

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

Treva Thompson, Timothy Lanier,	)	
Pamela King, and Darius Gamble,	)	
individually and behalf of all other	)	
similarly situated, and Greater	)	
Birmingham Ministries,	)	
	)	
Plaintiffs,	)	
	)	Civil Action No.
v.	)	2:16-cv-783-ECM-SMD
	)	Class Action
John H. Merrill, in his official capacity	)	
as Secretary of State, Cindy Sahlie, in	)	
her official capacity as Chair of the	)	
Montgomery County Board of Registrars,	)	
and Leigh Gwathney, in her official	)	
Capacity as Chair of the Board of Pardons	)	
and Paroles,	)	
	)	
Defendants.	)	

**STATE DEFENDANTS' AMENDED ANSWERS TO
CLASS-ACTION COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF (doc. 1)
– AND – PLAINTIFFS' SUPPLEMENTAL CLASS-ACTION COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF (doc. 93)**

**I. STATE DEFENDANTS' AMENDED ANSWER TO CLASS-ACTION COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF (doc. 1)**

PRELIMINARY STATEMENT

1. Admitted.
2. Denied.
3. As to the first sentence, the State Defendants lack sufficient information to admit or deny and therefore deny the same. As to the second sentence, admitted that one stated purpose of the 1901 Alabama Constitutional Convention was to establish white supremacy; the State

Defendants aver that the 1901 Alabama Constitution has been amended hundreds of times since then, including in pertinent part. As to the third sentence, denied.

4. This paragraph refers to *Hunter v. Underwood*, 471 U.S. 222 (1985), to which the State Defendants refer for its complete and accurate contents, or sets forth legal conclusions, to which no response is required. Admitted that, in 1996, the Alabama electorate adopted the current Suffrage and Elections Article of the Alabama Constitution, Ala. Const. art. VIII, § 177, which narrowed disenfranchisement from all felonies to those felonies involving moral turpitude. Otherwise denied.

5. The first sentence is denied. Admitted that Alabama's voter registration form requires applicants to declare under penalty of perjury that they have not been convicted of a disqualifying felony. Averred that Alabama's voter registration form points voter registration applicants to the Secretary of State's website at sos.alabama.gov/mtfelonies for a list of disqualifying felonies. Further averred that Alabama's voter registration form includes a toll-free phone number to call with questions. Otherwise denied.

6. Denied.

7. The "result" language is denied. As to the percentages, the State Defendants lack sufficient information to admit or deny and therefore deny the same.

8. To the extent that Plaintiffs intend to refer to *Richardson v. Ramirez*, 418 U.S. 24 (1974), or any other decision of the Supreme Court of the United States, the State Defendants refer to the Supreme Court's decision for its complete and accurate contents. This paragraph sets forth legal conclusions, to which no response is required. Otherwise denied.

9. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

10. Denied.

11. Admitted that the Plaintiffs seek the requested relief; denied that they are entitled to it. Averred that the claims arising under Section 2 of the Voting Rights Act have been dismissed.

JURISDICTION AND VENUE

12. Admitted that this court has jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343, excepting where jurisdiction fails to exist in any federal court for reasons such as sovereign immunity, mootness, and lack of standing. Denied that 52 U.S.C. § 10308(f) additionally supplies jurisdiction.

13. The State of Alabama has been dismissed, and thus no response is required as to the allegation concerning the State. Admitted that this court has personal jurisdiction over Secretary of State Merrill, Chair Gwathney (who has been substituted for Chair Head who was substituted for Chairman Walker), and Chair Sahlie (who has been substituted for Chairman Noblin). Admitted that the Secretary of State is elected and that Chair Sahlie is appointed to the Montgomery County Board of Registrars. Denied that Chair Gwathney is either an elected official or an appointed member of a Board of Registrars. Admitted the State Defendants live and work in Alabama. Otherwise denied.

14. The State Defendants do not contest venue.

15. Admitted.

LEGAL FRAMEWORK

16. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

17. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

18. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

19. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

20. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

21. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

22. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Otherwise denied.

23. Denied.

24. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Averred that the Opinion to Hon. William C. Segrest, Executive Director of the Board of Pardons and Paroles, dated March 18, 2005, A.G. Opinion No. 2005-092, has been superseded by legislation, *see* Ala. Code § 17-3-30.1.

25. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Averred that the Opinion to Hon. William C. Segrest, Executive Director of the Board of Pardons and Paroles, dated March 18, 2005, A.G. Opinion No. 2005-092, has been superseded by legislation, *see* Ala. Code § 17-3-30.1.

26. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Averred that the Opinion to Hon. William C. Segrest, Executive Director of the Board of Pardons and Paroles, dated March 18, 2005, A.G. Opinion No. 2005-092, has been superseded by legislation, *see* Ala. Code § 17-3-30.1.

27. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Averred that the Opinion to Hon. William C. Segrest, Executive Director of the Board of Pardons and Paroles, dated March 18, 2005, A.G. Opinion No. 2005-092, has been superseded by legislation, *see* Ala. Code § 17-3-30.1.

28. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Averred that the Opinion to Hon. William C. Segrest, Executive Director of the Board

of Pardons and Paroles, dated March 18, 2005, A.G. Opinion No. 2005-092, has been superseded by legislation, *see* Ala. Code § 17-3-30.1.

29. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Averred that the Opinion to Hon. William C. Segrest, Executive Director of the Board of Pardons and Paroles, dated March 18, 2005, A.G. Opinion No. 2005-092, has been superseded by legislation, *see* Ala. Code § 17-3-30.1.

30. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Averred that the Opinion to Hon. William C. Segrest, Executive Director of the Board of Pardons and Paroles, dated March 18, 2005, A.G. Opinion No. 2005-092, has been superseded by legislation, *see* Ala. Code § 17-3-30.1.

31. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Averred that the Opinion to Hon. William C. Segrest, Executive Director of the Board of Pardons and Paroles, dated March 18, 2005, A.G. Opinion No. 2005-092, has been superseded by legislation, *see* Ala. Code § 17-3-30.1. Otherwise denied.

32. Admitted, except that the number of felonies is denied and there is no Exhibit A. Averred that these memos have been superseded by legislation, *see* Ala. Code § 17-3-30.1, and were never authoritative.

33. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Averred that the AOC position was not to interpret the phrase moral turpitude but list

those felonies which had been specifically decided to involve moral turpitude; admitted it was not identical to the Opinion to Hon. William C. Segrest, Executive Director of the Board of Pardons and Paroles, dated March 18, 2005, A.G. Opinion No. 2005-092. Further averred that forgery 3rd and theft of property 3rd were enacted in their current state in 2015. Further averred that the *Segrest* Opinion and the AOC memos, which were never authoritative, have all been superseded by legislation, *see* Ala. Code § 17-3-30.1.

34. The first sentence is admitted. The remainder of the paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Further averred that the AOC memos, which were never authoritative, have all been superseded by legislation, *see* Ala. Code § 17-3-30.1.

35. Admitted that AOC distributed the list to circuit clerks, Judges of Probate, and sheriffs. Otherwise denied.

36. The first and second sentences are denied. Further averred that the AOC memos, which were never authoritative, have all been superseded by legislation, *see* Ala. Code § 17-3-30.1. The third sentence is admitted.

37. Admitted.

PARTIES

PLAINTIFFS

INDIVIDUAL PLAINTIFFS

38. Admitted that Plaintiff Thompson is black and resides in Huntsville, Alabama, in Madison County. She is 51 years old. Admitted that she was convicted of theft of property (1st degree) in 2005. Averred that theft of property (1st degree) is listed as a felony of moral turpitude in Ala. Code § 17-3-30.1, and that the Alabama courts had determined that theft is a crime

involving moral turpitude before Plaintiff Thompson's crime, *Stahlman v. Griffith*, 456 So.2d 287 (Ala. 1984). Admitted that theft of property (1st degree) is not a crime listed in Ala. Code § 15-22-36.1(g), and thus Plaintiff Thompson is not precluded from receiving a CERV on this basis. Admitted that Plaintiff Thompson was registered to vote before her conviction and that she was thereafter removed from the rolls. As to the remaining allegations, the State Defendants do not have sufficient information to admit or deny and therefore deny the same. Averred that at the time of her September 2018, deposition, Plaintiff Thompson did not remember trying to register to vote after her felony conviction, and that Exhibit 4 to her deposition is a January 2016 letter denying her application for voter registration based on a disqualifying felony conviction.

39. Admitted that Plaintiff Thompson meets the eligibility requirements for a CERV except for the requirement that she pay "all fines, court costs, fees, and victim restitution ordered by the sentencing court at the time of sentencing on the disqualifying cases," Ala. Code § 15-22-36.1(a)(3). Denied that Plaintiff Thompson must pay more than \$40,000 in order to be eligible for a CERV. Averred that nearly \$9,000 of Plaintiff Thompson's balance due is for a collection fee based on her failure to pay, and that this collection fee need not be paid before Plaintiff Thompson is eligible for a CERV. Admitted that Plaintiff Thompson was ordered to pay nearly \$36,000 in restitution as part of a guilty plea and that she has only paid about \$2,300 of this amount. Averred that the plea agreement says: "NOTE: A plea of indigence or poverty will not excuse the payment of restitution and the defendant is deemed to have hereby consented to the payment of restitution as a condition to this agreement." Plea Agreement, *State of Alabama v. Treva Thompson*, Case No. 47-CC-2004-003769.00 (Madison County, Ala. Circuit Court Aug. 1, 2005) (emphasis omitted).¹ Admitted that Plaintiff Thompson also owes less than \$100 for other items

¹ The court may take judicial notice of court documents from State proceedings. *Lozman v. City of Riviera Beach*, 713 F.3d 1066, 1075 n.9 (11th Cir. 2013).

that need to be paid in order for her to be eligible for a CERV. Averred that Plaintiff Thompson has not made a payment in more than four years. Admitted that Plaintiff Thompson made approximately \$13,500 in 2017. Admitted that Plaintiff Thompson wishes to vote. Otherwise denied.

40. Melissa Swetnam has been dismissed as a Plaintiff in this case, doc. 96, and thus no response is required.

41. Melissa Swetnam has been dismissed as a Plaintiff in this case, doc. 96, and thus no response is required.

42. Antwoine D. Giles has been dismissed as a Plaintiff in this case, doc. 179-1, and thus no response is required.

43. Anna Reynolds has been dismissed as a Plaintiff in this case, doc. 96, and thus no response is required.

44. Laura Corley has been dismissed as a Plaintiff in this case, doc. 179-1, and thus no response is required.

45. Larry Joe Newby has been dismissed as a Plaintiff in this case, doc. 96, and thus no response is required.

46. Mario Dion Yow has been dismissed as a Plaintiff in this case, docs. 107 & 180, and thus no response is required.

47. Jennifer Zimmer has been dismissed as a Plaintiff in this case, docs. 157 & 180, and thus no response is required.

48. Admitted that Plaintiff Lanier is black and that he resides in Birmingham, Alabama in Jefferson County. He is 53 years old. Admitted that Plaintiff Lanier was convicted of two counts of burglary (1st degree), two counts of attempted murder (of police officers during the

course of the burglary), and conspiracy to obtain drugs by fraud. Admitted that his convictions are not for crimes listed in Ala. Code § 15-22-36.1(g); however, Plaintiff Lanier is ineligible for a CERV because he is on parole for life. Averred that burglary (1st degree) is listed as a felony of moral turpitude in Ala. Code § 17-3-30.1. Further averred that Plaintiff Lanier's burglary (1st degree) conviction was based on his criminal actions in January 1995, which predates the 1996 constitutional amendment challenged in this case; at the time of Plaintiff's Lanier's criminal actions, Alabama disenfranchised all felons. Further averred that the Alabama courts determined that burglary involves moral turpitude before Plaintiff Lanier committed burglary. *See Ex parte McIntosh*, 443 So. 2d 1283 (Ala. 1983); *Matthews v. State*, 286 So.2d 91 (Ala. Crim. App. 1973). Denied that Plaintiff Lanier has never applied to register to vote in Alabama; averred that he attempted to register to vote in October 2015. Further averred that he testified in deposition that (prior to the effective date of Ala. Act No. 2017-378, which is codified at Ala. Code § 17-3-30.1) someone at Greater Birmingham Ministries encouraged him to submit a voter registration application in order to see whether he would be registered. Admitted that Plaintiff Lanier has never voted in Alabama. Admitted that he volunteers with the Empowerment Alliance which assists people who have been incarcerated, and that Plaintiff Lanier would like to vote. Otherwise denied.

49. Admitted that Plaintiff King is black and resides in Montgomery, Alabama in Montgomery County. She is 62 years old. Admitted that Plaintiff King was convicted of murder; averred that she was originally charged with capital murder. Averred that murder is listed as a felony of moral turpitude in Ala. Code § 17-3-30.1. Admitted that Plaintiff King is ineligible for a CERV pursuant to Ala. Code § 15-22-36.1(g), and averred that she is also ineligible because she is on lifetime parole. Further averred that Plaintiff King's murder conviction was based on her

criminal actions in 1995 or earlier, which predate the 1996 constitutional amendment challenged in this case; at the time of Plaintiff's King's criminal actions, Alabama disenfranchised all felons. Further averred that the Alabama courts determined that murder involves moral turpitude before Plaintiff King committed murder. *See Ex parte McIntosh*, 443 So. 2d 1283 (Ala. 1983). Denied that Plaintiff King was ever registered to vote in Montgomery County; averred that Plaintiff King testified at her deposition that she was registered to vote in Barbour County before the murder.

PLAINTIFF CLASS AND SUBCLASSES

50. The allegations in this paragraph have been superseded by the class allegations in the Supplemental Complaint, doc. 93, and thus no response is required.

51. The allegations in this paragraph have been superseded by the class allegations in the Supplemental Complaint, doc. 93, and thus no response is required.

52. The allegations in this paragraph have been superseded by the class allegations in the Supplemental Complaint, doc. 93, and thus no response is required.

53. The allegations in this paragraph have been superseded by the class allegations in the Supplemental Complaint, doc. 93, and all of the original plaintiffs seeking to represents the originally proposed Subclass B have been dismissed, and thus no response is required.

54. The allegations in this paragraph have been superseded by the class allegations in the Supplemental Complaint, doc. 93, and thus no response is required.

55. The allegations in this paragraph have been superseded by the class allegations in the Supplemental Complaint, doc. 93, and thus no response is required.

56. The allegations in this paragraph have been superseded by the class allegations in the Supplemental Complaint, doc. 93, and all of the original plaintiffs seeking to represents the originally proposed Subclass E have been dismissed, and thus no response is required.

57. The allegations in this paragraph have been superseded by the class allegations in the Supplemental Complaint, doc. 93, and thus no response is required.

58. The allegations in this paragraph have been superseded by the class allegations in the Supplemental Complaint, doc. 93, and thus no response is required.

59. The allegations in this paragraph have been superseded by the class allegations in the Supplemental Complaint, doc. 93, and thus no response is required.

60. The allegations in this paragraph have been superseded by the class allegations in the Supplemental Complaint, doc. 93, and thus no response is required.

ORGANIZATIONAL PLAINTIFF

61. The State Defendants admit that the allegation is consistent with what Greater Birmingham Ministries represents to the public, but lack sufficient information to admit or deny and therefore deny the same.

62. Admitted that Greater Birmingham Ministries has a stated goal of pursuing social justice in the governance of Alabama and that it engages in efforts that it believes are needed toward that end. Otherwise denied.

63. Admitted that Greater Birmingham Ministries does devote staff time and resources to helping those with felony convictions (1) determine whether they are eligible to register to vote; (2) complete voter registration applications; (3) determine whether they are eligible for a CERV; and, (4) apply for a CERV. Otherwise denied.

64. Admitted that Greater Birmingham Ministries does devote staff time and resources to helping those with felony convictions (1) determine whether they are eligible to register to vote; (2) complete voter registration applications; (3) determine whether they are eligible for a CERV; and, (4) apply for a CERV. Further admitted that so long as Greater Birmingham Ministries makes

the choice to engage in these activities, the time and resources spent on these activities will be unavailable for other activities. Otherwise denied.

DEFENDANTS

65. The State of Alabama has been dismissed from this case, doc. 179-01, and thus no response is required. Denied that Congress has abrogated the State's Eleventh Amendment immunity as to claims brought pursuant to Section 2 of the Voting Rights Act.

66. Admitted that John H. Merrill is the Secretary of State and is sued in his official capacity only. Admitted that the Secretary of State is the chief election official for the State. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

67. Averred that George Noblin has passed away, and that, pursuant to Fed. R. Civ. P. 25(d), Cindy Sahlie has been substituted as a defendant in this action as the current Chair of the Board of Registrars for Montgomery County, doc. 111. Admitted that Chair Sahlie is sued in her official capacity only. Denied that Chair Sahlie can alone act on voter registration. See doc. 113 at 10-11.

68. Denied. Averred that the Plaintiffs filed their motion for class certification, doc. 106, without seeking a defendant class, thus superseding this paragraph. Further averred no defendant class should be certified.

69. Averred that Cliff Walker is no longer the Chair of the Board of Pardons and Paroles; he was replaced by Lyn Head, who was, in turn, replaced by Leigh Gwathney, who has been substituted as the defendant in this action pursuant to Fed. R. Civ. P. 25(d). Docs. 131 & 172. Admitted that Chair Gwathney is sued in her official capacity, and that the Board reviews CERV applications and issues CERV's. This paragraph contains citation to authority, to which the

State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

CLASS ALLEGATIONS

70. The allegations in this paragraph have been superseded by the class allegations in the Supplemental Complaint, doc. 93, and thus no response is required.

71. The allegations in this paragraph have been superseded by the class allegations in the Supplemental Complaint, doc. 93, and thus no response is required.

72. Denied.

73. The allegations in this paragraph have been superseded by the class allegations in the Supplemental Complaint, doc. 93, and thus no response is required.

74. The allegations in this paragraph have been superseded by the class allegations in the Supplemental Complaint, doc. 93, and thus no response is required.

75. The allegations in this paragraph have been superseded by the class allegations in the Supplemental Complaint, doc. 93, and thus no response is required.

76. The allegations in this paragraph have been superseded by the class allegations in the Supplemental Complaint, doc. 93, and thus no response is required. Otherwise denied.

77. Averred that the Plaintiffs filed their motion for class certification, doc. 106, without seeking a defendant class, thus superseding this paragraph. Further averred no defendant class should be certified.

78. The allegations in this paragraph have been superseded by the class allegations in the Supplemental Complaint, doc. 93, and thus no response is required.

79. Averred that the Plaintiffs filed their motion for class certification, doc. 106, without seeking a defendant class, thus superseding this paragraph. Further averred no defendant class should be certified.

80. Averred that the Plaintiffs filed their motion for class certification, doc. 106, without seeking a defendant class, thus superseding this paragraph. Further averred no defendant class should be certified.

81. Averred that the Plaintiffs filed their motion for class certification, doc. 106, without seeking a defendant class, thus superseding this paragraph. Further averred no defendant class should be certified.

FACTUAL ALLEGATIONS

82. Denied.

83. The first sentence is denied. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. The State Defendants acknowledge that Alabama has a regrettable history with respect to slavery and excluding blacks from the vote. The State Defendants deny that said history is relevant to the issues in this case. The State Defendants aver that the challenged laws date to 1995 and thereafter, enfranchised more people, and were enacted with non-racial intent.

84. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Admitted that Alabama was a covered State under Section 4 of the Voting Rights Act. The State Defendants lack sufficient information to admit or deny the remaining allegations and therefore deny the same.

85. Denied.

86. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Admitted that Evergreen was bailed-in. Denied that the isolated events in Evergreen reflect on the State as a whole or are in any way relevant to the claims in this case.

87. Denied.

88. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same.

89. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same. Averred that Alabama in 2019 is not South Carolina in 1880.

90. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same. Averred that Alabama in 2019 is not Virginia in 1875.

91. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same. Averred that Alabama in 2019 is not North Carolina in 1875.

92. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. As to the remaining allegations, the State Defendants lack sufficient information to admit or deny and therefore deny the same. Averred that Alabama in 2019 is not Mississippi in 1890.

93. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same. The State Defendants acknowledge that Alabama

has a regrettable history with respect to slavery and excluding blacks from the vote. The State Defendants deny that said history is relevant to the issues in this case. The State Defendants aver that the challenged laws date to 1995 and thereafter, enfranchised more people, and were enacted with non-racial intent.

94. The first sentence is admitted. As to the remaining allegations, this paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. The State Defendants acknowledge that Alabama has a regrettable history with respect to slavery and excluding blacks from the vote. The State Defendants deny that said history is relevant to the issues in this case. The State Defendants aver that the challenged laws date to 1995 and thereafter, enfranchised more people, and were enacted with non-racial intent.

95. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. The State Defendants acknowledge that Alabama has a regrettable history with respect to slavery and excluding blacks from the vote. The State Defendants deny that said history is relevant to the issues in this case. The State Defendants aver that the challenged laws date to 1995 and thereafter, enfranchised more people, and were enacted with non-racial intent.

96. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. The State Defendants acknowledge that Alabama has a regrettable history with respect to slavery and excluding blacks from the vote. The State Defendants deny that said history is relevant to the issues in this case. The State Defendants aver that the challenged laws date to 1995 and thereafter, enfranchised more people, and were enacted with non-racial intent.

97. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

98. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. The State Defendants acknowledge that Alabama has a regrettable history with respect to slavery and excluding blacks from the vote. The State Defendants deny that said history is relevant to the issues in this case. The State Defendants aver that the challenged laws date to 1995 and thereafter, enfranchised more people, and were enacted with non-racial intent.

99. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. The State Defendants aver that there are at least two ways to read the quoted language: that is, the “thought to be more commonly committed by blacks” language may or may not carry back to the reference to moral turpitude. It more likely does *not* carry through, as the prior constitution already denied the vote to all felons. Ala. Const. of 1875, art. VIII, § 3 (“The following classes shall not be permitted to register, vote, or hold office: First.--Those who shall have been convicted of treason, embezzlement of public funds, malfeasance in office, larceny, bribery, *or other crime punishable by imprisonment in the penitentiary.*”) (emphasis added). The State Defendants further aver that, even if the quoted language does refer back to moral turpitude crimes, moral turpitude was used to apply to *all crimes* in 1901 but only *felonies* in 1996. Accordingly, the phrase moral turpitude had a different reach, and, as a result, the quote is not only not determinative, it is not even insightful.

100. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same. The State Defendants acknowledge that Alabama has a regrettable history with respect to slavery and excluding blacks from the vote. The State Defendants deny that said history is relevant to the issues in this case. The State Defendants aver that the challenged laws date to 1995 and thereafter, enfranchised more people, and were enacted with non-racial intent.

101. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same. The State Defendants acknowledge that Alabama has a regrettable history with respect to slavery and excluding blacks from the vote. The State Defendants deny that said history is relevant to the issues in this case. The State Defendants aver that the challenged laws date to 1995 and thereafter, enfranchised more people, and were enacted with non-racial intent.

102. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same. The State Defendants acknowledge that Alabama has a regrettable history with respect to slavery and excluding blacks from the vote. The State Defendants deny that said history is relevant to the issues in this case. The State Defendants aver that the challenged laws date to 1995 and thereafter, enfranchised more people, and were enacted with non-racial intent.

103. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same. The State Defendants acknowledge that Alabama has a regrettable history with respect to slavery and excluding blacks from the vote. The State Defendants deny that said history is relevant to the issues in this case. The State Defendants aver

that the challenged laws date to 1995 and thereafter, enfranchised more people, and were enacted with non-racial intent.

104. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same. The State Defendants acknowledge that Alabama has a regrettable history with respect to slavery and excluding blacks from the vote. The State Defendants deny that said history is relevant to the issues in this case. The State Defendants aver that the challenged laws date to 1995 and thereafter, enfranchised more people, and were enacted with non-racial intent.

105. The last sentence is denied. Otherwise, the State Defendants lack sufficient information to admit or deny and therefore deny the same. The State Defendants acknowledge that Alabama has a regrettable history with respect to slavery and excluding blacks from the vote. The State Defendants deny that said history is relevant to the issues in this case. The State Defendants aver that the challenged laws date to 1995 and thereafter, enfranchised more people, and were enacted with non-racial intent.

106. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Otherwise, the State Defendants lack sufficient information to admit or deny and therefore deny the same. The State Defendants acknowledge that Alabama has a regrettable history with respect to slavery and excluding blacks from the vote. The State Defendants deny that said history is relevant to the issues in this case. The State Defendants aver that the challenged laws date to 1995 and thereafter, enfranchised more people, and were enacted with non-racial intent.

107. Admitted.

108. The first sentence is admitted. The State Defendants admit that the final proposed language was the same as the language enacted in 1996: “No person convicted of a felony involving moral turpitude, or who is mentally incompetent, shall be qualified to vote until restoration of civil and political rights or removal of disability.” Denied that this is a simplification of the 1901 language; it is a substantive revision.

109. Denied that the 1973 proposal was a simplification; it is a substantive revision. Further denied that the Plaintiffs correctly characterize the commentary that accompanied the proposal. The State Defendants refer to that commentary for the complete and accurate contents, to wit:

Section 182.

This section presently operates to disqualify one from either voting or registering to vote when that person is an “idiot” or insane, or has been convicted of a crime at the time of ratification of the [1901] Constitution, or convicted of one of twenty-three specific crimes, including many felonies, among them is miscegenation, “or any crime punishable by imprisonment in the penitentiary,” or any infamous crime “or crime involving moral turpitude; or convicted of being a vagrant or tramp, or conviction for buying or selling his vote, *etc.*”

State constitutions commonly include like provisions disqualifying mental incompetents and persons convicted of crimes. As statutory offenses grow or change, their inclusion or exclusion becomes a matter of constitutional interpretation or constitutional amendment. Examples: (a) possession and sale of dangerous drugs; (b) no longer may miscegenation be a crime under the U.S. Constitution, *Loving v. Virginia*, 388 U.S. 1 (1966); (c) vagrancy as a disqualification may be unconstitutional, *Harper v. Va. State Bd. of Elections*, 383 U.S. 663 (1966). It would appear sufficient to describe such disqualifications in general terms, thus overcoming these objections and eliminating a long, scattered and redundant list of disqualifying crimes. Florida’s provision, Art. 6, § 4, is short and to the point: “No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability.” Maryland has a similar provision, Art. 1, § 2: “No person above the age of twenty-one years, convicted of larceny, or other infamous crime, unless pardoned by the Governor, shall ever thereafter be entitled to vote at any election in this State; and no persons under guardianship, as a lunatic, or, as a person *non compos mentis*, shall be entitled to vote.” Illinois’ Constitution directs the legislature to exclude from the right of

suffrage persons convicted of “infamous crimes,” and excludes idiots and insane persons by judicial decision.

(alternation in original; some italics added).

110. The first sentence is denied. As to the second sentence, State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same. Further, the State Defendants aver that this constitutional revision proposal was not enacted; this case concerns a 1995 proposal from the Alabama Legislature which was adopted by the 1996 Alabama electorate.

111. The first sentence is denied. The State Defendants admit that George Wallace was Governor in 1973, but aver that the constitutional revision effort was actually spearheaded by Lt. Governor Brewer and neither he nor his Commission had racial intent. The fourth sentence is admitted. As to the remaining allegations, the State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same.

112. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Admitted that misdemeanants challenged their disenfranchisement and that the courts found discriminatory intent motivated Section 182 of the 1901 Constitution. Denied that the courts found that the constitutional problem was in the use of the moral turpitude standard. Denied that the decision had any impact on Alabama’s then-continued disenfranchisement of all felons.

113. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

114. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

115. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

116. Admitted that Amendment 579 was adopted in 1996; otherwise denied. Averred that Amendment 579 used the same language proposed by Lt. Governor Brewer, Governor James, and Lt. Governor Baxley in their constitutional reform efforts. Denied that any of them, their committees, the 1995 Alabama Legislature, or the 1996 voters acted with racial intent.

117. Admitted. Averred that Amendment 579 used the same language proposed by not only Lt. Governor Brewer, but also Governor James and Lt. Governor Baxley in their constitutional reform efforts. Denied that any of them, their committees, the 1995 Alabama Legislature, or the 1996 voters acted with racial intent.

118. Admitted.

119. Admitted that Amendment 579 was non-controversial, contained housekeeping elements (and may have been presented as such), and was *not* presented as aimed at disenfranchising blacks. Averred that the sponsor, the Hon. Jack Venable, who is deceased, was known to not have a racist bone in his body and was embarrassed by the racially discriminatory provisions remaining in the Alabama Constitution. Averred that Amendment 579 narrowed the scope of disenfranchisement from all felonies to felonies of moral turpitude, and in no way carried forward the intent of the 1901 Constitutional Convention.

120. Denied.

121. Admitted that, in 2007, while he was Director of the Legal Division for the Administrative Office of Courts, Griffin Sikes wrote a memo containing the language in the allegations. Denied that his opinion is correct; Sikes has misinterpreted *Hunter v. Underwood*, 471 U.S. 222 (1985), to which the State Defendants refer for the complete and accurate contents. Further denied that Sikes' opinion is entitled to any weight. The State Defendants aver that Sikes' 2007 misinterpretation of a Supreme Court decision is no evidence of the intent of the 1995 Legislature or the 1996 electorate. Otherwise denied.

122. The first sentence is denied. Admitted that Governor James reinstituted "chain gangs"; denied that decision during his second term is relevant to his first term work on a proposal to revise the Alabama Constitution. As to the third sentence, the State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same. Otherwise denied.

123. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same.

124. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same.

125. Admitted that the chain gain allegations were settled. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

126. Admitted that the Alabama Legislature proposed Amendment 579 in 1995. Averred that the Governor has no official role in proposing constitutional amendments to the electorate; they are proposed based on passage by the Alabama Legislature alone. Averred that Amendment 579 was not hotly debated, and it narrowed the scope of disenfranchisement from all

felonies to felonies of moral turpitude. Otherwise, the State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same.

127. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same.

128. Denied.

129. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Otherwise denied.

130. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same.

131. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same.

132. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same.

133. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same.

134. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same.

135. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same.

136. Admitted that blacks comprise approximately one quarter of the State's voting age population. The State Defendants lack sufficient information to admit or deny the remaining allegations in this paragraph and therefore deny the same.

137. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same.

138. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same.

139. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same.

140. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same.

141. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same.

142. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same.

143. Admitted that Marc Meredith and Michael Morse conducted a study in 2013 and 2014. The study speaks for itself. The State Defendants do not concede the accuracy of the study, and demand strict proof of any portions on which the Plaintiffs rely. Averred that Alabama revised its CERV program in 2016 to make it easier to obtain a CERV. Pertinent here, Ala. Code § 15-22-36.1(a)(3) was revised to require that a felon seeking to take advantage of this gratuitous program must “have paid all fines, court costs, fees, and victim restitution ordered by the sentencing court *at the time of sentencing on disqualifying cases.*” (emphasis added). The emphasized language was added, thereby limiting which court-ordered monies had to be paid to achieve eligibility for a CERV. Otherwise denied.

144. Denied.

145. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

146. Denied.

147. Admitted that Alabama's voter registration form requires applicants to declare under penalty of perjury that they have not been convicted of a disqualifying felony. Averred that Alabama's voter registration form points voter registration applicants to the Secretary of State's website at sos.alabama.gov/mtfelonies for a list of disqualifying felonies. Further averred that Alabama's voter registration form includes a toll-free phone number to call with questions. Otherwise denied.

148. Denied.

149. Denied.

150. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Denied that any individual Member of the Board of Registrars, acting alone, can register a voter.

151. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

152. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Averred that the Secretary of State's office trains the Board of Registrars on their responsibilities and stands ready to offer guidance.

153. Denied.

154. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

155. Denied.

156. Denied.

157. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

158. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same.

159. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

160. Denied.

CLAIMS

**Count 1: Intentional Race Discrimination, 14th Amendment
(42 U.S.C. § 1983)
(All Plaintiffs² and Plaintiff Class³)
(Against Defendant Merrill, Defendant Sahlie, and Defendant Class⁴)**

161. Averred that Plaintiffs' incorporation of paragraphs 1 through 160 is characteristic of a disfavored shotgun pleading. *See Anderson v. Dist. Bd. of Tr. of Cent. Florida Cmty. Coll.*, 77 F.3d 364, 365-66 (11th Cir. 1996). Nonetheless, in the context of this Complaint and the proceedings to date, and in an abundance of caution, the State Defendants incorporate their responses set forth in paragraphs 1 through 160, above.

162. Admitted that, in a case or controversy brought by misdemeanants, the Supreme Court said that *Section 182* was adopted in 1901 with an explicit intent to exclude blacks from the electoral franchise. *See Hunter v. Underwood*, 471 U.S. 222 (1985). Whether the Court said that the moral turpitude standard itself was part of the problem is unclear, but the better reading is that it did not—for reasons stated in Paragraph 99, and incorporated by reference herein. The State Defendants reserve the right to introduce evidence that the moral turpitude standard was not used with racist intent in 1901, irrespective of what the Supreme Court might have concluded based on the facts presented at that time. The State Defendants aver that, even if the Court was saying that disenfranchisement based on moral turpitude crimes was enacted with racist intent in 1901, moral turpitude was used to apply to *all crimes* in 1901 but only *felonies* in 1996. Accordingly, the phrase moral turpitude had a different reach. Further averred that Amendment 579 (in 1996) and

² All original plaintiffs except Thompson, Lanier, King, and Greater Birmingham Ministries have been dismissed.

³ The class and subclasses proposed in the original complaint have been superseded by the supplemental complaint, doc. 93.

⁴ Averred that the Plaintiffs filed their motion for class certification, doc. 106, without seeking a defendant class and no defendant class should be certified.

Amendment 865 (in 2012) were not proposed or enacted with the intent to discriminate. Otherwise denied.

163. This paragraph contains a reference to authority (*Hunter v. Underwood*, 471 U.S. 222 (1985)), to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

164. This paragraph contains a reference to authority (Amendment 579, which was proposed by the 1995 Alabama Legislature and adopted by the 1996 electorate), to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Otherwise denied.

165. The State Defendants lack sufficient information to admit or deny the allegations in this paragraph and therefore deny the same, and demand strict proof thereof.

166. Denied.

Count 2: Intentional Race Discrimination, 15th Amendment
(42 U.S.C. § 1983)
(All Plaintiffs⁵ and Plaintiff Class⁶)
(Against Defendant Merrill, Defendant Sahlie, and Defendant Class⁷)

167. Averred that Plaintiffs' incorporation of paragraphs 1 through 160 is characteristic of a disfavored shotgun pleading. *See Anderson v. Dist. Bd. of Tr. of Cent. Florida Cmty. Coll.*, 77 F.3d 364, 365-66 (11th Cir. 1996). Nonetheless, in the context of this Complaint and the proceedings to date, and in an abundance of caution, the State Defendants incorporate their responses set forth in paragraphs 1 through 160, above.

⁵ All original plaintiffs except Thompson, Lanier, King, and Greater Birmingham Ministries have been dismissed.

⁶ The class and subclasses proposed in the original complaint have been superseded by the supplemental complaint, doc. 93.

⁷ Averred that the Plaintiffs filed their motion for class certification, doc. 106, without seeking a defendant class and no defendant class should be certified.

168. Denied.

**Count 3: Racial Discrimination in Voting, Section 2 of the Voting Rights Act
(52 U.S.C. § 10301)
(All Plaintiffs⁸ and Plaintiff Class⁹)
(Against Defendant State of Alabama¹⁰, Defendant Merrill, Defendant Sahlie,
and Defendant Class¹¹)**

169. This claim has been dismissed and, thus, no answer is required.

170. This claim has been dismissed and, thus, no answer is required.

171. This claim has been dismissed and, thus, no answer is required.

172. This claim has been dismissed and, thus, no answer is required.

**Count 4: Non-Racial Discrimination in Voting, 14th Amendment
(42 U.S.C. § 1983)
(All Plaintiffs¹² and Plaintiffs Subclasses A, B, C¹³)
(Against Defendant Merrill, Defendant Sahlie, and Defendant Class¹⁴)**

173. This claim has been dismissed and, thus, no answer is required

174. This claim has been dismissed and, thus, no answer is required.

175. This claim has been dismissed and, thus, no answer is required.

176. This claim has been dismissed and, thus, no answer is required.

177. This claim has been dismissed and, thus, no answer is required.

178. This claim has been dismissed and, thus, no answer is required.

179. This claim has been dismissed and, thus, no answer is required.

⁸ All original plaintiffs except Thompson, Lanier, King, and Greater Birmingham Ministries have been dismissed.

⁹ The class and subclasses proposed in the original complaint have been superseded by the supplemental complaint, doc. 93.

¹⁰ The State of Alabama has been dismissed. Doc. 179-1.

¹¹ Averred that the Plaintiffs filed their motion for class certification, doc. 106, without seeking a defendant class and no defendant class should be certified.

¹² All original plaintiffs except Thompson, Lanier, King, and Greater Birmingham Ministries have been dismissed.

¹³ The class and subclasses proposed in the original complaint have been superseded by the supplemental complaint, doc. 93.

¹⁴ Averred that the Plaintiffs filed their motion for class certification, doc. 106, without seeking a defendant class and no defendant class should be certified.

180. This claim has been dismissed and, thus, no answer is required.

181. This claim has been dismissed and, thus, no answer is required.

182. This claim has been dismissed and, thus, no answer is required.

183. This claim has been dismissed and, thus, no answer is required.

184. This claim has been dismissed and, thus, no answer is required.

185. This claim has been dismissed and, thus, no answer is required.

186. This claim has been dismissed and, thus, no answer is required.

187. This claim has been dismissed and, thus, no answer is required.

188. This claim has been dismissed and, thus, no answer is required.

Count 5: Non-Racial Discrimination in Voting, 1st Amendment
(42 U.S.C. § 1983)
(All Plaintiffs¹⁵ and Plaintiffs Subclasses A, B, C¹⁶)
(Against Defendant Merrill, Defendant Sahlie, and Defendant Class¹⁷)

189. This claim has been dismissed and, thus, no answer is required.

190. This claim has been dismissed and, thus, no answer is required.

191. This claim has been dismissed and, thus, no answer is required.

Count 6: Unconstitutional Burden on the Right to Vote, 14th Amendment
(42 U.S.C. § 1983)
(All Plaintiffs except Plaintiff King¹⁸ and Plaintiff Subclasses D, E, F¹⁹)
(Against Defendant Merrill, Defendant Sahlie, and Defendant Class²⁰)

¹⁵ All original plaintiffs except Thompson, Lanier, King, and Greater Birmingham Ministries have been dismissed.

¹⁶ The class and subclasses proposed in the original complaint have been superseded by the supplemental complaint, doc. 93.

¹⁷ Averred that the Plaintiffs filed their motion for class certification, doc. 106, without seeking a defendant class and no defendant class should be certified.

¹⁸ All original plaintiffs except Thompson, Lanier, King, and Greater Birmingham Ministries have been dismissed.

¹⁹ The class and subclasses proposed in the original complaint have been superseded by the supplemental complaint, doc. 93.

²⁰ Averred that the Plaintiffs filed their motion for class certification, doc. 106, without seeking a defendant class and no defendant class should be certified

- 192. This claim has been dismissed and, thus, no answer is required.
- 193. This claim has been dismissed and, thus, no answer is required.
- 194. This claim has been dismissed and, thus, no answer is required.
- 195. This claim has been dismissed and, thus, no answer is required.
- 196. This claim has been dismissed and, thus, no answer is required.
- 197. This claim has been dismissed and, thus, no answer is required.
- 198. This claim has been dismissed and, thus, no answer is required.
- 199. This claim has been dismissed and, thus, no answer is required.
- 200. This claim has been dismissed and, thus, no answer is required.
- 201. This claim has been dismissed and, thus, no answer is required.
- 202. This claim has been dismissed and, thus, no answer is required.
- 203. This claim has been dismissed and, thus, no answer is required.
- 204. This claim has been dismissed and, thus, no answer is required.

Count 7: Unconstitutional Burden on the Right to Vote, 1st Amendment
(42 U.S.C. § 1983)
(All Plaintiffs, except Plaintiff King²¹, and Plaintiff Subclasses D, E, F²²)
(Against Defendant Merrill, Defendant Sahlie, and Defendant Class²³)

- 205. This claim has been dismissed and, thus, no answer is required.
- 206. This claim has been dismissed and, thus, no answer is required.
- 207. This claim has been dismissed and, thus, no answer is required.

²¹ All original plaintiffs except Thompson, Lanier, King, and Greater Birmingham Ministries have been dismissed.

²² The class and subclasses proposed in the original complaint have been superseded by the supplemental complaint, doc. 93.

²³ Averred that the Plaintiffs filed their motion for class certification, doc. 106, without seeking a defendant class and no defendant class should be certified.

**Count 8: Deprivation of Procedural Due Process, 14th Amendment
(42 U.S.C. § 1983)**

**(Plaintiffs Treva Thompson, Melissa Swetnam, Antwoine Giles,
Anna Reynolds, Larry Joe Newby, Mario Dion Yow²⁴, and
Plaintiff Subclasses G and H²⁵)**

(Against Defendant Merrill, Defendant Sahlie, and Defendant Class²⁶)

- 208. This claim has been dismissed and, thus, no answer is required.
- 209. This claim has been dismissed and, thus, no answer is required.
- 210. This claim has been dismissed and, thus, no answer is required.
- 211. This claim has been dismissed and, thus, no answer is required.
- 212. This claim has been dismissed and, thus, no answer is required.
- 213. This claim has been dismissed and, thus, no answer is required.
- 214. This claim has been dismissed and, thus, no answer is required.
- 215. This claim has been dismissed and, thus, no answer is required.
- 216. This claim has been dismissed and, thus, no answer is required.

**Count 9: Void for Vagueness, 1st and 14th Amendments
(42 U.S.C. § 1983)**

(All Plaintiffs, except Plaintiff King²⁷, and Plaintiff Subclass D²⁸)

(Against Defendant Merrill, Defendant Sahlie, and Defendant Class²⁹)

- 217. This claim has been dismissed and, thus, no answer is required.
- 218. This claim has been dismissed and, thus, no answer is required.

²⁴ All original plaintiffs except Thompson, Lanier, King, and Greater Birmingham Ministries have been dismissed.

²⁵ The class and subclasses proposed in the original complaint have been superseded by the supplemental complaint, doc. 93.

²⁶ Averred that the Plaintiffs filed their motion for class certification, doc. 106, without seeking a defendant class and no defendant class should be certified.

²⁷ All original plaintiffs except Thompson, Lanier, King, and Greater Birmingham Ministries have been dismissed.

²⁸ The class and subclasses proposed in the original complaint have been superseded by the supplemental complaint, doc. 93.

²⁹ Averred that the Plaintiffs filed their motion for class certification, doc. 106, without seeking a defendant class and no defendant class should be certified.

219. This claim has been dismissed and, thus, no answer is required.

220. This claim has been dismissed and, thus, no answer is required.

221. This claim has been dismissed and, thus, no answer is required.

222. This claim has been dismissed and, thus, no answer is required.

223. This claim has been dismissed and, thus, no answer is required.

224. This claim has been dismissed and, thus, no answer is required.

225. This claim has been dismissed and, thus, no answer is required.

Count 10: Arbitrary Disenfranchisement, 14th Amendment
(42 U.S.C. § 1983)
(All Plaintiffs³⁰ and Plaintiff Class³¹)
(Against Defendant Merrill, Defendant Sahlie, and Defendant Class³²)

226. This claim has been dismissed and, thus, no answer is required.

227. This claim has been dismissed and, thus, no answer is required.

228. This claim has been dismissed and, thus, no answer is required.

229. This claim has been dismissed and, thus, no answer is required.

230. This claim has been dismissed and, thus, no answer is required.

231. This claim has been dismissed and, thus, no answer is required.

232. This claim has been dismissed and, thus, no answer is required.

³⁰ All original plaintiffs except Thompson, Lanier, King, and Greater Birmingham Ministries have been dismissed.

³¹ The class and subclasses proposed in the original complaint have been superseded by the supplemental complaint, doc. 93.

³² Averred that the Plaintiffs filed their motion for class certification, doc. 106, without seeking a defendant class and no defendant class should be certified.

Count 11: Retroactive Punishment, Ex Post Facto Clause
(42 U.S.C. § 1983)
(All Plaintiffs, except Plaintiff King³³, and Plaintiff Subclass D³⁴)
(Against Defendant Merrill, Defendant Sahlie, and Defendant Class³⁵)

233. Averred that Plaintiffs' incorporation of paragraphs 1 through 160 is characteristic of a disfavored shotgun pleading. *See Anderson v. Dist. Bd. of Tr. of Cent. Florida Cmty. Coll.*, 77 F.3d 364, 365-66 (11th Cir. 1996). Nonetheless, in the context of this Complaint and the proceedings to date, and in an abundance of caution, the State Defendants incorporate their responses set forth in paragraphs 1 through 160, above.

234. Admitted.

235. Denied.

236. Denied.

237. Denied.

238. Denied.

Count 12: Disenfranchisement as Cruel and Unusual Punishment,
8th Amendment
(42 U.S.C. § 1983)
(All Plaintiffs³⁶ and Plaintiff Class³⁷)
(Against Defendant Merrill, Defendant Sahlie, and Defendant Class³⁸)

239. Averred that Plaintiffs' incorporation of paragraphs 1 through 160 is characteristic of a disfavored shotgun pleading. *See Anderson v. Dist. Bd. of Tr. of Cent. Florida Cmty. Coll.*,

³³ All original plaintiffs except Thompson, Lanier, King, and Greater Birmingham Ministries have been dismissed.

³⁴ The class and subclasses proposed in the original complaint have been superseded by the supplemental complaint, doc. 93.

³⁵ Averred that the Plaintiffs filed their motion for class certification, doc. 106, without seeking a defendant class and no defendant class should be certified.

³⁶ All original plaintiffs except Thompson, Lanier, King, and Greater Birmingham Ministries have been dismissed.

³⁷ The class and subclasses proposed in the original complaint have been superseded by the supplemental complaint, doc. 93.

³⁸ Averred that the Plaintiffs filed their motion for class certification, doc. 106, without seeking a defendant class and no defendant class should be certified.

77 F.3d 364, 365-66 (11th Cir. 1996). Nonetheless, in the context of this Complaint and the proceedings to date, and in an abundance of caution, the State Defendants incorporate their responses set forth in paragraphs 1 through 160, above.

240. This paragraph contains a citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

241. Denied.

242. Denied.

243. The State Defendants lack sufficient information to admit or deny and therefore deny, and demand strict proof thereof.

244. Denied.

**Count 13: Disenfranchisement for Failure to Pay LFOs, 14th Amendment
(42 U.S.C. § 1983)
(Plaintiffs Treva Thompson, Melissa Swetnam³⁹, and Plaintiff Subclass I⁴⁰)
(Against Defendant Gwathney)**

245. Averred that Plaintiffs' incorporation of paragraphs 1 through 160 is characteristic of a disfavored shotgun pleading. *See Anderson v. Dist. Bd. of Tr. of Cent. Florida Cmty. Coll.*, 77 F.3d 364, 365-66 (11th Cir. 1996). Nonetheless, in the context of this Complaint and the proceedings to date, and in an abundance of caution, the State Defendants incorporate their responses set forth in paragraphs 1 through 160, above.

³⁹ All original plaintiffs except Thompson, Lanier, King, and Greater Birmingham Ministries have been dismissed.

⁴⁰ The class and subclasses proposed in the original complaint have been superseded by the supplemental complaint, doc. 93.

246. This paragraph contains a citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

247. Denied.

248. Denied.

249. This paragraph contains a citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

250. Plaintiff Swetnam has been dismissed as a Plaintiff in this case, doc. 96, and thus no response is required as to her. Subclass I has been superseded by the class allegations in the Supplemental Complaint, doc. 93, and thus no response is required as to Subclass I. As to Plaintiff Thompson, averred that she is disenfranchised based on her felony conviction for theft of property (1st degree). Admitted that Plaintiff Thompson meets the eligibility requirements for a CERV except for the requirement that she pay “all fines, court costs, fees, and victim restitution ordered by the sentencing court at the time of sentencing on the disqualifying cases,” Ala. Code § 15-22-36.1(a)(3). Admitted that Plaintiff Thompson was ordered to pay (and agreed to pay) nearly \$36,000 in restitution as part of a guilty plea and that she has only paid about \$2,300 of this amount. Admitted that Plaintiff Thompson also owes less than \$100 for other items that need to be paid in order for her to be eligible for a CERV. Averred that Plaintiff Thompson has not made a payment in more than four years. Admitted that Plaintiff Thompson testified that she made approximately \$13,500 in 2017. Averred that the CERV program is an act of sovereign grace, not required by any federal law. Averred that Plaintiff Thompson may seek a pardon.

251. This paragraph contains a citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

252. Denied.

**Count 14: Disenfranchisement for Failure to Pay LFOs, Poll Tax, 24th Amendment
(42 U.S.C. § 1983)
(Plaintiffs Treva Thompson, Melissa Swetnam⁴¹, and Plaintiff Subclass I⁴²)
(Against Defendant Gwathney)**

253. This claim has been dismissed and, thus, no answer is required.

254. This claim has been dismissed and, thus, no answer is required.

255. This claim has been dismissed and, thus, no answer is required.

256. This claim has been dismissed and, thus, no answer is required.

**Count 15: Disenfranchisement for Failure to Pay LFOs, Section 2 of the Voting Rights Act
(52 U.S.C. § 10301)
(Plaintiffs Treva Thompson, Melissa Swetnam⁴³, and Plaintiff Subclass I⁴⁴)
(Against Defendant State of Alabama⁴⁵ and Defendant Gwathney)**

257. This claim has been dismissed and, thus, no answer is required.

258. This claim has been dismissed and, thus, no answer is required.

259. This claim has been dismissed and, thus, no answer is required.

260. This claim has been dismissed and, thus, no answer is required.

Each and every allegation not expressly admitted is hereby denied, and strict proof thereof is demanded.

⁴¹ All original plaintiffs except Thompson, Lanier, King, and Greater Birmingham Ministries have been dismissed.

⁴² The class and subclasses proposed in the original complaint have been superseded by the supplemental complaint, doc. 93.

⁴³ All original plaintiffs except Thompson, Lanier, King, and Greater Birmingham Ministries have been dismissed.

⁴⁴ The class and subclasses proposed in the original complaint have been superseded by the supplemental complaint, doc. 93.

⁴⁵ The State of Alabama has been dismissed. Doc. 179-1.

PRAYER FOR RELIEF

Denied that the Plaintiffs are entitled to any relief.

Denied that the Plaintiffs are entitled to the certification of a class or subclasses. Averred that the class and subclasses in the original Complaint have been superseded by the class allegations in the Supplemental Complaint, doc. 93.

Denied that the Plaintiffs are entitled to costs, expenses, and/or attorney's fees. In the event of an award, the State Defendants reserve the right to contest the amount thereof.

II. STATE DEFENDANTS' AMENDED ANSWER TO PLAINTIFFS' SUPPLEMENTAL CLASS-ACTION COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF (doc. 93)

The opening paragraph sets forth Plaintiffs' characterization of their "supplemental" complaint to which no response is required; however, Plaintiffs have in fact both supplemented and amended their complaint such that their failure to file a pleading styled "amended complaint" has unduly complicated matters; given the substance of the pleading, the State Defendants are entitled to file a consolidated and amended answer.

1. Admitted. Averred that the claims arising under Section 2 of the Voting Rights Act have been dismissed.

2. This paragraph contains a citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

3. This paragraph contains a citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

4. This paragraph contains a citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Averred that Secretary of State Merrill was pressing for legislation listing felonies of moral turpitude *before* this lawsuit was filed. The State Defendants refer to Ala. Act No. 2017-378 and Ala. Act No. 2019-513 for their complete and accurate contents.

5. Denied.

6. Admitted. Averred that the State Defendants object to Plaintiffs references to HB 282; if the legislation had not passed, it would be irrelevant. HB 282 became Ala. Act No. 2017-378 and was codified at Ala. Code § 17-3-30.1. It has subsequently been amended.

7. This paragraph contains a citation to authority (Ala. Act No. 2017-378), to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

8. This paragraph contains a citation to authority (Ala. Act No. 2017-378), to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

9. This paragraph contains a citation to authority (Ala. Act No. 2017-378), to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Admitted that the penalties for the felonies listed in Act No. 2017-378 vary. Denied that disenfranchisement is a punishment. Further denied that the *Ex Post Facto* and Cruel and Unusual Punishment Clauses apply to felon disenfranchisement.

10. This paragraph contains a citation to authority (Ala. Act No. 2017-378), to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

11. Admitted that the House Journal says:

DISSENT FILED

Permission was granted for the Journal to reflect that in accordance with Article IV, Section 55, Constitution of Alabama 1901, amended, Representative Knight dissented to the bill, HB282, and the following was filed by him:

Pursuant to Section 55 of the Alabama Constitution of 1901, I wish to have my dissent to HB282 spread upon the minutes of the House Journal. My dissent is founded on the condition that follows:

HB282 in its current form would enfranchise some of our citizens, so we can support it as a step in the right direction. But “moral turpitude” was placed in the Alabama Constitution for the purpose of disfranchising African Americans, and it needs to be repealed altogether. We ask the State of Alabama to release to the public complete information about the racial impact of the crimes that this bill defines to be “moral turpitude.”

Averred that Rep. John Knight stated that he preferred to file a lawsuit over legislative change, and that he is listed as a witness for the Plaintiffs in their Initial Disclosures. Otherwise denied.

12. This paragraph contains a citation to authority (Ala. Act No. 2017-378 and Ala. Code § 17-3-30.1), to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Averred that Ala. Code § 17-3-30.1 is not a criminal punishment; it is an elections statute which governs elections held after its effective date.

13. Admitted.

14. This paragraph contains a citation to authority (Ala. Act No. 2017-378), to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Averred that Ala. Code § 17-3-30.1 is not a criminal punishment; it is an elections statute which governs elections held after its effective date. Admitted that the Secretary of State has interpreted Ala. Code § 17-3-30.1 to be an elections statute which governs

elections held after its effective date, and has offered guidance to the Boards of Registrars to that effect. Otherwise denied.

15. Plaintiffs Swetnam, Yow, and Zimmer have been dismissed as Plaintiffs in this case, and thus no response is required as to them. Admitted that the Secretary of State has correctly interpreted Ala. Code § 17-3-30.1 to be an elections statute which governs elections held after its effective date, and has offered guidance to the Boards of Registrars to that effect. Averred that this implementation allows felons who were previously disenfranchised by Ala. Const. art. VIII, § 177 for felonies that are not listed in Ala. Code § 17-3-30.1 to vote. Averred that Plaintiffs Thompson, Lanier and King were all disenfranchised before Ala. Code § 17-3-30.1 (including when this lawsuit was filed), and that Ala. Code § 17-3-30.1 had no effect on them.

16. Plaintiffs Giles and Corley have been dismissed as Plaintiffs in this case, doc. 179-1, and thus no response is required.

17. Plaintiffs Reynolds and Newby have been dismissed as Plaintiffs in this case, doc. 96, and thus no response is required.

18. Denied.

19. The first sentence is admitted. The second sentence is admitted, except that the Voter Declaration signed under penalty of perjury continues; the complete provision states “I am not barred from voting by reason of a disqualifying felony conviction (The list of disqualifying felonies is available on the Secretary of State’s web site at: sos.alabama.gov/mtfelonies).” Averred that Alabama’s voter registration form includes a toll-free phone number to call with questions. The last sentence is denied.

20. Denied.

21. The first sentence is admitted, except that the instruction continues: the complete (pertinent) instruction states “To register in Alabama you must: . . . not have been convicted of a felony involving moral turpitude (or have had your civil and political rights restored). The list of moral turpitude felonies is available on the Secretary of State web site at: sos.alabama.gov/mtfelonies.” The second sentence is denied. Averred that the claim in Count 18 concerning the federal form has been dismissed. Doc. 179-1.

22. Admitted. Averred that the claim in Count 18 concerning the federal form has been dismissed. Doc. 179-1.

23. This court’s Memorandum Opinion and Order, dated December 26, 2017, doc. 80, speaks for itself.

24. This court’s Memorandum Opinion and Order, dated December 26, 2017, doc. 80, speaks for itself.

25. This paragraph sets forth Plaintiffs’ characterization of their “supplemental” complaint to which no response is required; however, Plaintiffs have in fact both supplemented and amended their complaint such that their failure to file a pleading styled “amended complaint” has unduly complicated matters; given the substance of the pleading, the State Defendants are entitled to file a consolidated and amended answer. Denied that the Secretary of State has improperly implemented Ala. Code § 17-3-30.1. Averred that the Secretary of State has correctly interpreted Ala. Code § 17-3-30.1 to be an elections statute which governs elections held after its effective date, and has offered guidance to the Boards of Registrars to that effect.

ADDITIONAL PARTIES

26. Admitted that Plaintiff Gamble is black and resides in Gardendale, Alabama in Jefferson County. He is 44 years old. Admitted that Plaintiff Gamble was charged with and plead

guilty to, pursuant to a negotiated plea agreement, Trafficking in Cannabis in violation of Ala. Code § 13A-12-231(1)(a), a Class A felony, on or about February 11, 2008. Admitted that trafficking in cannabis is a felony of moral turpitude pursuant to Ala. Code § 17-3-30.1, and that the Alabama Secretary of State's office offers guidance to the Board of Registrars that Ala. Code § 17-3-30.1 applies to elections held after its effective date. Admitted that 2008 – when Plaintiff Gamble was convicted – is before 2017 – when Ala. Code § 17-3-30.1 was first enacted. Admitted that trafficking in cannabis is not a crime listed in Ala. Code § 15-22-36.1(g), and thus Plaintiff Gamble is not disqualified from seeking a CERV on the basis of this conviction. Any assertion that Ala. Code § 15-22-36.1(g) ever listed all of the felonies of moral turpitude is denied; such a reading would mean that CERVs are unavailable for the only felonies for which they are needed, and thus eliminate any use for CERVs. This paragraph contains a citation to authority (the Opinion to Hon. William C. Segrest, Executive Director of the Board of Pardons and Paroles, dated March 18, 2005, A.G. Opinion No. 2005-092), to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Similarly, the AOC memo, which was not attached to the complaint and which was never authoritative, speaks for itself. Averred that, in 1983, the Supreme Court of Alabama explained that trafficking involves moral turpitude in a decision that is cited in the *Segrest* Opinion's discussion of the difference between possession for personal use and possession for resale, as follows:

In light of the foregoing cases, we cannot hold that the mere possession of marijuana is a crime involving moral turpitude, even though it is classified as a felony. **In so holding, we draw a distinction between possession for personal use and possession for resale to others.** We cannot see how felony possession for personal use differs from misdemeanor possession for personal use as an indicium of a witness's future trustworthiness. The legislative choice to punish subsequent personal possessory offenses, crimes *mala prohibita* in nature, more severely than the initial possessory offense, does not, by itself, change the character of the offense

as it relates to moral turpitude. Possession for resale, however, takes on an entirely different character, one which does involve moral turpitude. *Gholston v. State*, [338 So.2d 454 (Ala. Crim. App. 1976).]

Trafficking in and encouraging others to utilize a controlled substance, such as marijuana, indicates far greater untrustworthiness and depravity of character than personal consumption of a controlled substance. One could logically assume that, because of the illegal nature of trafficking itself, a person would likely lie and operate covertly in order to engage in such selling. On the other hand, personal consumption is likely achieved without such conduct.

Ex parte McIntosh, 443 So.2d 1283 (Ala. 1983). Trafficking is obviously possession with intent to resell, and the Supreme Court of Alabama so said nearly 25 years before Gamble's conviction. Otherwise denied.

27. Admitted that Plaintiff Gamble meets the eligibility requirements for a CERV except for the requirement that he pay "all fines, court costs, fees, and victim restitution ordered by the sentencing court at the time of sentencing on the disqualifying cases," Ala. Code § 15-22-36.1(a)(3). Admitted that Plaintiff Gamble applied for, and was denied, a CERV in 2014. Admitted that, at the time of his conviction, the court imposed a \$50,000 fine on Plaintiff Gamble. Averred that the fine has since been reduced to \$25,000. Order, *State of Alabama v. Darius L. Gamble*, Case No. 58-CC-2006-001468.00 (Shelby County, Ala. Circuit Court Aug. 16, 2019).⁴⁶ Admitted that Plaintiff Gamble has regularly paid monthly installments of \$25 since July 2016 and previously regularly paid monthly installments of \$50. Admitted that Plaintiff Gamble's failure to pay his fine by February 11, 2016, as agreed to in his Felony Plea Agreement, triggered the imposition of a collection fee of 30% on the unpaid monies. Averred that the originally imposed collection fee has since been reduced based on the reduced fine. Denied that Plaintiff Gamble currently owes \$63,073.30 in fines and fees. Averred that Plaintiff Gamble currently owes

⁴⁶ The court may take judicial notice of court documents from State proceedings. *Lozman v. City of Riviera Beach*, 713 F.3d 1066, 1075 n.9 (11th Cir. 2013).

\$30,023.30 in fines and fees as of December 15, 2019. Averred that \$6,082.30 of this total is for a collection fee which need not be paid before Plaintiff Gamble is eligible for a CERV. *See* Ala. Code § 15-22-36.1(a)(3). Thus, Plaintiff Gamble must pay just less than \$24,000 in fines and court costs and fees in order to be eligible for a CERV. Admitted that Plaintiff Gamble does not owe restitution. Averred that a criminal fine is part of the sentence, and that Plaintiff Gamble agreed to it as part of his plea agreement. Denied that Plaintiff Gamble is not financially able to pay the nearly \$24,000 in full at this time or anytime in the foreseeable future. Averred that Plaintiff Gamble can apply for a pardon. Admitted that Plaintiff Gamble wishes to vote. Otherwise denied.

ADDITIONAL PARTY ALLEGATIONS

28. Admitted that Plaintiff Greater Birmingham Ministries adds new allegations.

29. Admitted that Greater Birmingham Ministries does devote staff time and resources to helping those with felony convictions (1) determine whether they are eligible to register to vote; (2) complete voter registration applications; (3) determine whether they are eligible for a CERV; and, (4) apply for a CERV. Averred that Ala. Code § 17-3-30.1, which includes a list of felonies involving moral turpitude for purposes of voting in Alabama, should have reduced the staff time and resources required to assist any individual voter. Any allegation that the staff time and resources required has increased is denied, and the State Defendants demand strict proof thereof.

30. Denied, and the State Defendants demand strict proof thereof.

31. Denied, and the State Defendants demand strict proof thereof.

CLASSES AND SUBCLASSES

32. The State Defendants acknowledge that the Plaintiffs are now seeking a different class and subclasses, and deny that class certification is appropriate.

33. Swetnam, Yow, and Zimmer have been dismissed as Plaintiffs in this case, docs. 96, 107, 157, & 180, and thus cannot represent a class. Admitted that Plaintiffs Gamble, Thompson, Lanier and King seek to represent a class defined as set out herein. Denied that a class should be certified.

34. Admitted that the Plaintiffs seek relief for the putative class as to Counts 1, 2, and 12. Denied that a class should be certified. Denied that Plaintiffs are entitled to any relief.

35. Swetnam, Yow, and Zimmer have been dismissed as Plaintiffs in this case, docs. 96, 107, 157, & 180, and thus cannot represent a subclass. Admitted that Plaintiffs Gamble, Thompson, Lanier and King seek to represent a subclass defined as set out herein. Denied that a subclass should be certified.

36. Swetnam has been dismissed as a Plaintiff in this case, doc. 96, and thus cannot represent a subclass. Admitted that Plaintiffs Gamble and Thompson seek to represent a subclass defined as set out herein. Denied that a subclass should be certified.

37. As to the first sentence, admitted that the Plaintiffs seek to bring a class action; denied that any class or subclass should be certified. The second and third sentences are admitted. The fourth sentence is denied.

38. The first sentence is admitted. The second sentence is denied.

39. Denied.

40. Swetnam, Yow, and Zimmer have been dismissed as Plaintiffs in this case, docs. 96, 107, 157, & 180, and thus cannot represent a class or subclass. As to the remaining Plaintiffs, the first sentence is denied. The second sentence is denied.

41. Denied.

42. Denied.

43. Denied.

ADDITIONAL ALLEGATIONS WITH RESPECT TO COUNTS 1, 2, 11, 12, AND 13

**Count 1: Intentional Race Discrimination, 14th Amendment
(42 U.S.C. § 1983)
(All Plaintiffs⁴⁷ and Plaintiff Class)
(Against Defendant Merrill, Defendant Sahlie, and Defendant Class⁴⁸)**

44. Averred that Plaintiffs' incorporation of paragraphs 1 through 45 (*sic*) is characteristic of a disfavored shotgun pleading. *See Anderson v. Dist. Bd. of Tr. of Cent. Florida Cmty. Coll.*, 77 F.3d 364, 365-66 (11th Cir. 1996). Nonetheless, in the context of this Supplemental Complaint and the proceedings to date, and in an abundance of caution, the State Defendants incorporate their responses set forth in paragraphs 1 through 43, above.

45. Averred that Plaintiffs' incorporation of their original complaint is characteristic of a disfavored shotgun pleading. *See Anderson v. Dist. Bd. of Tr. of Cent. Florida Cmty. Coll.*, 77 F.3d 364, 365-66 (11th Cir. 1996). Nonetheless, in the context of this Supplemental Complaint and the proceedings to date, and in an abundance of caution, the State Defendants incorporate their responses to the original complaint.

46. This paragraph sets forth Plaintiffs' characterization of Count 1 and legal conclusions, to which no response is required. Additionally, this paragraph contains a citation to authority, to which the State Defendants refer for the complete and accurate contents.

47. Denied.

⁴⁷ All plaintiffs except Thompson, Lanier, King, Gamble, and Greater Birmingham Ministries have been dismissed.

⁴⁸ Averred that the Plaintiffs filed their motion for class certification, doc. 106, without seeking a defendant class and no defendant class should be certified.

Count 2: Intentional Race Discrimination, 15th Amendment
(42 U.S.C. § 1983)
(All Plaintiffs⁴⁹ and Plaintiff Class)
(Against Defendant Merrill, Defendant Sahlie, and Defendant Class⁵⁰)

48. Averred that Plaintiffs' incorporation of paragraphs 1 through 45 (*sic*) is characteristic of a disfavored shotgun pleading. *See Anderson v. Dist. Bd. of Tr. of Cent. Florida Cmty. Coll.*, 77 F.3d 364, 365-66 (11th Cir. 1996). Nonetheless, in the context of this Supplemental Complaint and the proceedings to date, and in an abundance of caution, the State Defendants incorporate their responses set forth in paragraphs 1 through 43, above.

49. Averred that Plaintiffs' incorporation of their original complaint is characteristic of a disfavored shotgun pleading. *See Anderson v. Dist. Bd. of Tr. of Cent. Florida Cmty. Coll.*, 77 F.3d 364, 365-66 (11th Cir. 1996). Nonetheless, in the context of this Supplemental Complaint and the proceedings to date, and in an abundance of caution, the State Defendants incorporate their responses to the original complaint.

50. This paragraph sets forth Plaintiffs' characterization of Count 1 and legal conclusions, to which no response is required. Additionally, this paragraph contains a citation to authority, to which the State Defendants refer for the complete and accurate contents.

51. Denied.

Count 11: Retroactive Punishment, *Ex Post Facto* Clause
(42 U.S.C. § 1983)
(Plaintiffs GBM, Gamble, Thompson, Swetnam, Yow, Zimmer, Lanier, King⁵¹
and *Ex Post Facto* Subclass)
(Against Defendant Merrill, Defendant Sahlie, and Defendant Class⁵²)

⁴⁹ All plaintiffs except Thompson, Lanier, King, Gamble, and Greater Birmingham Ministries have been dismissed.

⁵⁰ Averred that the Plaintiffs filed their motion for class certification, doc. 106, without seeking a defendant class and no defendant class should be certified.

⁵¹ All plaintiffs except Thompson, Lanier, King, Gamble, and Greater Birmingham Ministries have been dismissed. Plaintiff King did not originally bring this claim.

⁵² Averred that the Plaintiffs filed their motion for class certification, doc. 106, without seeking a defendant class and no defendant class should be certified.

52. Averred that Plaintiffs' incorporation of paragraphs 1 through 45 (*sic*) is characteristic of a disfavored shotgun pleading. *See Anderson v. Dist. Bd. of Tr. of Cent. Florida Cmty. Coll.*, 77 F.3d 364, 365-66 (11th Cir. 1996). Nonetheless, in the context of this Supplemental Complaint and the proceedings to date, and in an abundance of caution, the State Defendants incorporate their responses set forth in paragraphs 1 through 43, above.

53. Averred that Plaintiffs' incorporation of their original complaint is characteristic of a disfavored shotgun pleading. *See Anderson v. Dist. Bd. of Tr. of Cent. Florida Cmty. Coll.*, 77 F.3d 364, 365-66 (11th Cir. 1996). Nonetheless, in the context of this Supplemental Complaint and the proceedings to date, and in an abundance of caution, the State Defendants incorporate their responses to the original complaint. Further averred that Plaintiffs' additional allegations either completely change the nature of the original claim, or add a second different claim under the same Count; either result is improper.

54. This paragraph contains a reference to authority (Alabama's voter registration laws), to which the State Defendants refer for the complete and accurate contents. Admitted that the Board of Registrars did – and do – make the initial determination about whether an applicant is qualified to register to vote, and that anyone who is denied is entitled to appeal to the State court system. Otherwise denied.

55. This paragraph contains a citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Averred that Ala. Code § 17-3-30.1 is not a criminal punishment; it is an elections statute which governs elections held after its effective date. Admitted that the Secretary of State has interpreted Ala. Code § 17-3-30.1 to be an elections statute which governs elections held after its

effective date, and has offered guidance to the Boards of Registrars to that effect. Otherwise denied.

56. Denied.

57. Denied.

**Count 12: Disenfranchisement as Cruel and Unusual Punishment,
8th Amendment
(42 U.S.C. § 1983)
(All Plaintiffs⁵³ and Plaintiff Class)
(Against Defendant Merrill, Defendant Sahlie, and Defendant Class⁵⁴)**

58. Averred that Plaintiffs' incorporation of paragraphs 1 through 45 (*sic*) is characteristic of a disfavored shotgun pleading. *See Anderson v. Dist. Bd. of Tr. of Cent. Florida Cmty. Coll.*, 77 F.3d 364, 365-66 (11th Cir. 1996). Nonetheless, in the context of this Supplemental Complaint and the proceedings to date, and in an abundance of caution, the State Defendants incorporate their responses set forth in paragraphs 1 through 43, above.

59. Averred that Plaintiffs' incorporation of their original complaint is characteristic of a disfavored shotgun pleading. *See Anderson v. Dist. Bd. of Tr. of Cent. Florida Cmty. Coll.*, 77 F.3d 364, 365-66 (11th Cir. 1996). Nonetheless, in the context of this Supplemental Complaint and the proceedings to date, and in an abundance of caution, the State Defendants incorporate their responses to the original complaint. Further averred that Plaintiffs' additional allegations either completely change the nature of the original claim, or add a second different claim under the same Count; either result is improper.

60. Admitted that the Plaintiffs seek to bring this claim on behalf of the class; denied that a class should be certified. Otherwise denied.

⁵³ All plaintiffs except Thompson, Lanier, King, Gamble, and Greater Birmingham Ministries have been dismissed.

⁵⁴ Averred that the Plaintiffs filed their motion for class certification, doc. 106, without seeking a defendant class and no defendant class should be certified.

61. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Denied that Ala. Code § 17-3-30.1 is criminal punishment.

62. Denied.

63. The State Defendants lack sufficient information to admit or deny and therefore deny, and demand strict proof thereof.

64. Denied.

**Count 13: Disenfranchisement for Failure to Pay LFOs, 14th Amendment
(42 U.S.C. § 1983)
(Plaintiffs GBM, Gamble, Thompson, Swetnam⁵⁵, and LFO Subclass)
(Against Defendant Gwathney)**

65. Averred that Plaintiffs' incorporation of paragraphs 1 through 45 (*sic*) is characteristic of a disfavored shotgun pleading. *See Anderson v. Dist. Bd. of Tr. of Cent. Florida Cmty. Coll.*, 77 F.3d 364, 365-66 (11th Cir. 1996). Nonetheless, in the context of this Supplemental Complaint and the proceedings to date, and in an abundance of caution, the State Defendants incorporate their responses set forth in paragraphs 1 through 43, above.

66. Averred that Plaintiffs' incorporation of their original complaint is characteristic of a disfavored shotgun pleading. *See Anderson v. Dist. Bd. of Tr. of Cent. Florida Cmty. Coll.*, 77 F.3d 364, 365-66 (11th Cir. 1996). Nonetheless, in the context of this Supplemental Complaint and the proceedings to date, and in an abundance of caution, the State Defendants incorporate their responses to the original complaint.

67. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is

⁵⁵ All plaintiffs except Thompson, Lanier, King, Gamble, and Greater Birmingham Ministries have been dismissed. Plaintiff GBM originally did not bring this claim.

required. Admitted that Ala. Code § 17-3-30.1 does not in any way amend the CERV process, though it did reduce the number of people who are disenfranchised. Denied that the requirement that those convicted of felonies of moral turpitude who wish to receive a CERV pay “all fines, court costs, fees, and victim restitution ordered by the sentencing court at the time of sentencing on the disqualifying cases,” Ala. Code § 15-22-36.1(a)(3), is unconstitutional.

68. Denied that Ala. Code § 17-3-30.1 disenfranchises anyone; it is the Alabama Constitution that disenfranchises those persons convicted of felonies involving moral turpitude; the State Defendants refer to Ala. Const. art. VIII, § 177 and Ala. Code § 17-3-30.1 for the complete and accurate contents of these provisions. Further denied that Secretary Merrill is improperly interpreting Ala. Code § 17-3-30.1. Swetnam as been dismissed as a Plaintiff in this case, doc. 96, and thus no response is required as to her. Otherwise denied.

69. Denied.

SUPPLEMENTAL CLAIMS

**Count 16: Unlawful Deprivation of State-Created Right to Vote,
Due Process Clause, 14th Amendment
(42 U.S.C. § 1983)
(Plaintiffs GBM, Gamble, Thompson, Swetnam, Yow, Zimmer, Lanier, King⁵⁶
and *Ex Post Facto* Subclass)
(Against Defendant Merrill, Defendant Sahlie, and Defendant Class⁵⁷)**

70. Averred that Plaintiffs’ incorporation of paragraphs 1 through 45 (*sic*) is characteristic of a disfavored shotgun pleading. *See Anderson v. Dist. Bd. of Tr. of Cent. Florida Cmty. Coll.*, 77 F.3d 364, 365-66 (11th Cir. 1996). Nonetheless, in the context of this

⁵⁶ All plaintiffs except Thompson, Lanier, King, Gamble, and Greater Birmingham Ministries have been dismissed.

⁵⁷ Averred that the Plaintiffs filed their motion for class certification, doc. 106, without seeking a defendant class and no defendant class should be certified.

Supplemental Complaint and the proceedings to date, and in an abundance of caution, the State Defendants incorporate their responses set forth in paragraphs 1 through 43, above.

71. Averred that Plaintiffs' incorporation of their original complaint is characteristic of a disfavored shotgun pleading. *See Anderson v. Dist. Bd. of Tr. of Cent. Florida Cmty. Coll.*, 77 F.3d 364, 365-66 (11th Cir. 1996). Nonetheless, in the context of this Supplemental Complaint and the proceedings to date, and in an abundance of caution, the State Defendants incorporate their responses to the original complaint.

72. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

73. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

74. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

75. Denied.

76. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

77. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is

required. Averred that Secretary of State Merrill was pressing for legislation listing felonies of moral turpitude *before* this lawsuit was filed.

78. Denied.

79. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required. Otherwise denied. Averred that Ala. Code § 17-3-30.1 is not a criminal punishment; it is an elections statute which governs elections held after its effective date.

80. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

81. Denied.

**Count 17: Unlawful Retroactive Deprivation of Right to Vote,
Due Process Clause, 14th Amendment
(42 U.S.C. § 1983)
(Plaintiffs GBM, Gamble, Thompson, Swetnam, Yow, Zimmer, Lanier, King⁵⁸
and *Ex Post Facto* Subclass)
(Against Defendant Merrill, Defendant Sahlie, and Defendant Class⁵⁹)**

82. Averred that Plaintiffs' incorporation of paragraphs 1 through 45 (*sic*) is characteristic of a disfavored shotgun pleading. *See Anderson v. Dist. Bd. of Tr. of Cent. Florida Cmty. Coll.*, 77 F.3d 364, 365-66 (11th Cir. 1996). Nonetheless, in the context of this Supplemental Complaint and the proceedings to date, and in an abundance of caution, the State Defendants incorporate their responses set forth in paragraphs 1 through 43, above.

⁵⁸ All plaintiffs except Thompson, Lanier, King, Gamble, and Greater Birmingham Ministries have been dismissed.

⁵⁹ Averred that the Plaintiffs filed their motion for class certification, doc. 106, without seeking a defendant class and no defendant class should be certified.

83. Averred that Plaintiffs' incorporation of their original complaint is characteristic of a disfavored shotgun pleading. *See Anderson v. Dist. Bd. of Tr. of Cent. Florida Cmty. Coll.*, 77 F.3d 364, 365-66 (11th Cir. 1996). Nonetheless, in the context of this Supplemental Complaint and the proceedings to date, and in an abundance of caution, the State Defendants incorporate their responses to the original complaint.

84. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

85. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

86. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

87. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

88. Denied.

89. Denied.

90. Denied.

**Count 18: Failure to Specify Eligibility Requirements,
National Voter Registration Act
(52 U.S.C. § 20510)
(Plaintiff GBM)
(Against Defendant Merrill)**

91. Averred that Plaintiffs' incorporation of paragraphs 1 through 45 (*sic*) is characteristic of a disfavored shotgun pleading. *See Anderson v. Dist. Bd. of Tr. of Cent. Florida Cmty. Coll.*, 77 F.3d 364, 365-66 (11th Cir. 1996). Nonetheless, in the context of this Supplemental Complaint and the proceedings to date, and in an abundance of caution, the State Defendants incorporate their responses set forth in paragraphs 1 through 43, above.

92. Averred that Plaintiffs' incorporation of their original complaint is characteristic of a disfavored shotgun pleading. *See Anderson v. Dist. Bd. of Tr. of Cent. Florida Cmty. Coll.*, 77 F.3d 364, 365-66 (11th Cir. 1996). Nonetheless, in the context of this Supplemental Complaint and the proceedings to date, and in an abundance of caution, the State Defendants incorporate their responses to the original complaint.

93. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

94. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

95. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

96. This paragraph contains citation to authority, to which the State Defendants refer for the complete and accurate contents, or sets forth legal conclusions, to which no response is required.

97. Denied. Averred that the claim in Count 18 concerning the federal form has been dismissed. Doc. 179-1.

98. Denied.

99. Admitted that the Plaintiffs sent Secretary of State Merrill a letter. Denied that the letter is attached as Exhibit A. Otherwise denied.

100. Denied.

101. Denied.

Each and every allegation not expressly admitted is hereby denied, and strict proof thereof is demanded.

PRAYER FOR RELIEF

Denied that the Plaintiffs are entitled to any relief.

Denied that the Plaintiffs are entitled to the certification of a class or subclasses. Averred that class certification would needlessly complicate these proceedings further and expand the scope of discovery.

Denied that the Plaintiffs are entitled to costs, expenses, and/or attorney's fees. In the event of an award, the State Defendants reserve the right to contest the amount thereof.

III. DEFENSES

1. Plaintiffs have failed to state a claim.
2. The 1996 Amendment (Amendment 579), which repealed and replaced the 1901 Suffrage and Elections Article, is not unconstitutional.
3. The 1996 Amendment (Amendment 579) was not proposed or adopted with discriminatory intent.

4. The 1996 Amendment (Amendment 579) was not proposed or adopted with punitive intent.

5. The 2012 Amendment (Amendment 865), which re-adopted that 1996 and added a provision about secret ballots, is not unconstitutional.

6. The 2012 Amendment (Amendment 865) was not proposed or adopted with discriminatory intent.

7. The 2012 Amendment (Amendment 865) was not proposed or adopted with punitive intent.

8. The relevant intent is that of the Alabama Legislature that proposed the relevant Amendment and/or the electorate who voted for the 1996 Amendment (Amendment 579) and/or the 2012 Amendment (Amendment 865).

9. Large portions of the Complaint are irrelevant, immaterial, and scandalous.

10. Ala. Code § 17-3-30.1 is not unconstitutional.

11. Ala. Code § 17-3-30.1 was not enacted with punitive intent.

12. Ala. Code § 17-3-30.1 provides a comprehensive list of felonies which involve moral turpitude specifically for the purpose of applying Section 177 of the Alabama Constitution in elections held after its effective date. This Act moots multiple claims and rebuts the vagueness arguments that infect the Complaint.

13. Plaintiffs lack standing.

14. Plaintiff Thompson lives in Huntsville, Alabama in Madison County and thus lacks standing to bring any claims against the Chair of the Montgomery County Board of Registrars.

15. Plaintiff Lanier lives in Birmingham, Alabama in Jefferson County and thus lacks standing to bring any claims against the Chair of the Montgomery County Board of Registrars.

16. Plaintiff Gamble lives in Gardendale, Alabama in Jefferson County and thus lacks standing to bring any claims against the Chair of the Montgomery County Board of Registrars.

17. To the extent that Greater Birmingham Ministries fails to establish that it works with felons residing in Montgomery County, it lacks standing to bring any claims against the Chair of the Montgomery County Board of Registrars.

18. Many putative class members live outside of Montgomery County, Alabama and thus lack standing to bring any claims against the Chair of the Montgomery County Board of Registrars.

19. Greater Birmingham Ministries lacks standing to press the intentional race discrimination claims in Counts 1 and 2.

20. Greater Birmingham Ministries lacks standing to press an *Ex Post Facto* claim(s) in Count 11.

21. Greater Birmingham Ministries lacks standing to press a Cruel and Unusual Punishment claim(s) in Count 12.

22. Greater Birmingham Ministries lacks standing to press a challenge to Ala. Code § 15-22-36.1(a)(3).

23. Greater Birmingham Ministries lacks standing to press Count 16.

24. Greater Birmingham Ministries lacks standing to press Count 17.

25. Plaintiffs' *Ex Post Facto* clause claim relies on the allegedly undefined nature of the phrase *moral turpitude* to supply the retroactivity element, and is thus moot.

26. Plaintiff Thompson has failed to state an *Ex Post Facto* claim because the Alabama courts had determined that theft is a crime involving moral turpitude at least three decades before she committed her offense. *Stahlman v. Griffith*, 456 So.2d 287 (Ala. 1984).

27. Plaintiffs Lanier and King have failed to state *Ex Post Facto* claims because they committed their crimes before the 1996 Amendment challenged here was adopted; at the time of their crimes, *all* felonies were disenfranchising.

28. Plaintiff Lanier has failed to state an *Ex Post Facto* claim because the Alabama courts had determined that burglary involves moral turpitude before he committed his offense. *Ex parte McIntosh*, 443 So.2d 1283 (Ala. 1983); *Matthews v. State*, 286 So.2d 91 (Ala. Crim. App. 1973).

29. Plaintiff King has failed to state an *Ex Post Facto* claim because the Alabama courts had determined that murder involves moral turpitude before she committed her offense. *Ex parte McIntosh*, 443 So.2d 1283 (Ala. 1983).

30. Plaintiff Gamble has failed to state an *Ex Post Facto* claim because the Supreme Court of Alabama explained that trafficking involves moral turpitude before Plaintiff Gamble committed his crime. *Ex parte McIntosh*, 443 So.2d 1283 (Ala. 1983).

31. To the extent that Plaintiffs' claims rely on the proposition that, as a matter of State law, they were not disenfranchised by Ala. Const. art. VIII, § 177 prior to the effective date of Ala. Code § 17-3-30.1, that proposition is not only counter-factual, it is inconsistent with the Supreme Court of Alabama's authoritative interpretation of Ala. Const. art. VIII, § 177. Order, *Worley v. Gooden*, Case No. 1051712 (Ala. Oct. 25, 2006) (“[W]e explain, for the benefit of the voter registrars of the State of Alabama, that the quoted portion of the final order means only that pursuant to Amendment No. 579 the voter registrars cannot deny voter registration to an individual otherwise qualified to vote simply because he or she has been convicted of *some* felony; denial of

voter registration based on a felony conviction is appropriate only if the felony involved moral turpitude.”).⁶⁰

32. This court’s jurisdiction is limited to actual cases and controversies.

33. States have an inherent right to disenfranchise felons, and that right is protected by the Fourteenth Amendment to the United States Constitution. The *Ex Post Facto* Clause does not prohibit what the Fourteenth Amendment allows.

34. States have an inherent right to disenfranchise felons permanently, and that right is protected by the Fourteenth Amendment to the United States Constitution. The Eighth Amendment does not prohibit what the Fourteenth Amendment allows.

35. Ala. Code § 15-22-36.1(a)(3) is not unconstitutional.

36. The CERV process is not required by any federal law; it is an act of sovereign grace.

37. The requirement that felons pay “all fines, court costs, fees, and victim restitution ordered by the sentencing court at the time of sentencing on the disqualifying cases,” Ala. Code § 15-22-36.1(a)(3), is not severable.

38. Should the court conclude that Ala. Code § 15-22-36.1(a)(3) is unconstitutional, the State must be given the option to determine whether to continue the CERV process without this requirement or to cease issuing CERVs entirely.

39. Plaintiffs Thompson and Gamble have unclean hands as to Count 13.

40. One or more Counts are barred by the State’s sovereign immunity.

41. If Plaintiffs are correct that the NVRA requires the State to list on voter registration forms each and every disenfranchising felony, then the provisions so requiring are unconstitutional.

⁶⁰ The court may take judicial notice of court documents from State proceedings. *Lozman v. City of Riviera Beach*, 713 F.3d 1066, 1075 n.9 (11th Cir. 2013).

42. The State Defendants plead *laches*.
43. Plaintiffs have failed to exhaust judicial remedies available to them.
44. The State Defendants assert the statute of limitations as set out in Ala. Code § 6-2-38(l).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on December 19, 2019, 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: Armand Derfner (aderfner@derfneraltman.com); Danielle Lang (dlang@campaignlegalcenter.org); James U. Blacksher (jblacksher@ns.sympatico.ca); Jessica Ring Amunson (jamunson@jenner.com); J. Gerald Herbert (gherbert@campaignlegalcenter.org); J. Mitch McGuire (jmcguire@mandabusinesslaw.com); Mark P. Gaber (mgaber@campaignlegalcenter.org); Michael E. Stewart (mstewart@jenner.com); Jason P. Hipp (jhipp@jenner.com); Jennifer J. Yun (jyun@jenner.com); Molly Danahy (mdanahy@campaignlegal.org); Christopher W. Weller (cww@chlaw.com); and, Marc James Ayers (mayers@bradley.com).

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