of council is required to fill a vacancy on the council. A Mayor and four councilmembers, a vote of three members would constitute a majority to elect a nominee to fill the vacancy.

Below are Mayor & Councils that the citizens of Hayneville elected to serve for the next four years.

Mayor: David Daniels

Councilmembers: Lula Tyson-Bailey; Kim Payton; Cynthia P. McDonald; Sharon Reeves

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Lula Tyson-Bailey', written in a cursive style.

Lula Tyson-Bailey

P O Box 264

Hayneville, AL 36040

MD AL MODIFIED AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Middle District of Alabama



TOWN OF HAYNEVILLE

Plaintiff

v.

COUNCIL DISTRICT "A" CANDIDATES FOR THE AUG

Defendant

Civil Action No.

2:16-cv-818-GMB

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

LULA TYSON-BAILEY
P.O. BOX 264
HAYNEVILLE, AL 36040

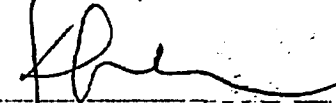
A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.P. 12 (a)(2) or (3) — or 90 days in a Social Security action — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

MICHAEL G. STRICKLAND
STRICKLAND & KENDALL, LLC
P.O. BOX 99
MONTGOMERY, AL 36101

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DEBRA P. HACKETT, CLERK OF COURT



Signature of Clerk or Deputy Clerk

Date:

10/18/2016