

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.
	)	2:12-cv-00179-MHT-WC
	)	
STATE OF ALABAMA and	)	
HONORABLE JIM BENNETT,	)	
Secretary of State, in his official capacity,	)	
	)	
Defendants.	)	

STATE DEFENDANTS' NOTICE OF FILING

The State of Alabama and the Alabama Secretary of State, defendants in this action, hereby respectfully file their 55-day report, their 45-day report, and the 45-day surveys, all concerning Alabama's 2014 federal primary election.

1. On January 17, 2014, this Court entered a remedial order which required information gathering and reporting for regularly scheduled federal primary elections and regularly scheduled federal general elections held in Alabama in 2014 and 2016. Doc. 119, as amended by doc. 128 (March 14, 2014).

2. Alabama is holding a regularly scheduled federal primary election on June 3, 2014. The 45-day deadline for this election was last Saturday, April 19, 2014.

3. Pursuant to Section V.1, the State Defendants surveyed the counties to determine their preparedness to comply with UOCAVA's 45-day deadline, and provided the results of the survey to counsel for the United States. While the State Defendants are not required to file this report with the Court, it is attached hereto as Exhibit A to demonstrate that all jurisdictions reported no problems.¹

4. Pursuant to Section V.2, the State Defendants surveyed the counties again to determine whether UOCAVA ballots were timely transmitted by the 45-day deadline. The surveys are attached as Exhibit B, and the report of these surveys is attached as Exhibit C.

5. Nine counties reported that they did not have any UOCAVA voters: Bibb, Chambers, Choctaw, Coosa, Crenshaw, Geneva, Hale, Macon, and Sumter.

6. Of the 59 jurisdictions who had valid applications for absentee ballots on file from UOCAVA voters as of the 45-day deadline, 57 reported that they timely transmitted those ballots. Of those 57, more than half—32 counties—reported completing transmission no later than April 12, 2014, that is, one week early. These counties are: Calhoun, Cherokee, Chilton, Clay, Cleburne, Colbert, Dale, Dekalb, Escambia, Etowah, Fayette, Franklin, Greene, Henry, Houston, Jackson, Lamar, Lauderdale, Lawrence, Lee, Madison, Marshall, Monroe, Montgomery,

¹ The absentee balloting duties are handled by absentee election managers in Alabama's 67 counties. Jefferson County has an AEM for the Birmingham division and one for Bessemer, bring the total reporting jurisdictions to 68.

Pickens, Randolph, Russell, St. Clair, Tuscaloosa, Walker, Washington, and Winston.

7. Marion County and Jefferson County each reported transmitting electronic ballots two days late, *i.e.*, on Monday, April 21, 2014. Marion County was late with two of its six electronic ballots and Jefferson County was late with 118 electronic ballots.

8. The Remedial Order provides that “In the event of a UOCAVA violation, the State shall investigate the cause of the violation, consult with the United States, determine an appropriate remedy, and report the same to the Court. The United States shall file its response to that report, if any, within three business days.” Doc. 119 at V.

9. The Secretary’s office has been in touch with the AEMs in Marion County and Jefferson County, and the State Defendants are in consultation with the United States. Once the State Defendants determine an appropriate remedy, they will report to the Court, in compliance with the Remedial Order.

Respectfully submitted,

LUTHER STRANGE (ASB-0036-G42L)
Attorney General

BY:

s/ Misty S. Fairbanks Messick
James W. Davis (ASB-4063-I58J)
Misty S. Fairbanks Messick (ASB-1813-T71F)
Assistant Attorneys General

OFFICE OF THE ATTORNEY GENERAL

501 Washington Avenue

Post Office Box 300152

Montgomery, Alabama 36130-0152

Telephone: (334) 242-7300

Facsimile: (334) 353-8440

jimdavis@ago.state.al.us

mmessick@ago.state.al.us

Attorneys for the State & Secretary Bennett

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23rd day of April, 2014, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel of record:

Victor J. Williamson
Amanda Hine
Anna Baldwin
Elizabeth M. Ryan
Erin M. Velandy
Ernest McFarland
Richard Dellheim
Spencer R. Fisher
Stephen M. Doyle
T. Christian Herren, Jr.
for the United States

J. Cecil Gardner
Robert D. Segall
Sam Heldman
Edward Still
for the amicus

s/ Misty S. Fairbanks Messick
Of Counsel