

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

BOBBY SINGLETON, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 WES ALLEN, in his official)
 capacity as Alabama Secretary of)
 State, et al.,)
)
 Defendants.)

Case No.: 2:21-cv-1291-AMM

THREE-JUDGE COURT

EVAN MILLIGAN, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 WES ALLEN, in his official)
 capacity as Secretary of State of)
 Alabama, et al.,)
)
 Defendants.)

Case No.: 2:21-cv-01530-AMM

THREE-JUDGE COURT

MARCUS CASTER, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 WES ALLEN, in his official)
 Capacity as Alabama Secretary of)
 State, et al.,)
)
 Defendants.)

Case No.: 2:21-cv-01536-AMM

2:21-cv-01536-AMM 02/10/2025 Trial Plaintiff Exhibit No. 117
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**SECRETARY OF STATE WES ALLEN'S
OBJECTIONS AND ANSWERS TO
MILLIGAN, CASTER, AND SINGLETON PLAINTIFFS'
SECOND SET OF INTERROGATORIES (March 15, 2023)**

Pursuant to FED. R. CIV. P. 26 and FED. R. CIV. P. 33, Alabama Secretary of State Wes Allen, hereby objects and responds to the *Milligan, Caster, and Singleton* Plaintiffs' Second Set of Interrogatories to him, which were served on March 15, 2023.¹

General Statement

Secretary Allen has relied on the information presently available to him as Secretary of State. Further or different information may be discovered during the discovery phase of the litigation. Secretary Allen will amend his Objections and Responses to the extent required under FED. R. CIV. P. 26. Secretary Allen reserves the right to revise, correct, supplement, clarify, and amend the responses set forth herein consistent with the Federal Rules of Civil Procedure.

Secretary Allen's Responses to each request are made subject to all objections as to privilege, competence, relevance, materiality, propriety, and admissibility, as well as any and all other objections and grounds that would require the exclusion of

¹ During this phase of discovery, the *Singleton* Plaintiffs served interrogatories on January 9, 2023, and the *Milligan* Plaintiffs served interrogatories on February 10, 2023.

evidence. Secretary Allen reserves the right to make any and all such objections at the appropriate time.

General Objection

Secretary Allen objects to the Instructions and Definitions to the extent that they purport to impose any requirements or obligations different from those contained in the applicable Federal Rules of Civil Procedure, the applicable local Rules of this Court, applicable orders of the Court, and/or related agreements.

INTERROGATORIES

Interrogatory No. 1:

Identify by full name and title all individuals You consulted or who provided any documents or information You relied upon or referenced in making any contentions in Defendant Allen's Response to the Court's Order, ECF No. 162, or in the Declaration of Clay Helms, ECF No. 79-7, including, but not limited to, county election officials, candidates, individual voters, and individuals within the Secretary of State's office, and for each such individual, state the date of each consultation, whether written or verbal and describe the documents or information the individual provided.

OBJECTION: Secretary Allen objects to this interrogatory on grounds of attorney client privilege and attorney work product. Secretary Allen will not include communications—oral or written (including draft documents)—with counsel.

Secretary Allen objects on grounds that this interrogatory is actually at least two separate interrogatories with different actors, which creates ambiguity. As to the Secretary's response to the court's order, the Secretary interprets this interrogatory to *not* seek any response about internal communications, documents, and information.

As to the declaration of Clay Helms, the Secretary interprets this interrogatory to seek a response about internal communications that Mr. Helms had, as well as documents and information provided to him, in addition to any external communications, documents, and information.

Secretary Allen further objects on grounds that this interrogatory is unduly burdensome insofar as it demands that he identify each and every one of the numerous communications, documents, and pieces of information provided. The Secretary cannot reasonably be expected to remember every single communication, specific document, or piece of information relied upon or referenced. This is particularly true with respect to the declaration of Clay Helms as to which multiple emails and some spreadsheets that he *may* have relied upon or referenced are being produced on a rolling basis pursuant to the March 15, 2023 Request for Production No. 2, and it would take a disproportionate amount of time for counsel to review those documents with Mr. Helms to determine which were relied upon or referenced (if such can even be remembered) and thus should be coded as responsive to Request for Production No. 1 instead. Such efforts would be unduly burdensome, and time spent on such a project would take away from time available to reviewing documents for responsiveness, thus slowing production. Secretary Allen also objects to identifying documents specifically referenced in either his response to the Court's order or Mr. Helms's declaration and equally available to the Plaintiffs.

ANSWER: Without waiving these objections, Secretary Allen responds as to those individuals outside his office who were consulted or provided documents and/or information in relation to Secretary Allen's February 27, 2023 response to the Court's order and, as to those individuals who Mr. Helms consulted or who provided documents and/or information to Mr. Helms in relation to his declaration.

SECRETARY ALLEN'S FEBRUARY 27, 2023 RESPONSE TO THE COURT'S ORDER

Between February 8, 2023 and February 27, 2023, inclusive, Jeff Elrod spoke with the following registrars:

- Calhoun County—Carol Lorenzo
- Tuscaloosa County—Pam Rogers
- Jackson County—Kathy Thompson
- Montgomery County—Buddy Snipes
- Barbour County—Ed Parish
- Mobile County—Judy Motlow
- Clarke County—Chris Beverly
- Shelby County—Maria Tidmore
- Jefferson County—Barry Stevenson
- Madison County—Lynda Hairston
- Etowah County—Peggy Davis

Mr. Elrod recorded notes about these conversations in a document entitled *County Responses on Redistricting Timeframe*.^{*2} Mr. Elrod asked Vicki Wittenborg and Mary Kohls to type these notes, and each thereafter emailed him. Ms. Wittenborg's February 21, 2023 email bears the subject *GIS/PowerProfile Redistricting Survey Responses*.^{*} Ms. Kohls' February 14, 2023 email bears the subject *BOR Power Profile Updating*,^{*} and, due to technical issues, is being produced as a PDF entitled *BOR Power Profile Updating*.

DECEMBER 2021 DECLARATION OF CLAY HELMS

Mr. Helms asked Laural Bunn, who was then an employee of the Secretary of State's office, to contact the Boards of Registrars in the counties and prepare a spreadsheet of their responses. He also talked to ES&S once to review the redistricting steps in PowerProfile. Otherwise, his recollection at this time is that his declaration was largely prepared by working off previous conversations and memory, including his knowledge of events surrounding limited redistricting of State legislative seats in or around 2017, research he had previously done for his declaration in the Census litigation (*Alabama v. U.S. Dep't of Commerce*, Case No.

² Documents identified with an asterisk are those which counsel have told me are coded to be produced in response to the March 15, 2023 Request for Production No. 1. I have no personal knowledge of whether the documents are so coded, and make no guarantees as to the performance of the Attorney General's e-discovery platform.

3:21-cv-211 (M.D. Ala.)), and his years of election experience in Alabama. He was copied on multiple emails with the counties and did see one or more spreadsheets.

Interrogatory No. 2:

Identify all documents consulted or relied upon in preparing Defendant Allen's Response to the Court's Order, ECF No. 162, or the Declaration of Clay Helms, ECF No. 79-7.

OBJECTION: Secretary Allen objects to this interrogatory on grounds of attorney client privilege and attorney work product. Secretary Allen will not include communications—oral or written (including draft documents)—with counsel.

Secretary Allen further objects on grounds that this interrogatory is unduly burdensome insofar as it demands that he identify each and every one of the numerous documents (including emails) consulted or relied upon, and insofar as it is partially duplicative of Interrogatory No. 1. The Secretary cannot reasonably be expected to remember every single specific document consulted or relied upon. Multiple documents that he *may* have consulted or relied upon are being produced on a rolling basis pursuant to the March 15, 2023 Request for Production No. 2, and it would take a disproportionate amount of time for counsel to review those documents with the Secretary of State's office to determine which were consulted or relied upon (if such can even be remembered) and thus should be coded as responsive to Request for Production No. 1 instead. Such efforts would be unduly burdensome, and time spent on such a project would take away from time available to reviewing documents

for responsiveness, thus slowing production. Secretary Allen also objects to identifying documents specifically referenced in either his response to the Court's order or Mr. Helms's declaration and equally available to the Plaintiffs.

Secretary Allen further objects on grounds that this interrogatory is actually at least two separate interrogatories with different actors, which creates ambiguity.

Accordingly, Secretary Allen interprets this interrogatory to ask, with respect to his response to the court's order, which documents the Office had that are not included in response to Interrogatory No. 1 and that the Office can specifically recall consulting or relying upon. Secretary Allen interprets this interrogatory to ask, with respect to the declaration of Clay Helms, which documents Mr. Helms had that are not included in response to Interrogatory No. 1 and that he can specifically recall consulting or relying upon.

ANSWER: Without waiving these objections, Secretary Allen responds as to additional documents consulted or relied upon in relation to Secretary Allen's February 27, 2023 response to the Court's order, as well as additional documents consulted or relied upon in relation to the December 2021 Declaration of Clay Helms.

SECRETARY ALLEN'S FEBRUARY 27, 2023 RESPONSE TO THE COURT'S ORDER:

- Administrative Calendar for 2024 Statewide Election (filed simultaneously with the Response)
- Clay Helms's December 2021 declaration (previously filed)

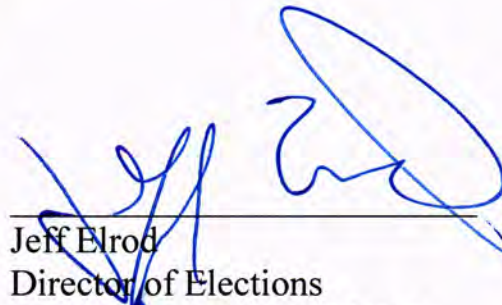
CLAY HELMS' DECEMBER 2021 DECLARATION:

- Administrative Calendar for 2022 Statewide Election (attached to declaration)

* * *

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing Answers to Interrogatories are true and correct to the best of my knowledge, information, and belief.

Executed on: April 14, 2023



Jeff Elrod
Director of Elections
Alabama Secretary of State

Signed as to objections,

Steve Marshall
Attorney General

s/ James W. Davis

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

A. Barrett Bowdre (ASB-2087-K29V)
Deputy Solicitor General

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

Misty S. Fairbanks Messick (ASB-1813-T71F)

A. Reid Harris (ASB-1624-D29X)

Brenton M. Smith (ASB-1656-X27Q)

Benjamin M. Seiss (ASB-2110-O00W)
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

Barrett.Bowdre@AlabamaAG.gov

Jim.Davis@AlabamaAG.gov

Misty.Messick@AlabamaAG.gov

Reid.Harris@AlabamaAG.gov

Brenton.Smith@AlabamaAG.gov

Ben.Seiss@AlabamaAG.gov

Counsel for Secretary Allen

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2023, I served the foregoing on all counsel of record by electronic mail.

s/ James W. Davis
Counsel for Secretary Allen