

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

TREVA THOMPSON, et al.

Plaintiffs,

v.

**JOHN H. MERRILL, in his official
capacity as Secretary of State, et al.,**

Defendants.

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**Civil Action No.
2:16-cv-783-WKW**

**SECRETARY OF STATE’S OPPOSITION TO
PLAINTIFFS’ CROSS-MOTION FOR SUMMARY JUDGMENT (DOC. 97)**

Count 18 of the Plaintiffs’ supplemental complaint alleges that the federal form and State forms used to register voters in Alabama do not meet the requirements of the National Voter Registration Act (NVRA) because they do not provide a complete listing of disqualifying felonies as of last year’s enactment of Alabama Code Section 17-3-30.1. *See* Doc. 93 ¶19. The claim is brought against the Secretary of State alone. Doc. 93 at 20.

The Secretary filed a dispositive motion as to Count 18 because, among other things, he does not promulgate or control the federal form and both the federal and State forms satisfy the NVRA. Doc. 95 at 17-24. The Plaintiffs responded by arguing that, as to the federal form, they seek only to require the Secretary of State to “notify the Election Assistance Commission (EAC) of any changes in the state’s voter eligibility requirements.” Doc. 93 at ¶96. Plaintiffs also cross-moved for summary judgment. Doc. 97 at 35.

In opposing Plaintiffs’ motion for summary judgment, we incorporate the declarations and other evidence that we introduced in response to Plaintiffs’ earlier motion for preliminary

injunction, *see* doc. 63-1, 63-2, 63-3, and our own motion, as well as new evidence. The Court should deny Plaintiffs' cross-motion for summary judgment for the following reasons.

A. Hurdles to Reaching the Merits on the Federal Forms.

We explained in our dispositive motion why Plaintiffs' claim about the federal forms is directed to the wrong party. Plaintiffs are suing the Secretary of State over a voting form that he does not promulgate and does not control. The federal Election Assistance Commission controls the federal form. Doc. 95 at 18-19. The Secretary's staff has previously explained in declarations that the office has attempted—again and again—to make the EAC change the federal form, and the EAC did not do so in a timely manner even after vigorous and continuing requests. *See* Doc. 63-2 (Declaration of Clay Helms).

In response to our motion, Plaintiffs clarified that they seek only to compel the Secretary to “inform” the federal Election Assistance Commission about the 2017 change in Alabama law. Doc. 97 at 34 (citing 11 C.F.R. § 9428.6(c)). Without conceding any judicially enforceable obligation that he do so, the Secretary voluntarily sent the attached letter to the EAC on April 11, 2018. *See Exhibit 1*. That letter formally “informs” the EAC of the new law (even though the EAC already knew about the new law). Even under the Plaintiffs' theory, the Secretary has now done everything he can do—he has advised the EAC about the change in law. That makes this claim moot.¹

It is also appears that Plaintiffs lack standing to raise a claim about the federal form. The only Plaintiff who purports to bring this claim is Greater Birmingham Ministries (“GBM”). The claim is not brought on behalf of any of the individual Plaintiffs who actually use registration

¹ This means that the Court need not consider the parties' briefing on the issues of whether Plaintiffs have a right to sue to enforce an EAC regulation or whether Plaintiffs gain anything from the Secretary notifying the EAC.

forms. Doc. 93 at 20. Instead, GBM alleges that it needs the federal voter form to be changed so that it may more easily use the form to advise felons about their right to vote. Doc. 93 at ¶ 31. But one of the problems with this standing theory is that GBM’s discovery responses indicate that GBM does not use the federal form. Our *Request for Production No. 8* said: “Provide blank samples of the State and/or federal voter registration form(s) that GBM uses to help those with felony convictions register to vote in Alabama.” See **Exhibit 2** at 16 (Response to Request for Production). GBM objected, but also said it would produce the forms. *Id.* The only voter registration forms that we located in the production are State forms. **Exhibits 3 and 4** at 17-18. Even if everything GBM said about its standing in its complaints were true², GBM lacks standing to bring a claim about a voter registration form that it does not even use.

Finally, the doctrine of primary jurisdiction requires the Court to deny summary judgment on this claim because it is within the special competence of an administrative agency to decide. See *Reiter v. Cooper*, 507 U.S. 258, 268 (1993). The doctrine of primary jurisdiction is largely “concerned with promoting proper relationships between the courts and administrative agencies charged with particular regulatory duties.” *Nader v. Allegheny Airlines*, 426 U.S. 290, 303 (1976) (citation and quotation marks omitted). “The doctrine applies when protection of the integrity of a regulatory scheme dictates preliminary resort to the agency which administers the scheme.” *United States v. Gen. Dynamics Corp.*, 828 F.2d 1356, 1362 (9th Cir. 1987). It is particularly important for a court to stay its hand under the doctrine of primary jurisdiction when a claim requires resolution of an issue of first impression, or of a particularly complicated issue that Congress has committed to a regulatory agency. See *Texas & Pac. Ry. Co. v. Abilene Cotton Oil Co.*, 204 U.S. 426 (1907). The EAC is clearly charged with interpreting and applying the NVRA

² The State Defendants are deposing GBM next week.

in the promulgation of voting forms. Here, the EAC has yet to determine whether it is appropriate under the NVRA to add the specific list of felonies in Section 17-3-30.1 to the Alabama-specific instructions on the federal form. Under the doctrine of primary jurisdiction, the EAC has the right to decide how to craft a federal voting form that complies with the NVRA.

For all these reasons, the Court should not even reach the merits of Plaintiffs' cross motion for summary judgment as to the federal form.

B. Hurdles to Reaching the Merits on the State Forms.

Not only does GBM complain about a federal form it does not appear to use, it complains about various State forms that it does not appear to use. As we explained during the preliminary injunction hearing in this case, there are many different versions of State forms that are used to register voters. *See* Doc. 63-2 (Declaration of Clay Helms). Plaintiffs' supplemental complaint apparently attacks the "state mail-in form, the department of motor vehicles [form], or any other NVRA agency [form]." Doc. 93 ¶ 94³. But the only voter registration forms that we located in Plaintiffs' production are State mail-in voter registration forms. **Exhibits 3 and 4** at 17-18.

C. Plaintiffs are Wrong on the Merits.

On the merits, we have explained in our motion why we believe Plaintiffs' reading of the NVRA is incorrect. Plaintiffs' motion proceeds as if a key eligibility requirement were somehow missing from the state forms. *See* Doc. 97 at 30 (arguing that form must include "all the requirements for eligibility"). But there is no argument that Alabama's forms leave off an eligibility requirement. Instead, according to the supplemental complaint, it is undisputed that all of Alabama's forms expressly inform registrants that they cannot register if they have been

³ Alabama does not have a Department of Motor Vehicles, but we understand Plaintiffs to refer to the agencies that issue driver's licenses and State non-driver IDs.

convicted of a disqualifying felony and/or have not have their voting rights restored. Doc. 93 ¶ 19. Plaintiffs’ argument is instead that Alabama’s forms do not *explain* to potential applicants how they go about determining whether they meet the eligibility requirements that are listed on the form. Plaintiffs cite nothing in the text (or even the legislative history⁴) of the NVRA that requires a State’s forms to explain each eligibility requirement in detail.

Properly understood, the challenged forms state all the relevant eligibility requirements. The Alabama mail-in voter registration forms state the following eligibility criteria: “Be a citizen of the United States. Reside in Alabama. Be at least 18 years of age on or before election day. Not have been convicted of a disqualifying felony, or if you have been convicted, you must have had your civil rights restored. Not have been declared ‘mentally incompetent’ by a court.” **Exhibits 3 and 4** at 17-18. These statements are all that the NVRA could conceivably require.

The Plaintiffs’ theory that Alabama’s forms violate the NVRA because they are not sufficiently specific would have far-reaching consequences. Under Plaintiffs’ theory, Alabama’s State and federal forms have always violated the NVRA because they have never provided a list of specific felonies that are disqualifying. Moreover, Plaintiffs’ theory suggests that other parts of the form insufficiently specify eligibility requirements as well. For example, one of Alabama’s eligibility requirements is that a registrant resides in Alabama. But the form does not provide any explanation of how to determine residence, even though the question of residence for voting can sometimes be quite complicated. *E.g., Horwitz v. Kirby*, 197 So. 3d 943, 949 (Ala. 2015) (rejecting

⁴ Plaintiffs do argue that “Congress was sensitive to the privacy of past convictions and by requiring written qualifications sought to avoid potential voters having to disclose that information to determine eligibility,” doc. 97 at 39-40, but the legislative history they quote makes a different point concerning why persons should not be questioned about a decision not to register, *id.* at 38. On the different issue presented here, Congress would presumably be sensitive to keeping the voter registration forms manageable and understandable.

105 ballots cast by college students and 54 ballots casts by other non-resident voters). The forms also do not explain citizenship and that, for instance, being a lawful permanent resident is not sufficient.

Just as the vast majority of potential registrants will know whether they meet the residency, citizenship, and age requirements, the vast majority of registrants will know whether they have been convicted of a disqualifying felony and/or had their rights restored. Most prospective voters, of course, have not been convicted of a felony at all. Going forward, because of the new law and various education efforts, most felons will know whether their felony is a “disqualifying felony.” Nonetheless, any felon who is unsure about whether his crime is disqualifying is merely in the same position as a 17-year-old who questions whether he can register because he will turn 18 before the next election, or a green card holder who is unsure whether this status makes him a citizen, or an Air Force officer temporarily stationed in Montgomery who is unsure whether he qualifies as an Alabama resident. The NVRA requires the form to state the eligibility requirement, not explain each requirement so that it eliminates all ambiguity.

Turning back specifically to the felony issue, Plaintiffs’ argument would require the Secretary of State to list not just the Alabama convictions that are disenfranchising, but those similar convictions under federal law and the laws of other States and other jurisdictions. Absent the other jurisdictions, the list would not be comprehensive. Ala. Code § 17-3-30.1(c)(47) (“For purposes of Article VIII of the Constitution of Alabama of 1901, now appearing as Section 177 of Article VIII of the Official Recompilation of the Constitution of Alabama of 1901, as amended, a person is disqualified to vote by reason of conviction of a felony involving moral turpitude only when convicted of any of the following offenses in a degree constituting a felony: . . . Any crime as defined by the laws of the United States or by the laws of another state, territory, country, or

other jurisdiction, which, if committed in this state, would constitute one of the offenses listed in this subsection.”). Presumably, the forms should also explain that “civil rights” can be “restored” either through a Certificate of Eligibility to Register to Vote or a pardon. Congress did not intend each State’s simple voter registration forms to become pages long, thereby further lengthening – and increasing the intimidation factor of – the federal form as well.

Rather, Alabama’s forms are consistent with the federal government’s guidance. In 1994, the Federal Election Commission⁵ published a guide to “Implementing the National Voter Registration Act of 1993: Requirements, Issues, Approaches, and Examples.”⁶ *See* Exhibit 1-D to doc. 95, *i.e.*, doc. 95-1 starting at page 23. One of the “sample forms” it provided was the voter registration form from Washington State. That form required a registrant to attest that “I am not presently denied my civil rights as a result of being convicted of an infamous crime” without any further explanation of what counted as an “infamous crime” under State law. *See* doc. 95-1 at 65.

<input type="checkbox"/> (YES)					
"I declare that the facts relating to my qualifications as a voter recorded on this voter registration form are true. I am a citizen of the United States, I am not presently denied my civil rights as a result of being convicted of an infamous crime, I will have lived in this state, county, and precinct for thirty days immediately preceding the next election at which I offer to vote, and I will be at least eighteen years of age at the time of voting."					
6. _____ <small>PLEASE PRINT YOUR FULL NAME</small>	7. SIGN HERE X <small>SIGNATURE OF VOTER - PLEASE SIGN WITHIN SHADED AREA</small>				
FOR	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;"> REGISTRATION NUMBER </td> <td style="width: 50%; text-align: center;"> DATE OF REGISTRATION </td> </tr> <tr> <td colspan="2" style="text-align: right;"> <small>Record Signing of Petitions Here (In Pencil)</small> </td> </tr> </table>	REGISTRATION NUMBER	DATE OF REGISTRATION	<small>Record Signing of Petitions Here (In Pencil)</small>	
REGISTRATION NUMBER	DATE OF REGISTRATION				
<small>Record Signing of Petitions Here (In Pencil)</small>					

⁵ The functions and responsibilities of the former FEC Office of Election Administration were transferred to the U.S. Election Assistance Commission (EAC) upon the establishment of EAC according to the provisions of the Help America Vote Act of 2002.

⁶ Available _____ at <https://www.eac.gov/assets/1/1/Implementing%20the%20NVRA%20of%201993%20Requirements%20Issues%20Approaches%20and%20Examples%20Jan%201%201994.pdf>

At the very least, the Court cannot grant Plaintiffs’ motion without additional factual development. As we explain in our motion, no State form anywhere provides the level of detailed explanation of eligibility requirements that Plaintiffs would require.⁷ Moreover, Plaintiffs’ theory is that the federal form and State form have always been illegal under the NVRA because they have *never* provided a list of disqualifying felonies. The Secretary of State and the EAC are expressly charged with implementing the NVRA and creating appropriate forms. That neither has ever believed that the NVRA requires a registration form to list specific disqualifying felonies in the more than 25 years since the NVRA was enacted strongly suggests it is not required. *See Shea v. Vialpando*, 416 U.S. 251, 262, n. 11 (1974) (explaining “the sound principle of according deference to administrative practice” which applies “where the relevant statutory language is unclear or susceptible of differing interpretations”); *Gelman v. Federal Election Comm’n*, 631 F.2d 939 (D.C. Cir. 1980) (administrative practice relevant to statutory interpretation).

Finally, we initially provided declarations at the preliminary injunction stage explaining that a detailed list of felonies is more likely to confuse the vast majority of voters who have not committed a felony than help the small number of voters who are unsure whether they have

⁷ Plaintiffs say that other States have “pledged to update their respective forms to provide the necessary information,” doc. 97 at 37 n.11, but they rely on hearsay newspaper articles, which are never admissible for the truth of the matter asserted. *See Brooks v. Miller*, 158 F.3d 1230 (11th Cir.1998).

Plaintiffs also “make no representations about the sufficiency of these forms under the NVRA . . .” Doc. 97 at 37 n.11. To the extent that their motivation is their belief that prospective Alabama voters will “likely” believe all felonies are disenfranchising when they are not, doc. 97 at 38, Plaintiffs’ assertion about the likely interpretations of all voters is unsupported.

Plaintiffs do not indicate any State has included a list in its voter registration form as long as Alabama’s would be. *E.g.*, doc. 97-4 (Delaware refers to “Any felony constituting a sexual offense” which may be vague). And it would be strange indeed – and contrary to Plaintiffs’ understanding of the NVRA – if the NVRA were read such that Alabama is better served to disenfranchise all felons for the simplicity of it.

committed a disqualifying felony. The State employee who designed the state forms testified that Plaintiffs' proposal is "impractical and will be confusing to voters" because "[i]ncluding this information will defeat the purpose of having a single-page form that is easy to fill out and mail" and "will create inconsistency between the various registration forms our office distributes." Doc. 63-1 ¶ 13 (Declaration of Ed Packard). Other declarants agreed. Doc. 63-2 at ¶ 14 (Declaration of Clay Helms) ("I understand that the plaintiffs in this lawsuit believe that the state and federal registration forms should be changed to list approximately 60 specific felonies in HB 282. I agree with Ed Packard that such changes would be impractical and likely cause confusion"); doc. 63-3 at ¶ 8 (Declaration of Brent Beal) ("I agree with Ed Packard and Clay Helms that it would be impracticable, a waste of resources, and likely cause confusion if the Secretary were to attempt to list 60 felonies on a voter registration form or to mail notice of the new law to previously disqualified felons.").

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For the foregoing reasons, the Court should deny Plaintiffs' cross motion for summary judgment on Count 18.

Respectfully submitted,

s/Misty S. Fairbanks Messick

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CERTIFICATE OF SERVICE

I hereby certify that, on May 4, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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JOHN H. MERRILL
SECRETARY OF STATE

April 11, 2018

Brian Newby, Executive Director
The Honorable Matthew Masterson, Chairman
The Honorable Thomas Hicks, Vice-Chairman
The Honorable Christy McCormick, Commissioner
U.S. Election Assistance Commission
1335 East West Highway, Suite 4300
Silver Spring, MD 20910

Dear Commissioners:

As the chief election official for the State of Alabama, I am writing to formally inform you on the passage of Act# 2017-378, the Felony Voter Disqualification Act. Since passage of the act, the Secretary of State's Office has been working to educate citizens on this act. In continuing this educational campaign, we would like you to review the attached act and to make a determination on the feasibility of incorporating the act into the U.S. Election Assistance Commission voter registration application for Alabama.

If you have any questions or concerns, please do not hesitate to contact me in my office at 334-242-7200 or John.Merrill@sos.alabama.gov.

Sincerely,

A handwritten signature in black ink that reads "J. H. Merrill". The signature is stylized with a large, looped "J" and a cursive "Merrill".

John H. Merrill
Secretary of State

ACT #2017-378

1 HB282
2 178796-3
3 By Representative Jones
4 RFD: Judiciary
5 First Read: 21-FEB-17



HB282

1
2 ENROLLED, An Act,

3 To add Section 17-3-30.1 to the Code of Alabama
4 1975, to create the Felony Voter Disqualification Act; to
5 establish a comprehensive list of felonies that involve moral
6 turpitude which disqualify a person from exercising his or her
7 right to vote; and to amend Sections 17-4-3 and 17-4-4, Code
8 of Alabama 1975, relating to voter registration lists, to
9 provide procedures for the Board of Pardons and Paroles and
10 the Secretary of State to follow to purge certain disqualified
11 voters from voter registration lists.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 17-3-30.1 is added to the Code of
14 Alabama 1975, to read as follows:

15 §17-3-30.1.

16 (a) This section shall be known and may be cited as
17 the Felony Voter Disqualification Act.

18 (b) (1) The Legislature finds and declares that:

19 a. Article VIII of the Constitution of Alabama of
20 1901, now appearing as Section 177 of Article VIII of the
21 Official Recompilation of the Constitution of Alabama of 1901,
22 as amended, provides that Alabama citizens shall lose the
23 right to vote when convicted of a crime only if the conviction
24 was for a felony involving moral turpitude.

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1 b. Under general law, there is no comprehensive list
2 of felonies that involve moral turpitude which disqualify a
3 person from exercising his or her right to vote. Neither
4 individuals with felony convictions nor election officials
5 have a comprehensive, authoritative source for determining if
6 a felony conviction involves moral turpitude and is therefore
7 a disqualifying felony.

8 (2) The purposes of this section are:

9 a. To give full effect to Article VIII of the
10 Constitution of Alabama of 1901, now appearing as Section 177
11 of Article VIII of the Official Recompile of the
12 Constitution of Alabama of 1901, as amended.

13 b. To ensure that no one is wrongly excluded from
14 the electoral franchise.

15 c. To provide a comprehensive list of acts that
16 constitute moral turpitude for the limited purpose of
17 disqualifying a person from exercising his or her right to
18 vote.

19 (c) For purposes of Article VIII of the Constitution
20 of Alabama of 1901, now appearing as Section 177 of Article
21 VIII of the Official Recompile of the Constitution of
22 Alabama of 1901, as amended, a person is disqualified to vote
23 by reason of conviction of a felony involving moral turpitude
24 only when convicted of any of the following offenses in a
25 degree constituting a felony:

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(1) Murder as defined in the following sections:

a. Subdivision (1) of subsection (a) of Section
13A-5-40.

b. Subdivision (2) of subsection (a) of Section
13A-5-40.

c. Subdivision (3) of subsection (a) of Section
13A-5-40.

d. Subdivision (4) of subsection (a) of Section
13A-5-40.

e. Subdivision (5) of subsection (a) of Section
13A-5-40.

f. Subdivision (6) of subsection (a) of Section
13A-5-40.

g. Subdivision (7) of subsection (a) of Section
13A-5-40.

h. Subdivision (8) of subsection (a) of Section
13A-5-40.

i. Subdivision (9) of subsection (a) of Section
13A-5-40.

j. Subdivision (10) of subsection (a) of Section
13A-5-40.

k. Subdivision (11) of subsection (a) of Section
13A-5-40.

l. Subdivision (12) of subsection (a) of Section
13A-5-40.

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1 m. Subdivision (13) of subsection (a) of Section
2 13A-5-40.

3 n. Subdivision (14) of subsection (a) of Section
4 13A-5-40.

5 o. Subdivision (15) of subsection (a) of Section
6 13A-5-40.

7 p. Subdivision (16) of subsection (a) of Section
8 13A-5-40.

9 q. Subdivision (17) of subsection (a) of Section
10 13A-5-40.

11 r. Subdivision (18) of subsection (a) of Section
12 13A-5-40.

13 s. Subdivision (19) of subsection (a) of Section
14 13A-5-40.

15 t. Section 13A-6-2.

16 (2) Manslaughter as defined in Section 13A-6-3.

17 (3) Assault as defined in Section 13A-6-20, except
18 for subdivision (5) of subsection (a) of Section 13A-6-20, and
19 Section 13A-6-21.

20 (4) Kidnapping in the first degree as defined in
21 Section 13A-6-43.

22 (5) Kidnapping in the second degree as defined in
23 Section 13A-6-44.

24 (6) Rape as defined in Sections 13A-6-61 and
25 13A-6-62.

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1 (7) Sodomy as defined in Sections 13A-6-63 and
2 13A-6-64.

3 (8) Sexual torture as defined in Section 13A-6-65.1.

4 (9) Sexual abuse as defined in Sections 13A-6-66,
5 13A-6-67, and 13A-6-69.1.

6 (10) Enticing a child to enter a vehicle for immoral
7 purposes as defined in Section 13A-6-69.

8 ~~(11) Soliciting a child by computer as defined in~~
9 ~~Section 13A-6-110.~~

10 (11) Facilitating solicitation of unlawful sexual
11 conduct with a child as defined in Section 13A-6-121.

12 (12) Electronic solicitation of a child as defined
13 in Section 13A-6-122.

14 (13) Facilitating the on-line solicitation of a
15 child as defined in Section 13A-6-123.

16 (14) Traveling to meet a child for an unlawful sex
17 act as defined in Section 13A-6-124.

18 (15) Facilitating the travel of a child for an
19 unlawful sex act as defined in Section 13A-6-125.

20 (16) Human trafficking as defined in Sections
21 13A-6-152 and 13A-6-153.

22 (17) Terrorism as defined in Section 13A-10-152.

23 (18) Soliciting or providing support for an act of
24 terrorism as defined in Section 13A-10-153.

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1 (19) Hindering prosecution of terrorism as defined
2 in Section 13A-10-154.

3 (20) Endangering the water supply as defined in
4 Section 13A-10-171.

5 (21) Possession, manufacture, transport, or
6 distribution of a destructive device or bacteriological or
7 biological weapon as defined in Section 13A-10-193.

8 (22) Selling, furnishing, giving away, delivering,
9 or distribution of a destructive device, a bacteriological
10 weapon, or biological weapon to a person who is less than 21
11 years of age as defined in Section 13A-10-194.

12 (23) Possession, manufacture, transport, or
13 distribution of a detonator, explosive, poison, or hoax device
14 as defined in Section 13A-10-195.

15 (24) Possession or distribution of a hoax device
16 represented as a destructive device or weapon as defined in
17 subsection (c) of Section 13A-10-196.

18 (25) Attempt to commit an explosives or destructive
19 device or bacteriological or biological weapons crime as
20 defined in Section 13A-10-197.

21 (26) Conspiracy to commit an explosives or
22 destructive device or bacteriological or biological weapons
23 crime as defined in Section 13A-10-198.

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1 (27) Hindrance or obstruction during detection,
2 disarming, or destruction of a destructive device or weapon as
3 defined in Section 13A-10-199.

4 (28) Possession or distribution of a destructive
5 device or weapon intended to cause injury or destruction as
6 defined in Section 13A-10-200.

7 (29) Treason as defined in Section 13A-11-2.

8 (30) Dissemination or public display of obscene
9 matter containing visual depiction of persons under 17 years
10 of age involved in obscene acts as defined in Section
11 13A-12-191.

12 (31) Possession and possession with intent to
13 disseminate obscene matter containing visual depiction of
14 persons under 17 years of age involved in obscene acts as
15 defined in Section 13A-12-192.

16 (32) Parents or guardians permitting children to
17 engage in production of obscene matter as defined in Section
18 13A-12-196.

19 (33) Production of obscene matter containing visual
20 depiction of persons under 17 years of age involved in obscene
21 acts as defined in Section 13A-12-197.

22 (34) Distribution, possession with intent to
23 distribute, production of obscene material, or offer or
24 agreement to distribute or produce, as defined in Section
25 13A-12-200.2.

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1 (35) Trafficking in cannabis, cocaine, or other
2 illegal drugs or trafficking in amphetamine and
3 methamphetamine as defined in Section 13A-12-231.

4 (36) Bigamy as defined in Section 13A-13-1.

5 (37) Incest as defined in Section 13A-13-3.

6 (38) Torture or other willful maltreatment of a
7 child under the age of 18 as defined in Section 26-15-3.

8 (39) Aggravated child abuse as defined in Section
9 26-15-3.1.

10 (40) Prohibited acts in the offer, sale, or purchase
11 of securities as defined in Section 8-6-17.

12 (41) Burglary as defined in Sections 13A-7-5 and
13 13A-7-6.

14 (42) Theft of property as defined in Sections
15 13A-8-3 and 13A-8-4.

16 (43) Theft of lost property as defined in Sections
17 13A-8-7 and 13A-8-8.

18 (44) Theft of trademarks or trade secrets as defined
19 in Section 13A-8-10.4.

20 (45) Robbery as defined in Sections 13A-8-41,
21 13A-8-42, and 13A-8-43.

22 (46) Forgery as defined in Sections 13A-9-2 and
23 13A-9-3.

24 (47) Any crime as defined by the laws of the United
25 States or by the laws of another state, territory, country, or

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1 other jurisdiction, which, if committed in this state, would
2 constitute one of the offenses listed in this subsection.

3 (d) Nothing in this section shall be interpreted as
4 determining moral turpitude for any purpose other than
5 disqualifying a person from exercising his or her right to
6 vote.

7 (e) The felonies involving moral turpitude listed in
8 subsection (c) are the only felonies for which a person, upon
9 conviction, may be disqualified from voting. Additional
10 felonies may be added to the list in subsection (c) only by
11 amendment to this section.

12 Section 2. Sections 17-4-3 and 17-4-4 of the Code of
13 Alabama 1975, are amended to read as follows:

14 "§17-4-3.

15 "(a) Each county board of registrars shall purge the
16 computerized statewide voter registration list on a continuous
17 basis, whenever it receives and confirms information that a
18 person registered to vote in that county has died, become a
19 nonresident of the state or county, been declared mentally
20 incompetent, been convicted of any offense ~~mentioned in~~
21 designated pursuant to Section 17-3-30.1 as a felony involving
22 moral turpitude for the purposes of Article VIII of the
23 Constitution of Alabama of 1901 since being registered, or
24 otherwise become disqualified as an elector. ~~A~~ Except as
25 provided below, a person convicted of a disqualifying criminal

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1 offense ~~must~~ shall be notified by certified mail sent to the
2 voter's last known address of the board's intention to strike
3 his or her name from the list. No person convicted of a
4 disqualifying crime may be stricken from the poll list while
5 an appeal from the conviction is pending.

6 "(b) On the date set in the notice, or at a later
7 date to which the case may have been continued by the board,
8 the board shall proceed to consider the case of the elector
9 whose name it proposes to strike from the registration list
10 and make its determination. Any person whose name is stricken
11 from the list may appeal from the decision of the board
12 without giving security for costs, and the board shall
13 forthwith certify the proceedings to the judge of probate who
14 shall docket the case in the probate court.

15 "(c) An appeal from the judge of probate shall be as
16 appeals set forth in Section 17-3-55.

17 "(d) In the event the Board of Pardons and Paroles
18 is supervising a person convicted of a disqualifying criminal
19 offense on probation or parole, and the person has received
20 face-to-face counseling from the supervising officer regarding
21 voter disqualification and executed documentation explaining
22 the loss and restoration of civil and political rights, upon
23 receipt of the documentation, signed by the disqualified
24 elector, the county board of registrars shall be exempt from
25 providing notice as otherwise required by this section. The

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1 document administered by the Board of Pardons and Paroles and
2 to be signed by the disqualified elector shall contain the
3 following statement: "Any person convicted of a disqualifying
4 felony loses his or her civil and political rights, which
5 includes the right to vote. Restoration of these rights may be
6 applied for through the Central Montgomery Office of the Board
7 of Pardons and Paroles, but only upon completion of the
8 requirements of Section 15-22-36.1."

9 "(e) The Board of Pardons and Paroles shall provide
10 signed documentation to county boards of registrars to
11 indicate those persons under probation or parole supervision
12 with the board who have been convicted of a disqualifying
13 criminal offense and been counseled regarding voter
14 disqualification and the restoration of civil and political
15 rights, and may otherwise share privileged records and files
16 with county boards of registrars for the limited purpose of
17 implementing the requirements of this section.

18 "(f) When the board has sufficient evidence
19 furnished it that any elector has permanently moved from one
20 precinct to another within the county, it shall change the
21 elector's precinct designation in the voter registration list,
22 and shall give notice by mail to the elector of the precinct
23 in which the elector is registered to vote.

24 "(g) The Secretary of State and the Board of Pardons
25 and Paroles may promulgate rules in accordance with the

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1 Alabama Administrative Procedure Act as necessary to implement
2 this section.

3 "§17-4-4.

4 "(a) In addition to all other duties now required by
5 law, the Office of Vital Statistics of the State Department of
6 Public Health shall furnish to the board of registrars of the
7 county in which such district is located, once each month, a
8 report of the death of all persons over 18 years of age who
9 resided in such registration district.

10 "(b) In addition to all other duties now required by
11 law, the judges of probate of the several counties of this
12 state shall furnish to the board of registrars of their
13 respective counties, once each month, a list of all residents
14 of the county, 18 years of age or over, who have been declared
15 mentally incompetent.

16 "(c) In addition to all other duties required by
17 law, the clerks of the circuit and district courts of this
18 state shall furnish to the board of registrars of each county,
19 once each month, a list of all residents of that county who
20 have been convicted of any offense ~~mentioned in~~ designated
21 pursuant to Section 17-3-30.1 as a felony involving moral
22 turpitude for the purposes of Article VIII of the Constitution
23 of Alabama of 1901. Any person who willfully fails to perform
24 such duties shall forfeit the sum of one hundred dollars
25 (\$100) for each such failure. Such sum may be recovered in an

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1 action by law by any citizen of the county in which the
2 officer acts, one half to his or her own use and one half to
3 the use of the state.

4 "(d) The Secretary of State and the Board of Pardons
5 and Paroles may promulgate rules in accordance with the
6 Alabama Administrative Procedure Act as necessary to implement
7 this section."

8 Section 3. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.

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Mac McClatchey

Speaker of the House of Representatives

Dale Mahan

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 09-MAR-17, as amended.

Jeff Woodard
Clerk

Senate

17-MAY-17

Passed

APPROVED

5-24-2017

TIME

3:40 PM

Ray Ivey
GOVERNOR

Alabama Secretary Of State

Act Num....: 2017-378
Bill Num....: H-282

Recv'd 05/25/17 09:31amSLF

SENATE ACTION

DATE: 3-9	2017
RD 1 RFD	Judy

This Bill was referred to the Standing Committee of the Senate on JUDY

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) 8 w/sub 0 by a vote of 8 yeas 0 nays 0 abstain 0 this 15 day of March 2017
Patrick Harris, Chairperson

DATE: 3-15	2017
RF	RD 2 CAL

DATE: 20__
RE-REFERRED <input type="checkbox"/> RE-COMMITTED <input type="checkbox"/>
Committee _____

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 282

YEAS 20 NAYS 0

PATRICK HARRIS,
Secretary

HOUSE ACTION

I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. 282

YEAS 93 NAYS 1

JEFF WOODARD, Clerk

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. _____ AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JEFF WOODARD, Clerk

CONFERENCE COMMITTEE

House Conferees _____

25
JRS

Judy

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

Treva Thompson, *et al.*,

Plaintiffs,

v.

John H. Merrill, in his official capacity
as Secretary of State, *et al.*,

Defendants.

Civil Action No. 2:16-cv-783-WKW-
CSC

**PLAINTIFF GREATER BIRMINGHAM MINISTRIES' RESPONSES AND
OBJECTIONS TO STATE DEFENDANTS' FIRST REQUESTS FOR
PRODUCTION**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiff Greater Birmingham Ministries (GBM) hereby responds and objects to the State Defendants' First Requests for Production to Plaintiff GBM. In formulating these responses, Plaintiff GBM has relied on the information presently available to it. Further information may be discovered during this phase of the litigation. Plaintiff GBM will produce any such documents to the extent required under Rule 26 of the Federal Rules of Civil Procedure.

INSTRUCTIONS

Pursuant to Defendants' letter dated April 16, 2018, Plaintiff GBM understands that State Defendants have rescinded their demand that responsive documents be produced within 30 days of their request. Plaintiff GBM plans to produce the responsive documents it has identified, subject to the objections below,

with this response with the exception of documents that necessitate the entry of a protective order, as discussed below.

Plaintiff GBM objects to the request that it produce documents “generated from January 1, 2008 forward to the time [its] response.” This period is unduly burdensome and not proportional to the needs of the case considering the parties’ relative access to relevant information, the parties’ resources, and the importance of the discovery at issue to resolving the issues. The burden and expense of this proposed discovery time period for all of the State Defendants’ requests for production to Plaintiff GBM outweigh any likely benefit from the discovery at issue.

GENERAL STATEMENT

A statement that Plaintiff GBM will produce any document or documents is not a representation that such document exists or that the Plaintiff GBM has it in its possession, custody, or control. It is only a statement that if Plaintiff GBM has such a document, it will be produced.

GENERAL OBJECTIONS

1. Plaintiff GBM objects to each and every one of the Requests to the extent they purport to impose upon it any obligations different form, or greater than, those established or required by the Federal Rules of Civil Procedure, local rules, an order of the Court, or a prior agreement of the parties.

2. Plaintiff GBM objects to each and every one of the Requests to the extent they seek information or documents protected by the attorney-client privilege, the

work-product doctrine, the common-interest privilege, or any other applicable privilege, exemption, immunity, principle, doctrine, or rule of confidentiality. If any protected information or material is disclosed, such disclosure is not intentional and shall not be deemed a waiver of any privilege or protection. Consistent with the prior agreement of the parties, doc. 87 at 11, Plaintiff GBM “need not preserve, produce or create a privilege log for any document that was created by, and exchanged solely among, either side’s attorneys and/or the attorney’s staff for purposes of this litigation.”

3. To the extent a request for production requires the disclosure of confidential or sensitive private information implicating the privacy interests of Plaintiffs and other individuals, Plaintiff GBM will only produce documents subject to an adequate protective order, to be agreed upon by the parties.

4. Plaintiff GBM objects to each and every one of the Requests to the extent they seek information already in the possession, custody, or control of the Defendants, or otherwise equally available to the Defendants.

5. Plaintiff GBM objects to each and every one of the Requests to the extent they seek information that is not relevant to any claim or defense before the court.

6. Plaintiff GBM objects to each of Defendants’ requests for production insofar as they seek documents that are unreasonably cumulative or duplicative.

7. Plaintiff GBM objects to each of Defendants’ requests for production to the extent that they are unclear, ambiguous, overly broad, unduly burdensome, and/or not proportional to the needs of the case.

8. Plaintiff GBM objects to each of Defendants' requests for production requesting "all," "each," or "any" of the referenced documents on grounds that such requests are overly broad and unduly burdensome, seek irrelevant information, and seek to impose obligations beyond those imposed by law. Plaintiff GBM will construe the terms of all requests for production to request that they use reasonable diligence to locate responsive non-privileged documents, based on examination of those sources that may reasonably be expected to yield such documents.

9. By answering these discovery requests, Plaintiff GBM does not concede the relevance or materiality of any of the information requested, nor of the subject matter to which the request for production refers. Rather, the responses are made expressly subject to, and without in any way waiving or intending to waive any question or objection as to the competency, relevance, privilege, or admissibility as evidence, of any of the matters referred to in the responses.

10. Plaintiff GBM expressly reserves:

- a. the right to object, on grounds of competency, relevance, materiality, privilege, or any other applicable ground, to the use of responses provided to this request for production or the subject matter thereof, in any subsequent proceeding in, or the hearing of, this or any other action;

- b. the right to object on any ground to other document requests, interrogatories, or other discovery proceedings involving or relating to the subject matter of the request for production; and

c. the right to supplement Plaintiff GBM's responses should further investigation or discovery disclose additional information.

SPECIFIC RESPONSES AND OBJECTIONS

In addition to the foregoing general objections, Plaintiff GBM asserts the following specific objections and responses to each request for production of documents:

REQUEST FOR PRODUCTION NO. 1: Produce all documents supporting your allegation that, “As a result of Section 177(b) of the Alabama Constitution, GBM must devote staff times and resources to helping those with felony (1) determine whether they may be eligible to register to vote, (2) attempt to register to vote, (3) determine whether they may be eligible for a CERV, and (4) apply for a CERV.”

Complaint, doc. 1, at ¶ 63.

RESPONSE: Plaintiff GBM objects to this request as unduly burdensome and not proportional to the needs of the case because the burden and expense of the proposed discovery outweighs its likely benefit and the burden would fall on GBM, which has very limited resources—technological, administrative, human and financial resources—to undertake those tasks.

Plaintiff GBM does not track each and every engagement it has with community members regarding voter registration and Certificates of Eligibility to Register to Vote (CERVs) for people with convictions or the time spent on those activities. Instead, Plaintiff GBM seeks to assist any and all community members that it can in navigating the current felony disenfranchisement scheme. Therefore,

the evidence the State Defendants seek will be most effectively and efficiently attained through a deposition or interrogatories.

The State Defendants' requests seek documents from the past ten years. There is no reason to believe that a ten-year scope for this request is necessary or proportional to the relevance or importance of any responsive documents. The request also encompasses "all documents" related to the described topics. While the State Defendants' requests do not define the term "documents," this term could encompass emails and other electronic documents that would require extensive and burdensome searching that is unlikely to produce many or any relevant documents.

Plaintiff GBM objects to this request to the extent it seeks information or documents regarding specific individuals that GBM has assisted. The privacy interests of those third party individuals outweigh the minimal value and relevance of those documents.

Subject to the above objections, Plaintiff GBM will produce the relevant, nonprivileged documents that do not include private information of third-party individuals that it has identified in its files through a reasonable and bounded search by individuals with knowledge of potentially relevant documents.

REQUEST FOR PRODUCTION NO. 2: Produce all documents supporting your allegation that, "GBM must devote more staff time and resources to [the] activities" described in Request No. 1 because Act No. 2017-378 is being applied to all felons,

as opposed to just those whose conviction was on or after August 1, 2017. See Supplemental Complaint, doc. 93, at ¶ 30.

RESPONSE: This request is duplicative of Request for Production No.1. Any documents responsive to Request for Production No. 2 would also fall under the broad scope of Request for Production No. 1. Therefore, Plaintiff GBM's response to the request is identical to the above.

Plaintiff GBM objects to this request as unduly burdensome and not proportional to the needs of the case because the burden and expense of the proposed discovery outweighs its likely benefit and the burden would fall on GBM, which has very limited resources—technological, administrative, human and financial resources—to undertake those tasks.

Plaintiff GBM does not track each and every engagement it has with community members regarding voter registration and Certificates of Eligibility to Register to Vote (CERVs) for people with convictions or the time spent on those activities. Instead, Plaintiff GBM seeks to assist any and all community members that it can in navigating the current felony disenfranchisement scheme. Therefore, the evidence the State Defendants seek will be most effectively and efficiently attained through a deposition or interrogatories.

The State Defendants' request seeks documents from the past ten years. There is no reason to believe that a ten-year scope of discovery is necessary or proportional to the relevance or importance of any responsive documents. The request also encompasses "all documents" related to the described topics. While the

State Defendants' requests do not define the term "documents," this term could encompass emails and other electronic documents that would require extensive and burdensome searching that is unlikely to produce many or any relevant documents.

Plaintiff GBM objects to this request to the extent it seeks information or documents regarding specific individuals that GBM has assisted. The privacy interests of those third party individuals outweigh the minimal value and relevance of those documents.

Subject to the above objections, Plaintiff GBM will produce the relevant, nonprivileged documents that do not include private information of third-party individuals that it has identified in its files through a reasonable and bounded search by individuals with knowledge of potentially relevant documents.

REQUEST FOR PRODUCTION NO. 3: Produce all documents supporting your apparent assumption that anyone whose felony conviction was before August 1, 2017 should not be disenfranchised at all given the enactment and implementation of Act No. 2017-378.

RESPONSE: Plaintiff GBM objects to this request because it fails to describe with reasonable particularity each item or category of items sought to be produced. As explained in Plaintiff GBM's supplemental complaint and opposition to the State Defendant's second motion to dismiss, Plaintiff GBM alleges that Act No. 2017-378 cannot be lawfully applied retroactively to disenfranchise individuals with convictions that pre-date the statute and no lawful felony disenfranchisement

scheme, with appropriate notice, existed prior to the passage of Act No. 2017-378. This is a legal argument premised on several distinct legal and factual questions. Because Fed. R. Civ. P. 26 imposes upon Plaintiffs a duty to supplement their discovery responses, complying with contention discovery request would require Plaintiffs to continually supplement its responses each time it receives an additional document or information concerning the legal contention to which the discovery request is related. Therefore, this request is not proportional, is overbroad, vague, and, most importantly, fails to identify the specific documents or category of documents sought.

Plaintiff GBM also objects to this request because it seeks documents and information within Defendants' possession, custody, or control and/or more easily available to Defendants.

Plaintiff GBM is not aware of any responsive documents in their possession, custody, or control that are not encompassed by other requests and/or already produced by Plaintiffs.

REQUEST FOR PRODUCTION NO. 4: Produce all documents indicating that everyone whose felony conviction was before August 1, 2017 was not disenfranchised before the implementation of Act No. 2017-378.

RESPONSE: This request is duplicative of Request for Production No. 3. Any documents responsive to Request for Production No. 4 would also fall under the broad scope of Request for Production No. 3. Therefore, Plaintiff GBM's response to the request is identical to the above.

Plaintiff GBM objects to this request because it fails to describe with reasonable particularity each item or category of items sought to be produced. As explained in Plaintiff GBM's supplemental complaint and opposition to the State Defendant's second motion to dismiss, Plaintiff GBM alleges that Act No. 2017-378 cannot be lawfully applied retroactively to disenfranchise individuals with convictions that pre-date the statute and no lawful felony disenfranchisement scheme, with appropriate notice, existed prior to the passage of Act No. 2017-378. This is a legal argument premised on several distinct legal and factual questions. Because Fed. R. Civ. P. 26 imposes upon Plaintiffs a duty to supplement their discovery responses, complying with contention discovery request would require Plaintiffs to continually supplement its responses each time it receives an additional document or information concerning the legal contention to which the discovery request is related. Therefore, this request is not proportional, overbroad, vague, and, most importantly, fails to identify the specific documents or category of documents sought.

Plaintiff GBM also objects to this request because it seeks documents and information within Defendants' possession, custody, or control and/or more easily available to Defendants.

Plaintiff GBM is not aware of any responsive documents in their possession, custody, or control that are not encompassed by other requests and/or already produced by Plaintiffs.

REQUEST FOR PRODUCTION NO. 5: Produce all documents supporting your allegation that, “As a result of [Secretary of State] Merrill’s refusal to update Alabama’s voter registration forms to include eligibility information for people with convictions pursuant to [Act No. 2017-378], GBM must devote more staff time and resources to [the] activities” described in Request No. 1 “than would be required if the forms provided prospective voters with complete eligibility information.” Supplemental Complaint, doc. 93, at ¶ 31.

RESPONSE: This request is duplicative of Request for Production No. 1. Any documents responsive to Request for Production No. 5 would also fall under the broad scope of Request for Production No. 1. Therefore, Plaintiff GBM’s response to the request is identical to the Request for Production No. 1.

Plaintiff GBM objects to this request as unduly burdensome and not proportional to the needs of the case because the burden and expense of the proposed discovery outweighs its likely benefit and the burden would fall on GBM, which has very limited resources—technological, administrative, human and financial resources—to undertake those tasks.

Plaintiff GBM does not track each and every engagement it has with community members regarding voter registration and Certificates of Eligibility to Register to Vote (CERVs) for people with convictions or the time spent on those activities. Instead, Plaintiff GBM seeks to assist any and all community members that it can in navigating the current felony disenfranchisement scheme. Therefore,

the evidence the State Defendants seek will be most effectively and efficiently attained through a deposition or interrogatories.

The State Defendants' request seeks documents from the past ten years. There is no reason to believe that a ten-year scope is necessary or proportional to the relevance or importance of any responsive documents. The request also encompasses "all documents" related to the described topics. While the State Defendants' requests do not define the term "documents," this term could encompass emails and other electronic documents that would require extensive and burdensome searching that is unlikely to produce many or any relevant documents.

Plaintiff GBM objects to this request to the extent it seeks information or documents regarding specific individuals that GBM has assisted. The privacy interests of those third party individuals outweigh the minimal value and relevance of those documents.

Subject to the above objections, Plaintiff GBM will produce the relevant, nonprivileged documents that do not include private information of third-party individuals that it has identified in its files through a reasonable and bounded search by individuals with knowledge of potentially relevant documents.

REQUEST FOR PRODUCTION NO. 6: Produce all documents evidencing that GBM must devote more staff time and resources to helping those with felony convictions determine whether they are eligible to vote than it did before the implementation of Act No. 2017-378 because of the fact that the State and/or

federal voter registration forms have not been altered to reflect the implementation of Act No. 2017-378.

RESPONSE: This request is duplicative of Request for Production No. 1. Any documents responsive to Request for Production No. 6 would also fall under the broad scope of Request for Production No. 1. Therefore, Plaintiff GBM's response to the request is identical to the Request for Production No. 1.

Plaintiff GBM objects to this request as unduly burdensome and not proportional to the needs of the case because the burden and expense of the proposed discovery outweighs its likely benefit and the burden would fall on GBM, which has very limited resources—technological, administrative, human and financial resources—to undertake those tasks.

Plaintiff GBM does not track each and every engagement it has with community members regarding voter registration and Certificates of Eligibility to Register to Vote (CERVs) for people with convictions or the time spent on those activities. Instead, Plaintiff GBM seeks to assist any and all community members that it can in navigating the current felony disenfranchisement scheme. Therefore, the evidence the State Defendants seek will be most effectively and efficiently attained through a deposition or interrogatories.

The State Defendants' request seeks documents from the past ten years. There is no reason to believe that a ten-year scope of discovery is necessary or proportional to the relevance or importance of any responsive documents. The request also encompasses "all documents" related to the described topics. While the

State Defendants' requests do not define the term "documents," this term could encompass emails and other electronic documents that would require extensive and burdensome searching that is unlikely to produce many or any relevant documents.

Plaintiff GBM objects to this request to the extent it seeks information or documents regarding specific individuals that GBM has assisted. The privacy interests of those third party individuals outweigh the minimal value and relevance of those documents.

Subject to the above objections, Plaintiff GBM will produce the relevant, nonprivileged documents that do not include private information of third-party individuals that it has identified in its files through a reasonable and bounded search by individuals with knowledge of potentially relevant documents.

REQUEST FOR PRODUCTION NO. 7: Produce all documents supporting your allegation that "Many members of GBM's community remain confused about their eligibility to vote due to [Secretary of State] Merrill's failure to update the State and Federal voter registration forms." Supplemental Complaint, doc. 93, at ¶ 31.

RESPONSE: This request is duplicative of Request for Production No. 1. Any documents responsive to Request for Production No. 7 would also fall under the broad scope of Request for Production No. 1. Therefore, Plaintiff GBM's response to the request is identical to the Request for Production No. 1.

Plaintiff GBM objects to this request as unduly burdensome and not proportional to the needs of the case because the burden and expense of the

proposed discovery outweighs its likely benefit and the burden would fall on GBM, which has very limited resources—technological, administrative, human and financial resources—to undertake those tasks.

Plaintiff GBM does not track each and every engagement it has with community members regarding voter registration and Certificates of Eligibility to Register to Vote (CERVs) for people with convictions or the time spent on those activities. Instead, Plaintiff GBM seeks to assist any and all community members that it can in navigating the current felony disenfranchisement scheme. Therefore, the evidence the State Defendants seek will be most effectively and efficiently attained through a deposition or interrogatories.

The State Defendants' request seeks documents from the past ten years. There is no reason to believe that a ten-year scope of discovery is necessary or proportional to the relevance or importance of any responsive documents. The request also encompasses "all documents" related to the described topics. While the State Defendants' requests do not define the term "documents," this term could encompass emails and other electronic documents that would require extensive and burdensome searching that is unlikely to produce many or any relevant documents.

Plaintiff GBM objects to this request to the extent it seeks information or documents regarding specific individuals that GBM has assisted. The privacy interests of those third party individuals outweigh the minimal value and relevance of those documents.

Subject to the above objections, Plaintiff GBM will produce the relevant, nonprivileged documents that do not include private information of third-party individuals that it has identified in its files through a reasonable and bounded search by individuals with knowledge of potentially relevant documents.

REQUEST FOR PRODUCTION NO. 8: Provide blank samples of the State and/or federal voter registration form(s) that GBM uses to help those with felony convictions register to vote in Alabama.

RESPONSE: Plaintiff GBM objects to the request as it seeks documents already produced by Plaintiffs, already in the record before the Court in this case, and equally accessible to Defendants. Subject to the above objections, Plaintiff GBM will produce the blank sample forms again.

REQUEST FOR PRODUCTION NO. 9: Produce your annual budgets since January 1, 2013.

RESPONSE: Plaintiff GBM objects to producing these documents, which include sensitive financial information, and which have limited relevance to this matter, without an appropriate protective order. After entry of an appropriate protective order, Plaintiff GBM will produce the responsive documents.

REQUEST FOR PRODUCTION NO. 10: Produce any documents evidencing your expenditure of funds since January 1, 2013 for “helping those with felony convictions (1) determine whether they may be eligible to register to vote, (2) attempt to register to vote, (3) determine whether they may be eligible for a CERV, and (4) apply for a CERV.” Complaint, doc. 1, at ¶ 63.

RESPONSE: This request is duplicative of Requests for Production No. 1 and No. 9. Any documents responsive to Request for Production No. 10 would also fall under the broad scope of Request for Production No. 1 or the budgets responsive to Request for Production 9. Therefore, Plaintiff GBM's response to the request is identical to the Requests for Production Nos. 1 and 9.

Plaintiff GBM objects to this request as unduly burdensome and not proportional to the needs of the case because the burden and expense of the proposed discovery outweighs its likely benefit and the burden would fall on GBM, which has very limited resources—technological, administrative, human and financial resources—to undertake those tasks.

Plaintiff GBM does not track each and every engagement it has with community members regarding voter registration and Certificates of Eligibility to Register to Vote (CERVs) for people with convictions or the time spent on those activities. Instead, Plaintiff GBM seeks to assist any and all community members that it can in navigating the current felony disenfranchisement scheme. Therefore, the evidence the State Defendants seek will be most effectively and efficiently attained through a deposition or interrogatories.

The State Defendants' request seeks documents from the past ten years. There is no reason to believe that a ten-year scope of discovery is necessary or proportional to the relevance or importance of any responsive documents. The request also encompasses "all documents" related to the described topics. While the State Defendants' requests do not define the term "documents," this term could

encompass emails and other electronic documents that would require extensive and burdensome searching that is unlikely to produce many or any relevant documents.

Plaintiff GBM objects to this request to the extent it seeks information or documents regarding specific individuals that GBM has assisted. The privacy interests of those third party individuals outweigh the minimal value and relevance of those documents.

Subject to the above objections, Plaintiff GBM will produce the relevant, nonprivileged documents that do not include private information of third-party individuals that it has identified in its files through a reasonable and bounded search by individuals with knowledge of potentially relevant documents.

With respect to Plaintiff GBM's budgets, Plaintiff GBM objects to producing these documents, which include sensitive financial information, and which have limited relevant to this matter, without an appropriate protective order. After entry of an appropriate protective order, Plaintiff GBM will produce the responsive documents.

REQUEST FOR PRODUCTION NO. 11: Produce documents sufficient to evidence your total incoming funds for each year since January 1, 2013.

RESPONSE: Plaintiff GBM objects to producing these documents, which include sensitive financial information, and which have limited relevance to this matter, without an appropriate protective order. After entry of an appropriate protective order, Plaintiff GBM will produce the responsive documents.

REQUEST FOR PRODUCTION NO. 12: Produce documents sufficient to convey your organizational structure.

RESPONSE: Plaintiff GBM will produce its organizational chart.

REQUEST FOR PRODUCTION NO. 13: Produce documents sufficient to convey your staffing, including which staff are involved in “helping those with felony convictions (1) determine whether they may be eligible to register to vote, (2) attempt to register to vote, (3) determine whether they may be eligible for a CERV, and (4) apply for a CERV.” Complaint, doc. 1, at ¶ 63.

RESPONSE: Plaintiff GBM objects to this request as it is not proportional to the needs of the case because the burden and expense of the proposed discovery outweighs its likely benefit and the burden would fall on GBM, which has very limited resources—technological, administrative, human and financial resources—to undertake those tasks. Plaintiff GBM is not aware of responsive documents that would easily convey this information, which can be provided through an interrogatory response. Plaintiff GBM therefore responds by indicating that Tari Williams and Mary Jones currently engage in the tasks described in Request for Production No. 13. Martha Shearer, who was employed by Plaintiff GBM until October 2017, also engaged in the tasks described in Request for Production No. 13.

REQUEST FOR PRODUCTION NO. 14: Produce all documents and correspondence exchanged between you and any Alabama court clerk’s office concerning the felony convictions of anyone whom you are/were helping “(1) determine whether they may be eligible to register to vote, (2) attempt to register

to vote, (3) determine whether they may be eligible for a CERV, and[/or] (4) apply for a CERV.” Complaint, doc. 1, at ¶ 63.

RESPONSE: This request is duplicative of Request for Production No. 1. Any documents responsive to Request for Production No. 14 would also fall under the broad scope of Request for Production No. 1. Therefore, Plaintiff GBM’s response to the request is identical to the Request for Production No. 1.

Plaintiff GBM objects to this request as unduly burdensome and not proportional to the needs of the case because the burden and expense of the proposed discovery outweighs its likely benefit and the burden would fall on GBM, which has very limited resources—technological, administrative, human and financial resources—to undertake those tasks.

Plaintiff GBM does not track each and every engagement it has with community members regarding voter registration and Certificates of Eligibility to Register to Vote (CERVs) for people with convictions or the time spent on those activities. Instead, Plaintiff GBM seeks to assist any and all community members that it can in navigating the current felony disenfranchisement scheme. Therefore, the evidence the State Defendants seek will be most effectively and efficiently attained through a deposition or interrogatories.

The State Defendants’ request seeks documents from the past ten years. There is no reason to believe that a ten-year scope of discovery is necessary or proportional to the relevance or importance of any responsive documents. The request also encompasses “all documents” related to the described topics. While the

State Defendants' requests do not define the term "documents," this term could encompass emails and other electronic documents that would require extensive and burdensome searching that is unlikely to produce many or any relevant documents.

Plaintiff GBM also objects to this request because it seeks documents and information within Defendants' possession, custody, or control and/or more easily available to Defendants.

Plaintiff GBM is not aware of written documents or communications responsive to this request. Plaintiff GBM's ordinary communications on these issues are either in-person or by phone.

REQUEST FOR PRODUCTION NO. 15: Produce all documents and correspondence exchanged between you and the Alabama Department of Corrections concerning the felony convictions of anyone whom you are/were helping "(1) determine whether they may be eligible to register to vote, (2) attempt to register to vote, (3) determine whether they may be eligible for a CERV, and[/or] (4) apply for a CERV." Complaint, doc. 1, at ¶ 63.

RESPONSE: This request is duplicative of Request for Production No. 1. Any documents responsive to Request for Production No. 15 would also fall under the broad scope of Request for Production No. 1. Therefore, Plaintiff GBM's response to the request is identical to the Request for Production No. 1.

Plaintiff GBM objects to this request as unduly burdensome and not proportional to the needs of the case because the burden and expense of the

proposed discovery outweighs its likely benefit and the burden would fall on GBM, which has very limited resources—technological, administrative, human and financial resources—to undertake those tasks.

Plaintiff GBM does not track each and every engagement it has with community members regarding voter registration and Certificates of Eligibility to Register to Vote (CERVs) for people with convictions or the time spent on those activities. Instead, Plaintiff GBM seeks to assist any and all community members that it can in navigating the current felony disenfranchisement scheme. Therefore, the evidence the State Defendants seek will be most effectively and efficiently attained through a deposition or interrogatories.

The State Defendants' request seeks documents from the past ten years. There is no reason to believe that a ten-year scope of discovery is necessary or proportional to the relevance or importance of any responsive documents. The request also encompasses "all documents" related to the described topics. While the State Defendants' requests do not define the term "documents," this term could encompass emails and other electronic documents that would require extensive and burdensome searching that is unlikely to produce many or any relevant documents.

Plaintiff GBM also objects to this request because it seeks documents and information within Defendants' possession, custody, or control and/or more easily available to Defendants.

Plaintiff GBM is not aware of written communications responsive to this request. Plaintiff GBM's ordinary communications on these issues are either in-person or by phone.

REQUEST FOR PRODUCTION NO. 16: Produce all documents and correspondence exchanged between you and the Alabama Board of Pardons and Paroles concerning the felony convictions of anyone whom you are/were helping “(1) determine whether they may be eligible to register to vote, (2) attempt to register to vote, (3) determine whether they may be eligible for a CERV, and[/or] (4) apply for a CERV.” Complaint, doc. 1, at ¶ 63.

RESPONSE: This request is duplicative of Request for Production No. 1. Any documents responsive to Request for Production No. 16 would also fall under the broad scope of Request for Production No. 1. Therefore, Plaintiff GBM's response to the request is identical to the Request for Production No. 1.

Plaintiff GBM objects to this request as unduly burdensome and not proportional to the needs of the case because the burden and expense of the proposed discovery outweighs its likely benefit and the burden would fall on GBM, which has very limited resources—technological, administrative, human and financial resources—to undertake those tasks. Moreover, Plaintiff GBM objects to this request since any responsive documents are equally in the custody, possession, or control of Defendants.

Plaintiff GBM does not track each and every engagement it has with community members regarding voter registration and Certificates of Eligibility to

Register to Vote (CERVs) for people with convictions or the time spent on those activities. Instead, Plaintiff GBM seeks to assist any and all community members that it can in navigating the current felony disenfranchisement scheme. Therefore, the evidence the State Defendants seek will be most effectively and efficiently attained through a deposition or interrogatories.

The State Defendants' request seeks documents from the past ten years. There is no reason to believe that a ten-year scope of discovery is necessary or proportional to the relevance or importance of any responsive documents. The request also encompasses "all documents" related to the described topics. While the State Defendants' requests do not define the term "documents," this term could encompass emails and other electronic documents that would require extensive and burdensome searching that is unlikely to produce many or any relevant documents.

Plaintiff GBM also objects to this request because it seeks documents and information entirely within Defendants' possession, custody, or control.

Plaintiff GBM is not aware of written communications responsive to this request. Plaintiff GBM's ordinary communications on these issues are either in-person or by phone.

REQUEST FOR PRODUCTION NO. 17: Produce all documents and correspondence exchanged between you and the Alabama Board of Pardons and Paroles concerning felon voting generally.

RESPONSE: Plaintiff GBM objects to this request as unduly burdensome and not proportional to the needs of the case because the burden and expense of the proposed discovery outweighs its likely benefit and the burden would fall on GBM, which has very limited resources—technological, administrative, human and financial resources—to undertake those tasks. Moreover, Plaintiff GBM objects to this request since any responsive documents are equally in the custody, possession, or control of Defendants.

Plaintiff GBM does not track each and every engagement it has with community members regarding voter registration and Certificates of Eligibility to Register to Vote (CERVs) for people with convictions or the time spent on those activities. Instead, Plaintiff GBM seeks to assist any and all community members that it can in navigating the current felony disenfranchisement scheme. Therefore, the evidence the State Defendants seek will be most effectively and efficiently attained through a deposition or interrogatories.

The State Defendants' request seeks documents from the past ten years. There is no reason to believe that a ten-year scope of discovery is necessary or proportional to the relevance or importance of any responsive documents. The request also encompasses "all documents" related to the described topics. While the State Defendants' requests do not define the term "documents," this term could encompass emails and other electronic documents that would require extensive and burdensome searching that is unlikely to produce many or any relevant documents.

Plaintiff GBM also objects to this request because it seeks documents and information entirely within Defendants' possession, custody, or control.

Plaintiff GBM is not aware of written communications responsive to this request. Plaintiff GBM's ordinary communications on these issues are either in-person or by phone.

REQUEST FOR PRODUCTION NO. 18: Produce all documents and correspondence exchanged between you and any Alabama Board of Registrars' office concerning the felony convictions of anyone whom you are/were helping "(1) determine whether they may be eligible to register to vote, (2) attempt to register to vote, (3) determine whether they may be eligible for a CERV, and[or] (4) apply for a CERV." Complaint, doc. 1, at ¶ 63.

RESPONSE: This request is duplicative of Request for Production No. 1. Any documents responsive to Request for Production No. 18 would also fall under the broad scope of Request for Production No. 1. Therefore, Plaintiff GBM's response to the request is identical to the Request for Production No. 1.

Plaintiff GBM objects to this request as unduly burdensome and not proportional to the needs of the case because the burden and expense of the proposed discovery outweighs its likely benefit and the burden would fall on GBM, which has very limited resources—technological, administrative, human and financial resources—to undertake those tasks. Moreover, Plaintiff GBM objects to this request since any responsive documents are equally in the custody, possession, or control of Defendants.

Plaintiff GBM does not track each and every engagement it has with community members regarding voter registration and Certificates of Eligibility to Register to Vote (CERVs) for people with convictions or the time spent on those activities. Instead, Plaintiff GBM seeks to assist any and all community members that it can in navigating the current felony disenfranchisement scheme. Therefore, the evidence the State Defendants seek will be most effectively and efficiently attained through a deposition or interrogatories.

The State Defendants' request seeks documents from the past ten years. There is no reason to believe that a ten-year scope of discovery is necessary or proportional to the relevance or importance of any responsive documents. The request also encompasses "all documents" related to the described topics. While the State Defendants' requests do not define the term "documents," this term could encompass emails and other electronic documents that would require extensive and burdensome searching that is unlikely to produce many or any relevant documents.

Plaintiff GBM also objects to this request because it seeks documents and information within Defendants' possession, custody, or control and/or more easily available to Defendants.

Plaintiff GBM is not aware of written communications responsive to this request. Plaintiff GBM's ordinary communications on these issues are either in-person or by phone.

REQUEST FOR PRODUCTION NO. 19: Produce all documents and correspondence exchanged between you and the Secretary of State's office concerning the felony convictions of anyone whom you are/were helping "(1) determine whether they may be eligible to register to vote, (2) attempt to register to vote, (3) determine whether they may be eligible for a CERV, and[or] (4) apply for a CERV." Complaint, doc. 1, at ¶ 63.

RESPONSE: This request is duplicative of Request for Production No. 1. Any documents responsive to Request for Production No. 19 would also fall under the broad scope of Request for Production No. 1. Therefore, Plaintiff GBM's response to the request is identical to the Request for Production No. 1.

Plaintiff GBM objects to this request as unduly burdensome and not proportional to the needs of the case because the burden and expense of the proposed discovery outweighs its likely benefit and the burden would fall on GBM, which has very limited resources—technological, administrative, human and financial resources—to undertake those tasks. Moreover, Plaintiff GBM objects to this request since any responsive documents are equally in the custody, possession, or control of Defendants.

Plaintiff GBM does not track each and every engagement it has with community members regarding voter registration and Certificates of Eligibility to Register to Vote (CERVs) for people with convictions or the time spent on those activities. Instead, Plaintiff GBM seeks to assist any and all community members that it can in navigating the current felony disenfranchisement scheme. Therefore,

the evidence the State Defendants seek will be most effectively and efficiently attained through a deposition or interrogatories.

The State Defendants' request seeks documents from the past ten years. There is no reason to believe that a ten-year scope of discovery is necessary or proportional to the relevance or importance of any responsive documents. The request also encompasses "all documents" related to the described topics. While the State Defendants' requests do not define the term "documents," this term could encompass emails and other electronic documents that would require extensive and burdensome searching that is unlikely to produce many or any relevant documents.

Plaintiff GBM also objects to this request because it seeks documents and information entirely within Defendants' possession, custody, or control.

Plaintiff GBM is not aware of written communications responsive to this request. Plaintiff GBM's ordinary communications on these issues are either in-person or by phone.

REQUEST FOR PRODUCTION NO. 20: Produce all documents and correspondence exchanged between you and the Secretary of State's office concerning felon voting generally.

RESPONSE: Plaintiff GBM objects to this request as unduly burdensome and not proportional to the needs of the case because the burden and expense of the proposed discovery outweighs its likely benefit and the burden would fall on GBM, which has very limited resources—technological, administrative, human and

financial resources—to undertake those tasks. Moreover, Plaintiff GBM objects to this request since any responsive documents are equally in the custody, possession, or control of Defendants.

Plaintiff GBM does not track each and every engagement it has with community members regarding voter registration and Certificates of Eligibility to Register to Vote (CERVs) for people with convictions or the time spent on those activities. Instead, Plaintiff GBM seeks to assist any and all community members that it can in navigating the current felony disenfranchisement scheme. Therefore, the evidence the State Defendants seek will be most effectively and efficiently attained through a deposition or interrogatories.

The State Defendants' request seeks documents from the past ten years. There is no reason to believe that a ten-year scope of discovery is necessary or proportional to the relevance or importance of any responsive documents. The request also encompasses "all documents" related to the described topics. While the State Defendants' requests do not define the term "documents," this term could encompass emails and other electronic documents that would require extensive and burdensome searching that is unlikely to produce many or any relevant documents.

Plaintiff GBM also objects to this request because it seeks documents and information entirely within Defendants' possession, custody, or control.

Plaintiff GBM is not aware of written communications responsive to this request. Plaintiff GBM's ordinary communications on these issues are either in-person or by phone.

REQUEST FOR PRODUCTION NO. 21: Produce all documents and correspondence concerning voting rights exchanged between you and The Ordinary People Society (TOPS), the Rev. Kenneth Glasgow, or any persons acting on behalf of TOPS or Rev. Glasgow.

RESPONSE: Plaintiff GBM objects to this request as unduly burdensome and neither relevant nor proportional to the needs of this case. Neither The Ordinary People Society (TOPS) nor Reverend Kenneth Glasgow is a party to this action. The request does not reach any relevant documents that would not be covered by other requests, appears intended to harass a third party individual, and responsive documents could have private information of a third party individual. While Plaintiff GBM is not aware of any responsive documents, it will not conduct a search for responsive documents.

REQUEST FOR PRODUCTION NO. 22: Produce all documents evidencing your efforts (outside this litigation) to change Alabama's laws concerning felon voting.

RESPONSE: Plaintiff GBM objects to this request as unduly burdensome and not proportional to the needs of the case because the burden and expense of the proposed discovery outweighs its likely benefit and the burden would fall on GBM, which has very limited resources—technological, administrative, human and financial resources—to undertake those tasks. Moreover, Plaintiff GBM objects to

this request since many responsive documents are equally in the custody, possession, or control of Defendants.

The State Defendants' request seeks documents from the past ten years. There is no reason to believe that a ten-year scope of discovery is necessary or proportional to the relevance or importance of any responsive documents. The request also encompasses "all documents" related to the described topics. While the State Defendants' requests do not define the term "documents," this term could encompass emails and other electronic documents that would require extensive and burdensome searching that is unlikely to produce many or any relevant documents.

Plaintiff GBM does not engage in formal lobbying and is not aware of any responsive documents.

REQUEST FOR PRODUCTION NO. 23: Produce all documents related to Secretary of State Merrill's Voter Disenfranchisement and Restoration of Voting Rights Exploratory Committee.

RESPONSE: Plaintiff GBM objects to this request as unduly burdensome and not proportional to the needs of the case because the burden and expense of the proposed discovery outweighs its likely benefit and the burden would fall on GBM, which has very limited resources—technological, administrative, human and financial resources—to undertake those tasks. Moreover, Plaintiff GBM objects to this request since any responsive documents are equally in the custody, possession, or control of Defendants.

The State Defendants’ request seeks documents from the past ten years. There is no reason to believe that a ten-year scope of discovery is necessary or proportional to the relevance or importance of any responsive documents. The request also encompasses “all documents” related to the described topics. While the State Defendants’ requests do not define the term “documents,” this term could encompass emails and other electronic documents that would require extensive and burdensome searching that is unlikely to produce many or any relevant documents.

Plaintiff GBM also objects to this request because it seeks documents and information entirely within Defendants’ possession, custody, or control.

Plaintiff GBM is not aware of any responsive documents. Plaintiff GBM was not invited to participate in Secretary of State Merrill’s Voter Disenfranchisement and Restoration of Voting Rights Exploratory Committee.

REQUEST FOR PRODUCTION NO. 24: Produce all documents related to the drafting, legislative process, enactment, and implementation of Act No. 2017-378.

RESPONSE: Plaintiff GBM objects to this request as unduly burdensome and not proportional to the needs of the case because the burden and expense of the proposed discovery outweighs its likely benefit and the burden would fall on GBM, which has very limited resources—technological, administrative, human and financial resources—to undertake those tasks. Moreover, Plaintiff GBM objects to this request since any responsive documents are equally in the custody, possession, or control of Defendants.

The State Defendants' request seeks documents from the past ten years. There is no reason to believe that a ten-year scope of discovery is necessary or proportional to the relevance or importance of any responsive documents. The request also encompasses "all documents" related to the described topics. While the State Defendants' requests do not define the term "documents," this term could encompass emails and other electronic documents that would require extensive and burdensome searching that is unlikely to produce many or any relevant documents.

Plaintiff GBM also objects to this request because it seeks documents and information within Defendants' possession, custody, or control.

Plaintiff GBM is not aware of any responsive documents beyond those already produced. Plaintiff GBM was not invited participate in any activities with the responsible state officials for drafting, legislative process, enactment, and implementation of Act No. 2017-378

REQUEST FOR PRODUCTION NO. 25: Produce all documents evidencing your efforts (outside this litigation) to educate the public generally or any subset of the public, including individual felons, about the enactment and/or implementation of Act No. 2017-378.

RESPONSE: This request is duplicative of Request for Production No. 1. Any documents responsive to Request for Production No. 25 would also fall under the broad scope of Request for Production No. 1. Therefore, Plaintiff GBM's response to the request is identical to the above.

Plaintiff GBM objects to this request as unduly burdensome and not proportional to the needs of the case because the burden and expense of the proposed discovery outweighs its likely benefit and the burden would fall on GBM, which has very limited resources—technological, administrative, human and financial resources—to undertake those tasks.

Plaintiff GBM does not track each and every engagement it has with community members regarding voter registration and Certificates of Eligibility to Register to Vote (CERVs) for people with convictions or the time spent on those activities. Instead, Plaintiff GBM seeks to assist any and all community members that it can in navigating the current felony disenfranchisement scheme. Therefore, the evidence the State Defendants seek will be most effectively and efficiently attained through a deposition or interrogatories.

The State Defendants' request seeks documents from the past ten years. There is no reason to believe that a ten-year scope of discovery is necessary or proportional to the relevance or importance of any responsive documents. The request also encompasses "all documents" related to the described topics. While the State Defendants' requests do not define the term "documents," this term could encompass emails and other electronic documents that would require extensive and burdensome searching that is unlikely to produce many or any relevant documents.

Plaintiff GBM objects to this request to the extent it seeks information or documents regarding specific individuals that GBM has assisted. The privacy

interests of those third party individuals outweigh the minimal value and relevance of those documents.

Subject to the above objections, Plaintiff GBM will produce the relevant, nonprivileged documents that do not include private information of third-party individuals that it has identified in its files through a reasonable and bounded search by individuals with knowledge of potentially relevant documents.

REQUEST FOR PRODUCTION NO. 26: Produce all documents supporting your allegation that “Section 177(b) of the Alabama Constitution, which codifies Amendment 579, . . . purposefully denies equal protection in registering and voting . . . on account of race.” Complaint, doc. 1, at ¶ 166.

RESPONSE: Plaintiff GBM objects to this request because it fails to describe with reasonable particularity each item or category of items sought to be produced. This request relates to a legal argument premised on several distinct legal and factual questions. Because Fed. R. Civ. P. 26 imposes upon Plaintiffs a duty to supplement their discovery responses, complying with contention discovery request would require Plaintiffs to continually supplement its responses each time it receives an additional document or information concerning the legal contention to which the discovery request is related. Therefore, this request is not proportional, overbroad, vague, and, most importantly, fails to identify the specific documents or category of documents sought.

Plaintiff GBM also objects to this request because it seeks documents and information within Defendants' possession, custody, or control and/or more easily available to Defendants.

Plaintiff GBM is not aware of any responsive documents in their possession, custody, or control that have not already been produced.

REQUEST FOR PRODUCTION NO. 27: Produce all documents supporting your allegation that "Section 177(b) of the Alabama Constitution, which codifies Amendment 579, . . . purposefully denies and abridges the right to register and vote . . . on account of race or previous condition of servitude." Complaint, doc. 1, at ¶ 168.

RESPONSE: Plaintiff GBM objects to this request because it fails to describe with reasonable particularity each item or category of items sought to be produced. This request relates to a legal argument premised on several distinct legal and factual questions. Because Fed. R. Civ. P. 26 imposes upon Plaintiffs a duty to supplement their discovery responses, complying with contention discovery request would require Plaintiffs to continually supplement its responses each time it receives an additional document or information concerning the legal contention to which the discovery request is related. Therefore, this request is not proportional, overbroad, vague, and, most importantly, fails to identify the specific documents or category of documents sought.

Plaintiff GBM also objects to this request because it seeks documents and information within Defendants' possession, custody, or control and/or more easily available to Defendants.

Plaintiff GBM is not aware of any responsive documents in their possession, custody, or control that have not already been produced.

REQUEST FOR PRODUCTION NO. 28: Produce all documents supporting your allegation that Section 177(b) of the Alabama Constitution is punitive.

RESPONSE: Plaintiff GBM objects to this request because it fails to describe with reasonable particularity each item or category of items sought to be produced. This request relates to a legal argument premised on several distinct legal and factual questions. Because Fed. R. Civ. P. 26 imposes upon Plaintiffs a duty to supplement their discovery responses, complying with contention discovery request would require Plaintiffs to continually supplement its responses each time it receives an additional document or information concerning the legal contention to which the discovery request is related. Therefore, this request is not proportional, overbroad, vague, and, most importantly, fails to identify the specific documents or category of documents sought.

Plaintiff GBM also objects to this request because it seeks documents and information within Defendants' possession, custody, or control and/or more easily available to Defendants.

Plaintiff GBM is not aware of any responsive documents in their possession, custody, or control that have not already been produced.

Respectfully submitted,

s/ Danielle Lang

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CERTIFICATE OF SERVICE

Pursuant to an agreement memorialized in the Report of the Parties' Planning Meeting, electronic service is acceptable for this document. I hereby certify that I have served a copy of the foregoing document on Misty Messick (mmessick@ago.state.al.us), Andrew Brasher (abrasher@ago.state.al.us), Winfield J. Sinclair (wsinclair@ago.state.al.us), Laura E. Howell (lhowell@ago.state.al.us), and Brad Chynoweth (bchynoweth@ago.state.al.us), counsel for the State Defendants, *via* email the 19th day of April 2018.

s/ Danielle Lang

Danielle Lang
Counsel for Plaintiffs and Plaintiff Class

State of Alabama Mail-In Voter Registration FormNVRA-2
2015.02.09

FOR USE BY U.S. CITIZENS ONLY ♦ FILL IN ALL BOXES ON THIS FORM ♦ PLEASE USE INK ♦ PRINT LEGIBLY

You can use this form to:

- ▶ Register to vote in Alabama.
- ▶ Update your voter registration record, if you have changed your name or address.

Deadline for submitting application:

Voter registration and updating of voter records is closed during the 14 days prior to each election in Alabama.

To register to vote in the State of Alabama, you must:

- ▶ Be a citizen of the United States.
- ▶ Reside in Alabama.
- ▶ Be at least 18 years of age on or before election day.
- ▶ Not have been convicted of a disqualifying felony, or if you have been convicted, you must have had your civil rights restored.
- ▶ Not have been declared "mentally incompetent" by a court.

ID requested: You may send with this application a copy of valid photo identification. You will be required to present valid photo identification when you vote at your polling place or by absentee ballot, unless exempted by law. For more information, go to www.AlabamaVoterID.com or call the Elections Division: 800-274-8683.

① Are you a citizen of the United States of America? <input type="checkbox"/> Yes <input type="checkbox"/> No		ATTENTION! If you answer "No" to either of these questions, do not complete this application.	
② Will you be 18 years of age on or before election day? <input type="checkbox"/> Yes <input type="checkbox"/> No			
③ Print Your Name: First _____ Middle _____ Last _____ Suffix _____		Alabama Driver's License or Non-Driver ID Number: STATE NUMBER	
④ Print Maiden Name / Former Name (if reporting a change of name) First _____ Middle _____ Last _____ Suffix _____		IF YOU HAVE NO ALABAMA DRIVER'S LICENSE OR ALABAMA NON-DRIVER ID NUMBER Last four digits of Social Security number: 	
⑤ Date of Birth (mm/dd/yyyy) _____		⑥ Primary Telephone () _____	
⑦ Email Address _____		<input type="checkbox"/> I do not have an Alabama driver's license or Alabama non-driver ID or a Social Security number.	
Addresses	Current	⑧ Address where you live: (Do not use post office box) Home Address (include apartment or other unit number if applicable) City _____ State _____ ZIP _____	
	 	Address where you receive your mail: Mailing Address, if different from Home Address City _____ State _____ ZIP _____	
	Old	Address where you were last registered to vote: (Do not use post office box) Former Address City _____ County _____ State _____ ZIP _____	

⑨ Sex (check one) <input type="checkbox"/> Female <input type="checkbox"/> Male	⑪ Place of Birth City _____ County _____ State _____ Country _____		
⑩ Race (check one) <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> American Indian <input type="checkbox"/> Hispanic <input type="checkbox"/> Other	⑫ Map / Diagram If your home has no street number or name, please draw a map of where your house is located. Please include roads and landmarks.		
⑬ Did you receive assistance? If you are unable to sign your name, who helped you fill out this application? Give name, address, and phone number (phone number is optional).			

REGISTRARS USE ONLY
 DATE ☐ APPROVED ☐ DENIED
 _____ (mm/dd/yyyy)
 County Pct _____
 City Pct _____
 Board member _____
 Board member _____
 Board member _____

Voter Declaration - Read and Sign Under Penalty of Perjury

<ul style="list-style-type: none"> ▶ I am a U.S. citizen ▶ I live in the State of Alabama ▶ I will be at least 18 years of age on or before election day ▶ I am not barred from voting by reason of a disqualifying felony conviction ▶ I have not been judged "mentally incompetent" in a court of law 	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.
--	---

YOUR SIGNATURE _____	DATE (mm/dd/yyyy) _____
-----------------------------	--------------------------------

If you falsely sign this statement, you can be convicted and imprisoned for up to five years.

The decision to register to vote is yours. If you decide to register to vote, the office at which you are submitting this application will remain confidential and will be used only for voter registration purposes. If you decline to register to vote, your decision will remain confidential and will be used only for voter registration purposes.



John H. Merrill - Secretary of State Questions? Call the Elections Division at 1-800-274-8683 or 334-242-7210

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To mail, put the address of your county Board of Registrars on the lines below.

YOUR ADDRESS:

MAIL TO:

BOARD OF REGISTRARS

PUT
FIRST
CLASS
STAMP
HERE

[illegible]



1411 K ST. NW, SUITE 1400 / WASHINGTON, DC 20005 / 202.736.2200

VOTING RIGHTS RESTORATION

A Manual for Activists and Advocates to Help People with
Convictions in Alabama Vote

In partnership with



CAMPAIGNLEGALCENTER.ORG

P001612

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For more information or assistance, call 202-736-2200 or visit
<http://www.campaignlegalcenter.org/news/blog/alabama-voting-rights-restoration-toolkit>

Introduction

In Alabama, the law regarding which people with past convictions can and cannot vote has been confusing. In 2017, the Alabama Legislature passed a new law clarifying the rules and likely enfranchising tens of thousands or more Alabamians. There are likely tens of thousands more Alabamians with past convictions who are eligible to receive a mandatory voting rights restoration if they apply.

But these laws will only empower voters if they know about their eligibility. Many people with convictions assume they are not eligible and many people with convictions have been wrongly told they are not eligible. This manual is designed to provide all the tools citizens with convictions, activists, and advocates need to help people in Alabama know if they can vote or to restore their right to vote.

Felony disenfranchisement laws silence the voices of over 6 million citizens who are banned from the polls today. As many as 75 percent of these disenfranchised voters are no longer in prison but are not able to vote.

Citizens with past felony convictions work and pay taxes, and should have a say in deciding their communities' and the nation's laws that directly impact their lives. Denying these citizens with past felony convictions the opportunity to fully integrate as members of society sends the message that they will permanently be treated as second-class citizens. Studies have shown that restoring the vote to persons leaving prison could aid their transition back into community life.

In addition, felony disenfranchisement laws are largely the legacy of the Jim Crow era, continue to primarily impact people of color, and therefore distort our democracy. Nearly half of voters disenfranchised through these laws are black. Disenfranchisement not only impacts citizens with past convictions themselves, but also disempowers the minority groups to which they belong.

Some U.S. states have no restrictions on voting, while others have a lifetime ban upon conviction. Twelve states, including Alabama, permanently disenfranchise some or all citizens convicted of felony offenses.

Alabama's law prevents some people from ever voting again even after they have fully served their sentence, while others are only able to restore their rights if they affirmatively apply. Alabama is one of 11 other states that restrict voting rights even after a person has served his or her prison sentence and is no longer on probation or parole. Based on the most recent estimates Alabama's law disenfranchises over

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<http://www.campaignlegalcenter.org/news/blog/alabama-voting-rights-restoration-toolkit>

286,000 people in the state: 7.6 per cent of the entire state-wide voting-age population and 15.1 per cent of the adult black male voting-age population.¹

The good news is that for many people with convictions, their voting rights can be restored. Alabama passed a new law in 2017 that clarified which convictions disqualify a person from voting, effectively giving the right to vote back to a large number of people who had lost or thought they had lost that right. For others who are disqualified, they may be able to restore their rights through a simple application to the state.

This manual first details how you can determine what a person's path to rights restoration will look like: if they ever lost their right to vote, whether they can apply to the state to have it restored, if they will need to remit their fines and fees, or if they will need a pardon. It then includes template versions of the paperwork a person may need to complete and contact information for some groups who can help further.

We hope that this information and materials will be of use to those who seek to strengthen democracy and their communities by empowering those whose voices have been silenced by felony disenfranchisement.

¹ These figures were estimated by the Sentencing Project before Alabama's 2017 law that re-enfranchised many.

For more information or assistance call 202-736-2200 or visit
<http://www.campaignlegalcenter.org/news/blog/alabama-voting-rights-restoration-toolkit>

The Path to Rights Restoration

This section details the steps to determining the voting rights of people with convictions in Alabama. It will help you determine whether an individual has the right to vote or has the ability to restore their right to vote. It includes many details to thoroughly give information about a range of possible situations. But for most people, rights restoration is not complicated and many of these footnotes and tips will not apply. Helping someone restore their rights can be as simple as glancing at the list of disqualifying convictions. If a person does not have a conviction on the disqualifying list, they can immediately register to vote. Even if a person needs to fill out the required paperwork to restore their rights, it often should not take more than ten minutes.

After you have read through this section or helped a few people through the process, it may be easier to refer to the short Rights Restoration Worksheet and the following flow chart when assisting a person with a conviction.

Step 1: Checking whether the person's conviction was disqualifying

In May 2017, Alabama passed a new law that effectively re-enfranchised many people who had lost their right to vote or thought that they had lost it because of their conviction(s).

Ask the person you are helping if they remember their exact conviction(s). Check the list on page 15 to see if the conviction(s) is on the list. If it is NOT on that list, **the person never lost their right to vote**. That means that they are eligible to register to vote now and need not take additional steps except for registering like all other citizens. This is true regardless of whether of they are currently incarcerated² and whether they owe any legal financial obligations to the state. Skip to step 2 for information on registration.

If a person **does have** a disqualifying conviction, skip to step 3 for more information about rights restoration.

TIPS:

- Ask about the degree of a person's conviction. Many convictions in the third degree are not on the list, such as burglary 3rd.
- There are no drug-related crimes on the list except trafficking. Distribution and possession convictions are not disqualifying.

² People who have not lost their right to vote but are incarcerated are entitled to vote by absentee ballot. See part VI.

For more information or assistance, call 202-736-2200 or visit <http://www.campaignlegalcenter.org/news/blog/alabama-voting-rights-restoration-toolkit>

- Crimes prosecuted under the youthful offender statutes³ are not disqualifying.

It is important to know that many people were wrongly told by the state that had lost their right to vote before the 2017 law went into effect. If someone was told by the state, often by having their registration rejected or receiving a notice in the mail, that they had lost the right to vote before August 2017, there is a very real possibility that the information was incorrect. In other words, questions about a person's right to vote are not resolved by information they received from the state before August 2017.

Sometimes people cannot remember their exact convictions, maybe because they occurred a long time ago or because they were charged with something different than what they were convicted of. If this is the case, we or another group can help them look it up in the state's database. Please give us a call at 202-736-2200. Additionally, any attorney in Alabama with access to Alacourt can access this information. A person can also check in with the Board of Pardons and Paroles or local courthouse to access this information as well. Feel free to contact us for assistance.

Federal and out-of-state convictions may be disqualifying if their definitions mirror the state law crime on the disqualifying list.

Step 2: Registering to vote

A person may register to vote by filling out an online form, filling out and mailing to their local or the state-wide registrar's office the paper registration form found on pages 17-18, or by going to their local registrar's office in-person.

- To register online visit <http://sos.alabama.gov/alabama-votes/voter/register-to-vote>.
- To register by mail: Fill out the form on pages 17-18 and mail it to your local registrar's office, listed by county in the index.
- To register in person: Visit your local registrar's offices. Addresses are listed in the index.

The deadline to register to vote is days before an election. For up to date information on upcoming elections and deadlines, visit <http://sos.alabama.gov/alabama-votes/voter/upcoming-elections>

Occasionally people who are qualified to vote are denied registration by error. If you have determined that someone is eligible to vote and helped them register, you should check this website after 14 days to see if they are registered to vote:

³ Ala. Code § 15-19-1(-7).

For more information or assistance, call 202-736-2200 or visit
<http://www.campaignlegalcenter.org/news/blog/alabama-voting-rights-restoration-toolkit>

<https://myinfo.alabamavotes.gov/VoterView/RegistrantSearch.do> or call 1-800-274-8683.

If they are not in the system after two weeks, you can follow up with the local registrar's office or call Campaign Legal Center at 202-736-2200 and we will follow up.

Step 2(a). Registering incarcerated people to vote

If you are working with people who are currently incarcerated, step 1 should be performed in the same way as described above. Unfortunately, if a person who is incarcerated has been convicted of a disqualifying felony, they will not be able to restore their rights until their sentence is complete.

However, if an incarcerated person has not been convicted of a disqualifying felony, then they retain the right to vote. Their path to registration and casting their ballot, however, may be more complicated than for someone who is not incarcerated.

A. Registering to vote

The first step towards voting for someone who is incarcerated is to register to vote, either by mail or online. See above, Section 2. If a person wishes to vote at their last address before being incarcerated, they may, or they may use the address of the facility at which they are incarcerated.

The deadline to register to vote is fifteen days before an election.

B. Requesting an absentee ballot

People who are incarcerated can vote only by absentee ballot. They must fill out a form to request the ballot.

- A person who is detained outside of the county of their residence should mark the box stating that they will be out of the county on Election Day.⁴ A person who is detained inside their county of residence should mark the box that states they are unable to vote because of a physical illness or infirmity.⁵ A person who will use the address of the facility in which they are incarcerated as their residential address should similarly mark that they are unable to vote because of a physical illness or infirmity.

- Absentee ballot requests are specific to particular elections and will only cover elections within 42 days of each other. Practically speaking, this means a person will likely have to fill out a new application to receive a ballot for every primary and general

⁴ Ala. Op. Atty. Gen. No. 2001-052 (2000).

⁵ *Id.*

For more information or assistance call, 202-736-2200 or visit
<http://www.campaignlegalcenter.org/news/blog/alabama-voting-rights-restoration-toolkit>

election.

- Applications for absentee ballot must be *received* five days before an election. You may need to build in extra time to ensure that the ballot is received on time.

- Send each application in a separate envelope to the Absentee Election Manager in the county in which the voter is registered. The list of addresses for these managers can be found in the i de and online at <http://sos.alabama.gov/alabama-votes/absentee-election-manager-all-counties>.

C. Casting an absentee ballot

The absentee ballot should arrive by mail. You may assist the voter in giving instructions on how to properly submit the ballot, but should otherwise not be involved with the process of the casting the ballot.

The absentee ballot comes with three envelopes: one plain (the secrecy envelope), one with an affidavit, or oath, printed on the outside, and one plain envelope, pre addressed (the outer envelope). Once the voter casts the ballot, the procedure is as follows:

- i. Voter seals the ballot in the plain envelope
- ii. Voter places the plain envelope inside the accompanying affidavit envelope
- iii. Voter seals the affidavit envelope and completes the affidavit that is on the outside of the envelope
- iv. Voter signs the affidavit and have the signature witnessed by two witnesses 18 years of age or older
- v. Place the affidavit envelope and a COPY of voter identification inside the outer envelope

The ballot should be returned by mail and must be postmarked no later than the day prior to the election or received by the Absentee Election Manager no later than noon on Election Day.

Do not return multiple ballots in one envelope.

2(b). Voter ID requirements

Voters in Alabama are now required to present photo identification at the polls or to enclose a copy of identification in their absentee ballot application.

For more information or assistance, call 202-736-2200 or visit <http://www.campaignlegalcenter.org/news/blog/alabama-voting-rights-restoration-toolkit>

The following forms of ID are acceptable:

- Valid Driver's License
- Valid Non-driver ID
- Valid Alabama Photo Voter ID
- Valid State Issued ID (Alabama or any other state)
- Valid Federal Issued ID
- Valid US Passport
- Valid Employee ID from Federal Government, State of Alabama, County Government,
- Municipality, Board, Authority, or other entity of this state
- Valid student or employee ID from a college or university in the State of Alabama (including postgraduate technical or professional schools)
- Valid Military ID
- Valid Tribal ID

If you do not possess one of these forms of ID, you are eligible to receive a free voter ID. To get a free voter ID you must go in person to your local Board of Registrar's office, the Secretary of State's Office in Montgomery, or to one of the roving mobile units, the schedules for which are posted online.

For more information visit: <http://sos.alabama.gov/alabama-votes/voter/voter-id>

For the address of your local Board of Registrar's office, visit:

<http://sos.alabama.gov/alabama-votes/board-of-registrars-all-counties>

3. Requesting a Certificate of Eligibility to Register to Vote (CERV) for people with disqualifying convictions

Even if someone has a disqualifying conviction, as determined under step one, that does not mean they can never vote. Many people with convictions are eligible to restore their right to vote through a simple application process. Voters who meet the eligibility requirements for a CERV *must* be given a CERV that will allow them to register to vote within 44 days; it is not a discretionary process.

A. Determine eligibility for a CERV

A person is eligible if they meet all of the following four criteria:

- i. They do not have a conviction of impeachment, murder, rape, sodomy, sexual abuse, sexual crimes against children, or treason. (If they do have one of these convictions, skip to step 5 of this section);

For more information or assistance, call 202-736-2200 or visit
<http://www.campaignlegalcenter.org/news/blog/alabama-voting-rights-restoration-toolkit>

ii. They do not have any felony charges currently pending;

iii. They do not owe any outstanding fines, fees, or restitution from the disqualifying conviction (if they do, skip to step 3 of this section);

-It is important to note that outstanding fines, fees, or restitution are only relevant to voting rights if they are connected to a disqualifying conviction. For example, if someone has a conviction of Burglary 2nd (disqualifying) and Burglary 3rd (not disqualifying) and owes fines and fees under the Burglary 3rd conviction, they do not owe any relevant fines or fees for purposes of the CERV.

-For those who are not sure whether they owe fines, fees, or restitution, or are not sure which conviction they are connected with, this information can be looked up by us, another group, or they may call the Board of Pardons and Paroles to request it.

-If they do owe disqualifying fines, fees, or restitution, skip to section 4.

iv. Their sentence for the disqualifying conviction must be complete, including all probation and parole. If this is not yet the case, they can apply for a pardon (see step 4).

B. If eligible, fill out the form to request a CERV

If a person meets all of the above criteria, they are eligible for a CERV. CERV's are not discretionary – if a person meets the criteria the state must grant it within 44 days.⁶

There are four ways to apply for a CERV:

i. The person you are assisting may go in person to the local Board of Pardons and Paroles office and fill out a form there. Address for these office in each county can be found at: <http://www.pardons.state.al.us/Offices.aspx> and in the index of this packet.

This may be the best option for ensuring that a CERV is granted in a timely manner.

ii. Fill out and mail in the form on pages 21-22.

The person you are assisting or you should fill out as much information as possible. If you do not have some information or a section does not apply to the person you are helping, that may be okay as long as the form includes their name, mailing address, date of birth, list of all convictions (using the back if necessary), and their signature.

Important: the form must be signed. The form might not be processed without a

⁶ AL Code § 15-22-36.1(c)-(f).

physical signature.

Mail the form to the local Board of Pardons and Paroles office found here, <http://www.pardons.state.al.us/Offices.aspx>, and in the index OR to
The Alabama Board of Pardons and Paroles
PO Box 302405 Montgomery, AL 36130-2405

If you are working with a community organization, we recommend asking if you can make a record of the person's name and contact information, and note the date the request was sent, so that you may follow up with that person in 44 days to ensure that the CERV has arrived. If it has not, it is worth following up with the Board of Pardons and Paroles to find the root of the delay. Campaign Legal Center is tracking lengthy delays; please report these incidents to us.

iii. Call the Board of Pardons and Paroles at (334) 353-7771 or (334) 353-8067

iv. Email the form or all of the information requested on the form to pardons@paroles.alabama.gov, subject line: Request for "Certificate of Eligibility to Register to Vote."

After the person has received their CERV in the mail, they should make a copy and attach it to their completed voter registration form before submitting it to the state.

4. Request for remission of fines and fees

If a person owes outstanding fines, fees, or restitution that were imposed because of the disqualifying conviction, they are not yet eligible to restore their right to vote through the CERV process. They may, however, ask the Board of Pardons and Paroles to reduce or forgive those fees.

If a person has outstanding fines, fees, or restitution but they were imposed in connection with a conviction that was **not** a disqualifying felony, they are not a barrier to restoring their rights or registering to vote.

If they are not sure whether they owe fines, fees, or restitution or are unsure of which conviction they are related to, we or another organization with access to Alacourt can help them find out.

A person can request a reduction or forgiveness of fines, fees, or restitution:

-By filling out the form on pages 23-24 and mailing it to The Alabama Board of Pardons

For more information or assistance, call 202-736-2200 or visit
<http://www.campaignlegalcenter.org/news/blog/alabama-voting-rights-restoration-toolkit>

and Pardons, PO Box 302405, Montgomery, AL 36130-2405,

-By calling the Board of Pardons and Pardons at 334-353-7771 or 334-353-8067),

-Or by emailing a completed form or all the information requested on the form to pardons@paroles.alabama.gov, subject line: "Request for Remission of Fines and Fees"

The Board can only reduce or forgive fines and fees that have been imposed by the state of Alabama, not by other states or the United States government.⁷

5. Request for a pardon

If someone has a conviction of murder, rape, sodomy, sexual abuse, or sexual crimes against children, they are not eligible for a CERV but may still be able to restore their right to vote by seeking a pardon from the Board of Pardons and Pardons. Additionally, a person who is not eligible for a CERV because they are still on probation or because they owe outstanding fines and fees may also apply for a pardon. A person is not eligible for a pardon if they have been convicted of treason, impeachment, or if a death sentence has been imposed and not commuted.⁸

A pardon may be requested:

1. in writing: The Alabama Board of Pardons and Pardons, P.O. Box 302405, Montgomery, AL 36130-2405;
2. by phone: 334-353-7771 or 334-353-8067; or
3. by email: pardons@paroles.alabama.gov.

⁷ More information can be found on the Board of Pardons and Pardons' website: http://www.pardons.state.al.us/Rules.aspx#Article_Nine.

⁸ More information on pardons is found online with the Board of Pardons and Pardons: http://www.pardons.state.al.us/Rules.aspx#Article_Eight.

For more information or assistance, call 202-736-2200 or visit
<http://www.campaignlegalcenter.org/news/blog/alabama-voting-rights-restoration-toolkit>

Rights Restoration Worksheet

Name of Helper: _____ Date: _____

Name of Organization: _____

Name of Citizen: _____

Address: _____

Phone: _____ Email: _____

Date of Birth: _____

Step 1: Disqualifying Conviction(s)? (Check the list.)

If yes, write conviction(s) here and move to **step 2**: _____

If no, register to vote and follow up in two weeks. Date of registration: _____

Step 2: Eligible for CERV? Must meet all four of the following criteria:

____ No conviction of impeachment, murder, rape, sodomy, sexual abuse, sexual crimes against children or treason?

- If the citizen has one or more of the above convictions, fill out a pardon request form. Date pardon form submitted: _____

____ No felony charges currently pending?

____ No outstanding fines, fees, or restitution from a disqualifying conviction?

- If the citizen has fines, fees, or restitution in connection with a disqualifying conviction, fill out a form to request remission of fines and fees. Date remission request submitted: _____

____ Sentence is complete, including probation or parole?

- If the citizen is on probation, they may fill out a pardon request form. Date pardon form submitted: _____

Date CERV submitted: _____

For more information or assistance, call 202-736-2200 or visit
<http://www.campaignlegalcenter.org/news/blog/alabama-voting-rights-restoration-toolkit>

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<http://www.campaignlegalcenter.org/news/blog/alabama-voting-rights-restoration-toolkit>

Know Your Rights!

Voting for people with convictions

Disqualifying Conviction?*

*Only those listed on back of this sheet

No

You have the right to vote!
Even if you have not completed your sentence, have outstanding fines or fees, or have been wrongly told you cannot vote, **you never lost your voting rights.**

Register to vote now!

[http://
sos.alabama.gov/
alabama-votes/voter/
register-to-vote](http://sos.alabama.gov/alabama-votes/voter/register-to-vote)

Yes

Do you meet the criteria to apply for a Certificate of Eligibility to Register to Vote (CERV)?

- No conviction of impeachment, murder, rape, sodomy, sexual abuse, sexual crimes against children, or treason
- No felony charges currently pending
- No outstanding fines, fees, or restitution from your disqualifying conviction
- Sentence complete, including probation or parole

Yes

Fill out a form to apply to restore your right to vote. You should hear back within 44 days. Then, if you receive the CERV, you can register to vote.

[http://
www.pardons.state.al.us/
Pardons.aspx](http://www.pardons.state.al.us/Pardons.aspx)

No, because of outstanding fines and fees

You may ask the Board of Pardons and Paroles to remit your outstanding fines and fees.

[http://www.pardons.state.al.us/
Pardons.aspx](http://www.pardons.state.al.us/Pardons.aspx)

No, because of type of conviction

You may request a pardon with restoration of political rights from the Board of Pardons and Paroles.

[http://www.pardons.state.al.us/
Pardons.aspx](http://www.pardons.state.al.us/Pardons.aspx)

For more information and assistance, visit:

<http://www.campaignlegalcenter.org/news/blog/alabama-voting-rights-restoration-toolkit>

Disqualifying Felonies in Alabama

**If you have NOT been convicted of one of the following,
then you NEVER lost your right to vote, and you ARE eligible to register now.**

- Aggravated child abuse
- Assault (1st or 2nd degree)
- Attempt to commit an explosives or destructive device or bacteriological or biological weapons crime
- Bigamy
- Burglary (1st or 2nd degree)
- Conspiracy to commit an explosives or destructive device or bacteriological or biological weapons crime
- Dissemination or public display of obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts
- Distribution, possession with intent to distribute, production of, or offer or agreement to distribute or produce obscene material
- Electronic solicitation of a child
- Endangering the water supply
- Enticing a child to enter a vehicle for immoral purposes
- Facilitating solicitation of unlawful sexual conduct with a child
- Facilitating the online solicitation of a child
- Facilitating the travel of a child for an unlawful sex act
- Forgery (1st or 2nd degree)
- Hindrance or obstruction during detection, disarming, or destruction of a destructive device or weapon
- Hindering prosecution of terrorism
- Human trafficking (1st or 2nd degree)
- Incest
- Kidnapping (1st or 2nd degree)
- Manslaughter
- Murder (including non-capital, reckless, and felony murder)
- Parents or guardians permitting children to engage in production of obscene matter
- Possession or possession with intent to disseminate of obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts
- Possession, manufacture, transport, or distribution of a destructive device or bacteriological or biological weapon
- Possession, manufacture, transport, or distribution of a detonator, explosive, poison, or hoax device
- Possession or distribution of a hoax device represented as a destructive device or weapon
- Production of obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts
- Production or distribution of a destructive device or weapon intended to cause injury or destruction
- Prohibited acts in the offer, sale, or purchase of securities
- Rape (1st or 2nd degree)
- Robbery (1st, 2nd, or 3rd degree)
- Selling, furnishing, giving away, delivering, or distribution of a destructive device, a bacteriological weapon, or biological weapon to a person who is less than 21 years of age
- Sexual abuse (1st or 2nd degree)
- Sexual abuse of a child under 12 years old
- Sexual torture
- Sodomy (1st or 2nd degree)
- Soliciting or providing support for an act of terrorism
- Terrorism
- Theft of lost property (1st or 2nd degree)
- Theft of property (1st or 2nd degree)
- Theft of trademarks or trade secrets
- Torture or other willful maltreatment of a child under the age of 18
- Trafficking in cannabis, cocaine, or other illegal drugs or trafficking in amphetamine or methamphetamine
- Traveling to meet a child for an unlawful sex act
- Treason

For more information and assistance, visit:

<http://www.campaignlegalcenter.org/news/blog/alabama-voting-rights-restoration-toolkit>

State of Alabama Mail-In Voter Registration Form

NVRA
2015.02

FOR USE BY U.S. CITIZENS ONLY ♦ FILL IN ALL BOXES ON THIS FORM ♦ PLEASE USE INK ♦ PRINT LEGIBLY

You can use this form to:

- ▶ Register to vote in Alabama.
- ▶ Update your voter registration record, if you have changed your name or address.

Deadline for submitting application:

Voter registration and updating of voter records is closed during the 14 days prior to each election in Alabama.

To register to vote in the State of Alabama, you must:

- ▶ Be a citizen of the United States.
- ▶ Reside in Alabama.
- ▶ Be at least 18 years of age on or before election day.
- ▶ Not have been convicted of a disqualifying felony, or if you have been convicted, you must have had your civil rights restored.
- ▶ Not have been declared "mentally incompetent" by a court.

ID requested: You may send with this application a copy of valid photo identification. You will be required to present valid photo identification when you vote at your polling place or by absentee ballot, unless exempted by law. For more information, go to www.AlabamaVoterID.com or call the Elections Division: 800-274-8683.

① Are you a citizen of the United States of America?

☐ Yes ☐ No

② Will you be 18 years of age on or before election day?

☐ Yes ☐ No

ATTENTION! If you answer "No" to either of these questions, do not complete this application.

③ Print Your Name:

FirstMiddleLastSuffix

④ Print Maiden Name / Former Name (if reporting a change of name)

FirstMiddleLastSuffix

⑤ Date of Birth (mm/dd/yyyy)⑥ Primary Telephone⑦ Email Address

Alabama Driver's License or Non-Driver ID Number:

STATENUMBER

IF YOU HAVE NO ALABAMA DRIVER'S LICENSE OR ALABAMA NON-DRIVER ID NUMBER

Last four digits of Social Security number:

☐ I do not have an Alabama driver's license or Alabama non-driver ID or a Social Security number.

Addresses

Current

⑧ Address where you live: (Do not use post office box)

Home Address (include apartment or other unit number if applicable)CityStateZIP

Old

Address where you receive your mail:

Mailing Address, if different from Home AddressCityStateZIP

Address where you were last registered to vote: (Do not use post office box)

Former AddressCityCountyStateZIP

⑨ Sex (check one)

☐ Female ☐ Male

⑪ Place of Birth

CityCountyStateCountry

⑩ Race (check one)

☐ White ☐ Black

☐ Asian ☐ American Indian

☐ Hispanic ☐ Other

⑫ Map / Diagram

If your home has no street number or name, please draw a map of where your house is located. Please include roads and landmarks.

⑬ Did you receive assistance?

If you are unable to sign your name, who helped you fill out this application? Give name, address and phone number (phone number is optional).

REGISTRARS USE ONLY

DATE

☐ APPROVED ☐ DENIED

(mm/dd/yyyy)

County Pct

City Pct

Board member

Board member

Board member

Voter Declaration - Read and Sign Under Penalty of Perjury

▶ I am a U.S. citizen

▶ I live in the State of Alabama

▶ I will be at least 18 years of age on or before election day

▶ I am not barred from voting by reason of a disqualifying felony conviction

▶ I have not been judged "mentally incompetent" in a court of law


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.

YOUR SIGNATURE

DATE (mm/dd/yyyy)

If you falsely sign this statement, you can be convicted and imprisoned for up to five years.

The decision to register to vote is yours. If you decide to register to vote, the office at which you are submitting this application will remain confidential and will be used only for voter registration purposes. If you decline to register to vote, your decision will remain confidential and will be used only for voter registration purposes.

John H. Merrill - Secretary of State

Questions? Call the Elections Division at 1-800-274-8683 or 334-242-7210

P001628

To mail, put the address of your county Board of Registrars on the lines below.

AUTAUGA COUNTY PO Box 680036 Prattville 36068-0036 (334) 358-6740	CHEROKEE COUNTY 260 Cedar Bluff Rd Ste 106 Centre 35960-1403 (256) 927-5336	CRENSHAW COUNTY PO Box 328 Luverne 36049-0328 (334) 335-6568 x252 (334) 335-6568 x253	GENEVA COUNTY PO Box 430 Geneva 36340-0430 (334) 684-5655	LEE COUNTY PO Box 1530 Opelika 36803-1530 (334) 737-3635	MONTGOMERY COUNTY PO Box 1667 Montgomery 36102-1667 (334) 832-1215	TALLADEGA COUNTY 400 N Norton Ave Sylacauga 35150-2010 (256) 249-1007 (256) 249-1014
BALDWIN COUNTY PO Box 1507 Bay Minette 36507-1507 (251) 937-0305	CHILTON COUNTY PO Box 640 Clanton 35046-0640 (205) 755-3820	CULLMAN COUNTY 500 2nd Ave SW Ste 112 Cullman 35055-4135 (256) 775-4697 (256) 775-4750	GREENE COUNTY PO Box 224 Eutaw 35462-0224 (205) 372-9669	LIMESTONE COUNTY 100 Clinton St S Ste E Athens 35611-2665 (256) 233-6405	MORGAN COUNTY PO Box 668 Decatur 35602-0668 (256) 351-4660 (256) 351-4663	TALLADEGA COUNTY PO Box 6170 Talladega 35161-6170 (256) 761-2131 (256) 761-2132
BARBOUR COUNTY PO Box 402 Clayton 36016-0402 (334) 775-8579 303 E Broad St Rm 108 Eufaula 36027 (334) 687-1585	CHOCTAW COUNTY 117 S Mulberry Ave Ste 1 Butler 36904-0132 (205) 459-2531	DALE COUNTY PO Box 1101 Ozark 36361-1101 (334) 774-9038	HALE COUNTY 905D Centerville St Greensboro 36744-1536 (334) 624-4672	LOWNDES COUNTY PO Box 311 Hayneville 36040-0311 (334) 548-2389 (334) 548-2080	PERRY COUNTY PO Box 555 Marion 36756-0555 (334) 683-2218 x5	TALLAPOOSA COUNTY 125 N Broadnax St Rm 20 Dadeville 36853-1371 (256) 825-1081
BIBB COUNTY 8 Court Square W Centreville 35042 (205) 926-3102	CLARKE COUNTY PO Box 10 Grove Hill 36451-0010 (251) 275-3062	DALLAS COUNTY PO Box 987 Selma 36702-0987 (334) 774-9034	HENRY COUNTY 101 Court Square Ste K Abbeville 36310-2135 (334) 585-6080	MACON COUNTY 101 Rosa Parks Ave Ste 100 Tuskegee 36083-1735 (334) 724-2617	PICKENS COUNTY PO Box 173 Carrollton 35447-0173 (205) 367-2074	TUSCALOOSA COUNTY 2501 7th St Ste 200 Tuscaloosa 35401-1801 (205) 349-3870 x415
BLOUNT COUNTY 220 Second Ave E Rm B-5 Oneonta 35121 (205) 625-4182	CLAY COUNTY PO Box 446 Ashland 36251-0446 (256) 354-7815	DEKALB COUNTY 111 Grand Ave SW Ste 105 Fort Payne 35967 (256) 845-8598	HOUSTON COUNTY PO Box 6406 Dothan 36302-6406 (334) 677-4776	PIKE COUNTY 819 Cook Avenue NW Suite 150 Huntsville 35801-5983 (256) 532-3510 (256) 532-3519	PIKE COUNTY 120 W Church St Rm B2 Troy 36081-1913 (334) 566-1757 (334) 566-6449	WALKER COUNTY PO Box 1472 Jasper 35502-1472 (205) 384-7279
BULLOCK COUNTY 217 Prairie St N Rm 101 Union Springs 36089-1659 (334) 738-5372	CLEBURNE COUNTY 120 Vickery St Rm 103 Heflin 36264-1166 (256) 463-5299	ELMORE COUNTY 100 E Commerce St Rm 205 Wetumpka 36092-2746 (334) 567-1150 (334) 567-1197	JACKSON COUNTY PO Box 548 Scottsboro 35768-0548 (256) 574-9339 (256) 574-9335	MARENGO COUNTY PO Box 480715 Linden 36748-0715 (334) 295-2249 (334) 295-2086	RANDOLPH COUNTY PO Box 215 Wedowee 36278-0215 (256) 357-2138	WASHINGTON COUNTY PO Box 1224 Chatom 36518-1224 (251) 847-3255
BUTLER COUNTY 700 Court Sq Rm 8 Greenville 36037-2308 (334) 382-5685 (334) 382-6829	COFFEE COUNTY 6 County Complex New Brockton 36351-9791 (334) 894-5347	ESCAMBIA COUNTY PO Box 557 Brewton 36427-0557 (251) 867-0243 (251) 867-0312	JACKSON COUNTY PO Box 548 Scottsboro 35768-0548 (256) 574-9339 (256) 574-9335	MARION COUNTY PO Box 964 Hamilton 35570-0964 (205) 921-3625	RUSSELL COUNTY PO Box 700 Phenix City 36868-0700 (334) 298-1443 (334) 448-1508	WILCOX COUNTY PO Box 661 Camden 36726-0661 (334) 682-9753
CALHOUN COUNTY 1702 Noble St Ste 113 Anniston 36201-3889 (256) 241-2930	COLBERT COUNTY 201 N Main St Tuscumbia 35674-2095 (256) 386-8535	ETOWAH COUNTY 800 Forrest Ave Ste 206 Gadsden 35901-3651 (256) 549-5384	JACKSON COUNTY PO Box 548 Scottsboro 35768-0548 (256) 574-9339 (256) 574-9335	MARSHALL COUNTY 424 Blount Ave Ste 106A Guntersville 35976-1122 (256) 571-7740	SHELBY COUNTY PO Box 1642 Columbiana 35051-1642 (205) 669-3913	WINSTON COUNTY PO Box 459 Double Springs 35553-0459 (205) 489-3966
CHAMBERS COUNTY 18 Alabama Ave E Rm 101 LaFayette 36862 (334) 864-4313 610 S Gilmer Ave Lanett 36863 (334) 644-7781	CONECUH COUNTY 111 Court St Rm 102 Evergreen 36401 (251) 578-7024	FAYETTE COUNTY 103 First Ave NW Ste 4 Fayette 35555-2627 (205) 932-5432	JACKSON COUNTY PO Box 548 Scottsboro 35768-0548 (256) 574-9339 (256) 574-9335	MARSHALL COUNTY 424 Blount Ave Ste 106A Guntersville 35976-1122 (256) 571-7740	ST. CLAIR COUNTY 1815 Cogswell Ave Ste B-25 Pell City 35125 (205) 338-3954	SECRETARY OF STATE ELECTIONS DIVISION PO Box 5616 Montgomery 36103 (334) 242-7210 (800) 274-8683
CHAMBERS COUNTY 18 Alabama Ave E Rm 101 LaFayette 36862 (334) 864-4313 610 S Gilmer Ave Lanett 36863 (334) 644-7781	COOSA COUNTY PO Box 218 Rockford 35136-0218 (256) 377-2418	FRANKLIN COUNTY PO Box 70 Russellville 35653-0070 (256) 332-8849	LAMAR COUNTY PO Box 338 Vernon 35592-0338 (205) 695-6348 (205) 695-9197	MOBILE COUNTY 151 Government St Ste 165 Mobile 36602 (251) 574-8586 (251) 574-8587	SUMTER COUNTY PO Box 783 Livingston 35470-0783 (205) 652-7902	
CHAMBERS COUNTY 18 Alabama Ave E Rm 101 LaFayette 36862 (334) 864-4313 610 S Gilmer Ave Lanett 36863 (334) 644-7781	COVINGTON COUNTY 228 Hillcrest Dr Andalusia 36420-2570 (334) 428-2685		LAUDERDALE COUNTY PO Box 1059 Florence 35630-1059 (256) 760-5840 (256) 760-5841	MONROE COUNTY PO Box 972 Monroeville 36461-0972 (251) 743-4107 x141		

YOUR ADDRESS:

PUT
FIRST
CLASS
STAMP
HERE

MAIL TO:

BOARD OF REGISTRARS

APPLICATION FOR ABSENTEE BALLOT FORM AV-R1Return this
application
to:_____
COUNTY, ALABAMA**General Voter Information - Please provide complete information so that we may verify your eligibility to vote.**

Last Name (Please print)		First Name		Middle or Maiden Name		E-mail Address	
Street Address (address where you are registered to vote; do not use PO box)						City	State
ZIP							
Mail my ballot to the address where I regularly receive mail, if different from the street address provided above							
Precinct where you vote (name and/or location of your polling place)							
Date of Birth		Month	Day	Year	Driver's License Number		IF NO DRIVER'S LICENSE NUMBER
Home Telephone Number ()		Work Telephone Number ()		<div style="border: 1px solid black; width: 40px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div>		Last 4 digits of Social Security number	
				STATE		NUMBER	

For all registered voters**I hereby make application for an absentee ballot so that I may vote in the following election:**☐ Primary Election or Presidential Preference Primary

Select one:

☐ Democratic Party☐ Republican Party☐ Other _____☐ Amendments Only☐ Primary Runoff Election

Select one:

☐ Democratic Party☐ Republican Party☐ Other _____☐ Amendments Only☐ General Election☐ Special Election (specify) _____If a primary or runoff, check one: ☐ Democratic Party ☐ Republican Party

- Absentee ballots for elections more than 42 days apart must be requested on separate applications, unless you are a member of the armed forces, or a spouse or dependent of such person, or you are a United States citizen residing overseas.
- An application submitted by a member of the armed forces, or a spouse or dependent of such person, or a United States citizen residing overseas, is valid for all county, state and federal elections in the current calendar year.

I am applying for an absentee ballot because (check one box):☐ I will be out of the county or the state on election day.☐ I have a physical illness or infirmity which prevents my attendance at the polls.

☐ I have a physical illness or infirmity which prevents my attendance at the polls. I am unable to access my assigned polling place due to a neurological, musculoskeletal, respiratory (including speech organs), cardiovascular, or other life-altering disorder that affects my ability to perform manual tasks, stand for any length of time, walk unassisted, see, hear or speak **and**:

a) I am an elderly voter aged 65 or older; **or**

b) I am a voter with a disability.

☐ I work a shift which has at least ten (10) hours that coincide with the polling hours at my regular polling place.☐ I am enrolled as a student at an educational institution located outside the county of my personal residence, attendance at which prevents my attendance at the polls.☐ I am a member of, or a spouse or dependent of a member of, the Armed Forces of the United States or am otherwise similarly qualified to vote absentee pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff.

This application for an absentee ballot will be valid for all county, state, and federal elections held during this calendar year unless you specify an earlier expiration date here: _____.

☐ I have been appointed as an election officer at a polling place which is not my regular polling place.

When I apply for this absentee ballot, I understand that my name will be stricken from the list of qualified electors and, when I cast this absentee ballot, I understand that I will not be entitled to vote at my regular polling place.

Voter's Signature	Complete this section if voter signs by mark	Witness Signature
		Print Witness Name

The voter may hand this application to the Absentee Election Manager. The voter may also forward this application to the Absentee Election Manager by U.S. Mail [§17-11-3 and §17-11-4, Code of Alabama, 1975]. **Do not include more than one application per envelope if mailing.**

READ PENALTIES ON BACK

PENALTIES

§17-17-24, Code of Alabama, 1975, as amended

(a) Any person who willfully changes an absentee voter's ballot to the extent that it does not reflect the voter's true ballot, any person who willfully votes more than once by absentee ballot in the same election, any person who willfully votes for another voter or falsifies absentee ballot applications or verification documents so as to vote absentee, or any person who solicits, encourages, urges, or otherwise promotes illegal absentee voting, shall be guilty, upon conviction, of a Class C felony. Any person who willfully aids any person unlawfully to vote an absentee ballot, any person who knowingly and unlawfully votes an absentee ballot, and any voter who votes both an absentee and a regular ballot at any election shall be similarly punished.

(b) Upon request by the local district attorney or the Secretary of State, the Attorney General shall provide investigating assistance in instances of absentee ballot or voting violations.

(c) Nothing in this section shall be construed to impede or inhibit organized legal efforts to encourage voter participation in the election process or to discourage a candidate from encouraging electors to lawfully vote by absentee ballot.

Application for Certificate of Eligibility to Register to Vote (CERV)

To: The Alabama Board of Pardons and Paroles
PO Box 302405
Montgomery, AL 36130-2405
pardons@paroles.alabama.gov
(334) 353-7771, (334) 353-8067

From:

Date:

Re: Request for Certificate of Eligibility to Vote

I request that the Alabama Board of Pardons and Paroles restore my right to vote.

Name under which convicted:

Date of birth:

True name:

Social Security Number:

Sex:

Race:

AIS# (Alabama Prison #):

Current physical address:

Current mailing address:

Telephone number:

Work or alternate telephone number:

Complete list of convictions:

Conviction	County/State of Conviction	Year	Court Type (State/Federal)

Please mail my certificate of eligibility to register to vote (CERV) to the mailing address listed above. Under Alabama Law, the Board is required to respond to this application within 44 days. AL Code 15-22-36.1(c)-(f). Accordingly, I ask that you please mail my certificate of eligibility to register to vote (CERV) to the mailing address listed above within 44 days of the receipt of this application.

Sincerely,

Date:

Request for Remission of Fines and Fees

To: The Alabama Board of Pardons and Paroles
 PO Box 302405
 Montgomery, AL 36130-2405
 pardons@paroles.alabama.gov
 (334) 353-7771, (334) 353-8067

From:

Date:

Re: Request for Remission of Fines and Fees

I request that the Alabama Board of Pardons and Paroles completely remit my fines and fees, or if it will not, that it partially remit my fines and fees.

Name under which convicted:

Date of birth:

True name:

Social Security Number:

Sex:

Race:

AIS# (Alabama Prison #):

Current physical address:

Current mailing address:

Telephone number:

Work or alternate telephone number:

Complete list of convictions:

Conviction	County/State of Conviction	Year	Court Type (State/Federal)

Complete list of fines, fees, or restitution owed and fines, fees, or restitution paid:

Statement of Reasons:

Please let me know the Board's decision as soon as possible. Thank you for your consideration.

Sincerely,

Date:



Know Your Rights! Voting in Alabama for People with Convictions

Who can vote?

Under Alabama law, you have a right to vote if: You are a United States Citizen; you reside in Alabama; you are at least 18 years old; you have not been legally declared “mentally incompetent” by a court; **you have not been convicted of a disqualifying felony listed on the back of this page.**

What is a disqualifying felony?

As of August 2017, disqualifying felonies are *only* those listed on the back of this page. If you have not been convicted of one of the crimes listed on the back of this page, you do not have a disqualifying felony conviction and are eligible to vote.

What if I want to vote but my registration was rejected?

Before August 2017, the definition of disqualifying felonies was left up to individual registrars. This meant that some people were wrongly told they were ineligible to vote. **If you have NOT been convicted of a disqualifying felony, you ARE able to register right now, even if you were incorrectly told that you were ineligible.**

If I have a disqualifying conviction, can I get the right to vote back now that I am out of prison?

Maybe. A person with a disqualifying conviction can, sometimes, restore his or her right to vote by applying for a Certificate of Eligibility to Register to Vote (CERV).

You are eligible for a CERV if:

- You have not been convicted of one of the following crimes: Impeachment, murder, rape, sodomy, sexual abuse, sexual crimes against children, or treason.
- You do not have any felony charges currently pending.
- You have paid all legal fines and fees, as well as any victim restitution, ordered by the court that sentenced you for your disqualifying conviction.
- You completed your sentence, were pardoned, or completed probation or parole.

For more information about applying for a CERV, visit the Board of Pardons and Paroles website: <http://www.pardons.state.al.us/Pardons.aspx>. If you are not eligible for a CERV, you can apply for a pardon to restore your voting rights. Whether you receive a pardon is up to the Board of Pardons and Paroles.

What if I have more questions?

If you have additional questions or want help registering to vote or applying for a CERV, call Danielle Lang or Blair Bowie at (202) 736-2200 or visit <http://bit.ly/RestoreTheVote>.

Disqualifying Felonies in Alabama

**If you have NOT been convicted of one of the following,
then you NEVER lost your right to vote, and you ARE eligible to register now.**

- Aggravated child abuse
- Assault (1st or 2nd degree)
- Attempt to commit an explosives or destructive device or bacteriological or biological weapons crime
- Bigamy
- Burglary (1st or 2nd degree)
- Conspiracy to commit an explosives or destructive device or bacteriological or biological weapons crime
- Dissemination or public display of obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts
- Distribution, possession with intent to distribute, production of, or offer or agreement to distribute or produce obscene material
- Electronic solicitation of a child
- Endangering the water supply
- Enticing a child to enter a vehicle for immoral purposes
- Facilitating solicitation of unlawful sexual conduct with a child
- Facilitating the online solicitation of a child
- Facilitating the travel of a child for an unlawful sex act
- Forgery (1st or 2nd degree)
- Hindrance or obstruction during detection, disarming, or destruction of a destructive device or weapon
- Hindering prosecution of terrorism
- Human trafficking (1st or 2nd degree)
- Incest
- Kidnapping (1st or 2nd degree)
- Manslaughter
- Murder (including non-Capital, reckless, and felony murder)
- Parents or guardians permitting children to engage in production of obscene matter
- Possession and possession with intent to disseminate of obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts
- Possession, manufacture, transport, or distribution of a destructive device or bacteriological or biological weapon
- Possession, manufacture, transport, or distribution of a detonator, explosive, poison, or hoax device
- Possession or distribution of a hoax device represented as a destructive device or weapon
- Production of obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts
- Production or distribution of a destructive device or weapon intended to cause injury or destruction
- Prohibited acts in the offer, sale, or purchase of securities
- Rape (1st or 2nd degree)
- Robbery (1st, 2nd, or 3rd degree)
- Selling, furnishing, giving away, delivering, or distribution of a destructive device, a bacteriological weapon, or biological weapon to a person who is less than 21 years of age
- Sexual abuse (1st or 2nd degree)
- Sexual abuse of a child under 12 years old
- Sexual torture
- Sodomy (1st or 2nd degree)
- Soliciting or providing support for an act of terrorism
- Terrorism
- Theft of lost property (1st or 2nd degree)
- Theft of property (1st or 2nd degree)
- Theft of trademarks or trade secrets
- Torture or other willful maltreatment of a child under the age of 18
- Trafficking in cannabis, cocaine, or other illegal drugs or trafficking in amphetamine or methamphetamine
- Traveling to meet a child for an unlawful sex act
- Treason

Index and Other Resources

Upcoming Election Information

<http://sos.alabama.gov/alabama-votes/voter/upcoming-elections>

Voter ID information

Voter ID Guide:

<http://sos.alabama.gov/sites/default/files/AlabamaPhotoVoterIDGuide.pdf>

Application for free Voter ID: <http://sos.alabama.gov/sites/default/files/voter-pdfs/candidate-resources/ApplicationForFreeALPhotoVoterIdCard.pdf>

State Contact Information:

Complete list of Absentee Managers: <http://sos.alabama.gov/city-county-lookup/absentee-election-manager>

Complete list of Boards of Registrars: <http://sos.alabama.gov/alabama-votes/board-of-registrars-all-counties>

Complete list of Boards of Pardons and Paroles:
<http://www.pardons.state.al.us/Offices.aspx>

Other Organization Contact Information:

ACLU of Alabama

info@aclualabama.org

P.O. Box 6179

Montgomery, AL 36106

Phone: (334) 265-2754

<http://www.aclualabama.org>

Alabama Non-Violent Offenders Organization (Huntsville)

701 Andrew Jackson Way

Suite 118

Huntsville, AL 35801

Phone: (256) 288-3175

<http://www.anvoo.org/>

For more information or assistance, call 202-736-2200 or visit
<http://www.campaignlegalcenter.org/news/blog/alabama-voting-rights-restoration-toolkit>

Greater Birmingham Ministries (Birmingham)
2304 12th Avenue North
Birmingham, AL 35234
Phone (205) 326-6821
Fax (205) 252-8458
Email info@gbm.org
<http://gbm.org/>

Legal Services Alabama
Toll Free: 1-866-456-4995
<https://www.legalservicesalabama.org/>

Southern Poverty Law Center
400 Washington Ave.
Montgomery, AL 36104
(334) 956-8200 or Toll-Free at (888) 414-7752
<https://www.splcenter.org/>

The Ordinary People Society (Dothan)
403 West Powell St.
Dothan, AL 36303
Phone/Fax: (334) 671-2882
Email: TopsSociety@yahoo.com
<http://www.theordinarypeoplesociety.org/>

List of Disqualifying Convictions with Statute Numbers:

Listed under the Felony Voter Disqualification Act Codified as Code of Alabama (1975), section 17-3-30.1. Effective August 1, 2017 per Act #2017-378

- Murder – Section 13A-5-40 (A) 1-19
- Murder (Non-Capital, Reckless, Felony Murder, etc.) – Section 13A-6-2
- Manslaughter – Section 13A-6-3 Exceptions: 13A-6-20 (A) (5) and 13A-6-21
- Assault 1st Degree – Section 13A-6-20
- Assault 2nd Degree – Section 13A-6-21
- Kidnapping 1st Degree – Section 13A-6-43
- Kidnapping 2nd Degree – Section 13A-6-44
- Rape 1st Degree – Section 13A-6-61

For more information or assistance, call 202-736-2200 or visit
<http://www.campaignlegalcenter.org/news/blog/alabama-voting-rights-restoration-toolkit>

- Rape 2nd Degree – Section 13A-6-62
- Sodomy 1st Degree – Section 13A-6-63
- Sodomy 2nd Degree – Section 13A-6-64
- Sexual Torture – Section 13A-6-65.1
- Sexual Abuse 1st Degree – Section 13A-6-66
- Sexual Abuse 2nd Degree – Section 13A-6-67
- Sexual Abuse of a child less than 12 years old – Section 13A-6-69.1
- Enticing a child to enter a vehicle, house, etc. for immoral purposes – Section 13A-6-69
- Facilitating solicitation of unlawful sexual conduct with a child – Section 13A-6-121
- Electronic solicitation of a child – Section 13A-6-122
- Facilitating the on-line solicitation of a child – Section 13A-6-123
- Traveling to meet a child for an unlawful sex act – Section 13A-6-124
- Facilitating the travel of a child for an unlawful sex act – Section 13A-6-125
- Human Trafficking 1st Degree – Section 13A-6-152
- Human Trafficking 2nd Degree – Section 13A-6-153
- Terrorism – Section 13A-10-152
- Soliciting or providing support for an act of terrorism – Section 13A-10-153
- Hindering prosecution of terrorism – Section 13A-10-154
- Endangering the water supply – Section 13A-10-171
- Possession, manufacture, transport, or distribution of a destructive device or bacteriological weapon, or biological weapon – Section 13A-10-193
- Selling, furnishing, giving away, delivering, or distribution of a destructive device, a bacteriological weapon, or biological weapon to a person who is less than 21 years of age – Section 13A-10-194
- Possession, manufacture, transport, or distribution of a detonator, explosive, poison, or hoax device –Section 13A-10-195
- Possession or distribution of a hoax device represented as a destructive device or weapon – Section 13A-10-196 (c)
- Attempt to commit an explosives or destructive device or bacteriological or biological weapons crime – Section 13A-10-197
- Conspiracy to commit an explosives or destructive device or bacteriological or biological weapons crime – Section 13A-10-198
- Hindrance or obstruction during detection, disarming, or destruction of a destructive device or weapon – Section 13A-10-199
- Possession or distribution of a destructive device or weapon intended to cause injury or destruction – Section 13A-10-200
- Treason – Section 13A-11-2

For more information or assistance, call 202-736-2200 or visit
<http://www.campaignlegalcenter.org/news/blog/alabama-voting-rights-restoration-toolkit>

- Dissemination or public display of obscene matter containing visual depiction or persons under 17 years of age involved in obscene acts – Section 13A-12-191
- Possession and possession with intent to disseminate obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts – Section 13A-12-192
- Parents or guardians permitting children to engage in production of obscene matter – Section 13A-12-196
- Production of obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts – Section 13A-12-197
- Distribution, possession with intent to distribute, production of obscene material, or offer or agreement to distribute or produce – Section 13A-12-200.2
- Trafficking in cannabis, cocaine, or other illegal drugs or trafficking in amphetamine and methamphetamine – Section 13A-12-231
- Bigamy – Section 13A-13-1
- Incest – Section 13A-13-3
- Torture or other wilful maltreatment of a child under the age of 18 – Section 26-15-3
- Aggravated child abuse – Section 26-15-3.1
- Prohibited acts in the offer, sale, or purchase of securities – Section 8-6-17
- Burglary 1st Degree – Section 13A-7-5
- Burglary 2nd Degree – 13A-7-6
- Theft of Property 1st Degree – Section 13A-8-3
- Theft of Property 2nd Degree – Section 13A-8-4
- Theft of Lost Property 1st Degree – Section 13A-8-7
- Theft of Lost Property 2nd Degree – Section 13A-8-8
- Theft of trademarks or trade secrets – Section 13A-8-10.4
- Robbery 1st Degree – Section 13A-8-41
- Robbery 2nd Degree – Section 13A-8-42
- Robbery 3rd Degree – Section 13A-8-43
- Forgery 1st Degree – Section 13A-9-2
- Forgery 2nd Degree – Section 13A-9-3
- Any crime as defined by the laws of the United States or by the laws of another state, territory, country, or other jurisdiction, which, if committed in this state, would constitute one of the offenses listed in this subsection.

For more information or assistance, call 202-736-2200 or visit
<http://www.campaignlegalcenter.org/news/blog/alabama-voting-rights-restoration-toolkit>