

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

ALABAMA STATE CONFERENCE)
OF THE NAACP, *et al.*,)

Plaintiffs,)

v.)

Case No. 2:24-cv-420-RDP

STEVE MARSHALL, in his official)
Capacity as Attorney General of)
Alabama,)

Defendant.)

DEFENDANT’S ANSWER TO PLAINTIFFS’ COMPLAINT

Defendant Steve Marshall, Attorney General of Alabama (“Defendant”), for his Answer to Plaintiffs’ Complaint (doc. 1), states as follows:

Answer to Numbered Paragraphs

1. Admitted on information and belief that the Alabama Legislature enacted SB1 on March 20, 2024. Otherwise denied.

2. The quoted portions of SB1 speak for themselves and do not require a response. Admitted that first-degree manslaughter and second-degree rape are Class B felonies and that third-degree robbery and first-degree stalking are Class C felonies under Alabama law. Otherwise denied.

3. Denied.

4. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

5. Denied.

6. Denied.

7. Denied.

8. Admit that Plaintiffs request the stated relief. Denied that they are entitled to it.

9. Defendant does not contest that this Court has jurisdiction under 28 U.S.C. §§1331, 1343, and 1357 because the matter in controversy arises under federal law. Admitted that this Court has authority to grant the stated relief generally, but denied that Plaintiffs are entitled to it.

10. Defendant does not contest that this Court has personal jurisdiction over him, the sole remaining Defendant.

11. Defendant does not contest venue in this District.

12. Admitted on information and belief that the Alabama NAACP is the Alabama conference of the National Association for the Advancement of Colored People, Inc. And admitted that the Alabama NAACP is the oldest civil rights organization in Alabama and describes itself as one of the most significant in Alabama. Otherwise, Defendant lacks sufficient information to admit or deny the allegations and thus denies.

13. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

14. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

15. Averred that SB1 does not restrict Plaintiffs' speech. Otherwise, Defendant lacks sufficient information to admit or deny the allegations and thus denies.

16. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

17. Admitted on information and belief that LWVAL is a nonprofit, national, membership organization founded in 1920. Otherwise, Defendant lacks sufficient information to admit or deny the allegations and thus denies.

18. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

19. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

20. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

21. Averred that SB1 does not restrict Plaintiffs' speech. Otherwise, Defendant lacks sufficient information to admit or deny the allegations and thus denies.

22. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

23. Admitted on information and belief that GBM is a nonprofit membership organization founded in 1969. Otherwise, Defendant lacks sufficient information to admit or deny the allegations and thus denies.

24. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

25. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

26. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

27. Denied that SB1 is vague. Otherwise, Defendant lacks sufficient information to admit or deny the allegations and thus denies.

28. Admitted on information and belief that ADAP is the State of Alabama's P&A program and that it is authorized generally to represent the interests of Alabamians with disabilities. Otherwise, Defendant lacks sufficient information to admit or deny the allegations and thus denies.

29. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

30. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

31. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

32. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

33. Admitted.

34. Former Defendants Alabama District Attorneys are no longer Defendants in this case, so no response is required.

35. Former Defendant Wes Allen is no longer a Defendant in this case, so no response is required.

36. This vague allegation is denied.

37. Defendant neither denies nor defends past discrimination in Alabama. Denied that conditions remain the same or that Alabama has a recent history of racial discrimination.

38. Defendant neither denies nor defends past discrimination in Alabama. Denied that conditions remain the same or that Alabama has a recent history of racial discrimination.

39. The quoted and cited decisions speak for themselves and require no response.

40. The quoted and cited decisions speak for themselves and require no response. Otherwise, Defendant neither denies nor defends past discrimination in Alabama. Denied that conditions remain the same or that Alabama has a recent history of racial discrimination.

41. Denied that Alabama has a recent history of racial discrimination. Otherwise, Defendant lacks sufficient information to admit or deny the allegations and thus denies.

42. Denied that Alabama has a recent history of racial discrimination. Otherwise, Defendant lacks sufficient information to admit or deny the allegations and thus denies.

43. The quoted decision speaks for itself and requires no response. Denied that Alabama has a recent history of racial discrimination. Otherwise, Defendant lacks sufficient information to admit or deny the allegations and thus denies.

44. Denied.

45. Defendant lacks sufficient information to admit or deny the allegations regarding Secretary of State John Merrill and thus denies. The court decision speaks for itself. Otherwise denied.

46. Admitted that Alabama does not provide for early in-person voting or no-excuse absentee voting. Otherwise, Defendant lacks sufficient information to admit or deny the allegations and thus denies.

47. The cited provision of the Alabama Code speaks for itself and requires no response.

48. Admitted on information and belief that the “broad strokes” description of the absentee voting process is generally correct. Otherwise denied.

49. Admitted on information and belief that the Alabama Legislature passed a law banning curbside voting in Alabama.

50. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

51. Denied.

52. The first sentence is admitted on information and belief. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

53. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

54. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

55. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

56. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

57. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

58. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

59. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

60. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

61. The first sentence is admitted on information and belief. Otherwise, Defendant lacks sufficient information to admit or deny the allegations and thus denies.

62. Admitted. Averred that all challenges to the “Prefilling Restriction” have been dismissed.

63. The statutory text speaks for itself and requires no response. Averred that all challenges to this provision have been dismissed.

64. The statutory text speaks for itself and requires no response.

65. The statutory text speaks for itself and requires no response.

66. The statutory text speaks for itself and requires no response.

67. Admitted that the penalties for violating the challenged provisions are accurately alleged. Otherwise denied.

68. Denied.

69. Admitted that providing or receiving compensation to distribute an absentee ballot application is against the law. Otherwise, Defendant lacks sufficient information to admit or deny the allegations and thus denies.

70. Admitted that submitting another voter's absentee ballot application (with limited exceptions) is against the law. Otherwise denied.

71. Admitted that providing or receiving compensation to perform the actions listed in subsection (d) of the statute are against the law. Otherwise denied.

72. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

73. Averred that SB1 does not infringe Plaintiffs' "core political speech." Otherwise, Defendant lacks sufficient information to admit or deny the allegations and thus denies.

74. Denied.

75. Denied.

76. Averred that SB1 does not infringe Plaintiffs' First Amendment associational rights. Otherwise denied.

77. These allegations relate to a dismissed claim and require no response.

78. These allegations relate to a dismissed claim and require no response.

79. These allegations relate to a dismissed claim and require no response.

80. Averred that SB1 is not unconstitutionally vague. Otherwise denied.

81. These allegations relate to a dismissed claim and require no response.

82. These allegations relate to a dismissed claim and require no response.

83. These allegations relate to a dismissed claim and require no response.

84. These allegations relate to a dismissed claim and require no response.

85. These allegations relate to a dismissed claim and require no response.

86. These allegations relate to a dismissed claim and require no response.

87. Denied.

88. Admitted that the absentee voting process has more than one step. Otherwise denied.

89. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

90. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

91. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

92. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

93. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

94. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

95. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

96. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

97. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

98. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

99. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

100. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

101. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

102. The cited constitutional and statutory provisions speak for themselves and require no response. Otherwise, Defendant lacks sufficient information to admit or deny the allegations and thus denies.

103. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

104. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

105. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

106. The quoted provision of SB1 speaks for itself and requires no response.

107. The quoted provision of the VRA speaks for itself and requires no response. Otherwise denied.

108. Denied.

109. Denied.

110. Averred that voters who require assistance by reason of blindness, disability, or inability to read or write may be given such assistance. Admitted that the Submission Restriction provides exceptions where Ala. Code § 17-11-3(f) applies or where an individual is having a medical emergency within five days of an election. Admitted that the Payment and Gift Provisions provide an exception where Ala. Code § 17-11-3(f). Admitted that voters voting by absentee ballot through the Uniformed and Overseas Citizens Absentee Voting Act are exempted from SB1. Otherwise denied.

111. Denied.

112. Averred that SB1 is not unconstitutionally vague. Otherwise, Defendant lacks sufficient information to admit or deny the allegations and thus denies.

113. Denied.

114. Averred that SB1 is not unconstitutionally vague. Otherwise denied.

115. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

116. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

117. Defendant lacks sufficient information to admit or deny the allegations and thus denies.

118. Denied.

119. Denied.

120. Averred that SB1 is not unconstitutionally vague. Otherwise, Defendant lacks sufficient information to admit or deny the allegations and thus denies.

Count I

121. Averred that Count I has been dismissed with prejudice.

122. This allegation relates to a dismissed claim and requires no response.

123. This allegation relate to a dismissed claim and requires no response.

124. These allegations relate to a dismissed claim and require no response.

125. These allegations relate to a dismissed claim and require no response.

126. These allegations relate to a dismissed claim and require no response.

127. These allegations relate to a dismissed claim and require no response.

128. These allegations relate to a dismissed claim and require no response.

129. These allegations relate to a dismissed claim and require no response.

130. These allegations relate to a dismissed claim and require no response.

131. These allegations relate to a dismissed claim and require no response.

132. These allegations relate to a dismissed claim and require no response.

133. These allegations relate to a dismissed claim and require no response.

Count II

134. Averred that Count II has been dismissed with prejudice.

135. This allegation relates to a dismissed claim and requires no response.

136. These allegations relate to a dismissed claim and require no response.

137. These allegations relate to a dismissed claim and require no response.

138. These allegations relate to a dismissed claim and require no response.

139. These allegations relate to a dismissed claim and require no response.

140. These allegations relate to a dismissed claim and require no response.

141. These allegations relate to a dismissed claim and require no response.

142. This allegation relates to a dismissed claim and requires no response.

Count III

143. Averred that Count III has been dismissed with prejudice.

144. These allegations relate to a dismissed claim and require no response.

145. These allegations relate to a dismissed claim and require no response.

146. These allegations relate to a dismissed claim and require no response.

147. These allegations relate to a dismissed claim and require no response.

148. These allegations relate to a dismissed claim and require no response.

149. These allegations relate to a dismissed claim and require no response.

150. These allegations relate to a dismissed claim and require no response.

Count IV

151. Averred that Count IV has been dismissed with prejudice.

152. These allegations relate to a dismissed claim and require no response.

153. These allegations relate to a dismissed claim and require no response.

154. These allegations relate to a dismissed claim and require no response.

155. These allegations relate to a dismissed claim and require no response.

156. These allegations relate to a dismissed claim and require no response.

157. These allegations relate to a dismissed claim and require no response.

Count V

158. This paragraph requires no response.

159. The quoted statute speaks for itself and requires no response.

160. The quoted Senate Report and caselaw speak for themselves and requires no response. Otherwise denied.

161. The quoted Senate Report speaks for itself and requires no response. Otherwise Defendant lacks sufficient information to admit or deny the allegations and thus denies.

162. Denied.

163. Admitted. Averred that voters who require assistance by reason of blindness, disability, or inability to read or write may be given such assistance.

164. Admitted. Averred that SB1 included language taken almost verbatim from Section 208 and that statutory text “obviously transplanted from another legal source ... brings the old soil with it.” *Hall v. Hall*, 584 U.S. 59, 73 (2018).

165. Denied.

166. Denied.

Count VI

167. Averred that Count VI has been dismissed with prejudice.

168. These allegations relate to a dismissed claim and require no response.

169. These allegations relate to a dismissed claim and require no response.

170. These allegations relate to a dismissed claim and require no response.

171. These allegations relate to a dismissed claim and require no response.

172. These allegations relate to a dismissed claim and require no response.

173. These allegations relate to a dismissed claim and require no response.

PRAYER FOR RELIEF: Defendant denies that Plaintiffs are entitled to any relief.

General Denial

Defendant denies each and every allegation in Plaintiffs' Complaint that is not expressly admitted above.

Additional Defenses

1. Plaintiffs fail to state a claim upon which relief can be granted.
2. Plaintiffs have no lawful remedy.
3. Plaintiffs lack standing.
4. The relief Plaintiffs request is against the public interest.
5. If Section 208 of the VRA requires Alabama to permit "any person," including fraudsters and felons, to guide disabled voters through the voting process, §208 is unconstitutional.
6. If §208 permits the relief Plaintiffs request, or recognizes the claim Plaintiffs assert, §208 is not proportional and congruent.
7. SB1 does not impose an undue burden on any voter's right to vote.
8. Section 208 does not apply to absentee voting.
9. Section 208 does not provide a private right of action.
10. Section 208 does not create a substantive federal right that can be remedied through an action under §1983.

Done this 4th Day of September, 2024.

Steve Marshall
Attorney General

Edmund G. LaCour Jr. (ASB-9182-U81L)
Solicitor General

James W. Davis (ASB-4063-I58J)
Deputy Attorney General

s/ Soren Geiger

Soren Geiger (ASB-0336-T31L)

Dylan Mauldin (ASB-3281-Z11M)
Assistant Solicitors General

Brenton M. Smith (ASB-1656-X27Q)

Charles A. McKay (ASB-7256-K18K)
Assistant Attorneys General

OFFICE OF THE ATTORNEY GENERAL
STATE OF ALABAMA

501 Washington Avenue

P.O. Box 300152

Montgomery, Alabama 36130-0152

Telephone: (334) 242-7300

Edmund.LaCour@AlabamaAG.gov

Soren.Geiger@AlabamaAG.gov

Dylan.Mauldin@AlabamaAG.gov

Jim.Davis@AlabamaAG.gov

Brenton.Smith@AlabamaAG.gov

Charles.McKay@AlabamaAG.gov

Counsel for Defendant

CERTIFICATE OF SERVICE

I certify that on September 4, 2024, I electronically filed the foregoing notice with the Clerk of the Court using the CM/ECF system, which will send notice to all counsel of record.

s/ Soren Geiger
Counsel for Defendant

RETRIEVED FROM DEMOCRACYDOCKET.COM