

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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| TREVA THOMPSON, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | CASE NO. 2:16-CV-783-WKW |
| |) | |
| STATE OF ALABAMA, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

ORDER

Before the court are Plaintiffs’ motion for preliminary injunction (Doc. # 56) and motion to expedite briefing and a hearing on the motion for preliminary injunction (Doc. # 57). Defendants oppose an expedited hearing on the motion for preliminary injunction (Doc. # 58), and Plaintiffs have replied (Doc. # 59). This Order sets the schedule for the submission of the preliminary injunction motion.

The Alabama Constitution prohibits individuals convicted of felonies “involving moral turpitude” from voting, *see* Ala. Const., art. VIII, § 177, but never has defined “moral turpitude.” Having evaded clear definition and uniform application for decades, the phrase “moral turpitude” is at the forefront of the fifteen-count Complaint challenging the constitutionality of Section 177(b) of the Alabama Constitution. After the filing of this lawsuit, the Alabama Legislature passed the Felony Voter Disqualification Act, House Bill 282, which includes a

comprehensive list of crimes that the state legislature has concluded qualify as moral turpitude crimes within the meaning of § 177(b). *See* 2017 Ala. Laws Act 2017-378. Enacted with unanimous consent of the state House and Senate, the bill goes into effect on August 1, 2017, two weeks prior to the August 15 special primary election for the United States Senate in Alabama. The voter registration deadline for this election is July 31, 2017.

Plaintiffs contend that HB 282 restores voting rights to “thousands of eligible voters who should never have been denied their rights in the first place,” but Defendants “have refused to take any meaningful action to implement HB 282” (Doc. # 56, at 7.) Plaintiffs’ motion for preliminary injunction seeks relief for those individuals “whose voting rights under Section 177 of the [Alabama] Constitution have been affirmed by HB 282” (Doc. # 56 at 7) and who necessarily have suffered constitutional injuries as a result of Alabama’s “standardless enforcement of the ‘moral turpitude’ provision of Section 177,” as set out in Counts six through ten of the Complaint. (Doc. # 56, at 17.) Plaintiffs move this court to require Defendants to reinstate wrongly excluded voters to the voter registration rolls, to provide voter education on HB 282, to feature information about HB 282 on AlabamaVotes.gov, to provide mandatory training to local registrars on the requirements of HB 282, and to provide Plaintiffs a list of all voter applications “previously purged or denied based on convictions in the last two

years.” (Doc. # 56, at 23.) They request the completion of briefing and a hearing during the week of July 10, 2017. (Doc. # 57.)

Defendants oppose the motion to expedite briefing and a hearing on the preliminary injunction motion. They contend that Plaintiffs have not met “the high bar for an emergency mandatory injunction and [that] the equities clearly outweigh granting one.” (Doc. # 58.) Defendants contend further that Plaintiffs were dilatory in delaying their request for a preliminary injunction until months after the November 2016 election and until after the enactment of HB 282 effectively mooted Counts six through ten of their Complaint. (Doc. # 58.) Defendants argue that Plaintiffs’ motion to expedite is prejudicial to them, given that it was filed only thirty days prior to the voter registration deadline for the special primary election, and that the motion is an improper attempt to amend the Complaint to challenge Defendants’ implementation of HB 282. Defendants further assert that the Alabama Secretary of State “fully supports the new law and is implementing it in a deliberate fashion, which may include doing many of the things that the plaintiffs suggest he has not done.” (Doc. # 58, at 8.)

Based upon careful consideration of the full panoply of arguments as to the time frame for addressing the motion for preliminary injunction, it is ORDERED that Plaintiffs’ motion to shorten the time on the preliminary injunction motion (Doc. # 57) is GRANTED to the following extent:

(1) Defendants shall file a response to Plaintiffs' motion for preliminary injunction (Doc. # 56) on or before **July 21, 2017**; and

(2) A hearing on the motion for preliminary injunction is set on **July 25, 2017, at 2:30 p.m.**, in courtroom 2B of the Frank M. Johnson, Jr. U.S. Courthouse, One Church Street, Montgomery, Alabama.

It is further ORDERED that, on or before **July 21, 2017**, Defendants shall disclose to counsel for Plaintiffs a list of all voter applicants previously purged or denied based on convictions for the past two years, *see* 52 U.S.C. § 20507(i), or shall show cause on or before **July 13, 2017**, why they should not be required to do so.

DONE this 5th day of July, 2017.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE