

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

MARCUS CASTER, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	Civil Action No.:
v.)	2:21-cv-01536-AMM
)	
WES ALLEN, in his official)	
capacity as Alabama Secretary of State,)	
<i>et al.</i> ,)	
)	
Defendants.)	

**SECRETARY OF STATE’S OBJECTIONS AND RESPONSES TO THE
PLAINTIFFS’ FIRST SET OF REQUESTS FOR ADMISSION TO
DEFENDANT SECRETARY OF STATE ALLEN**

Pursuant to Fed. R. Civ. P. 26 and Fed. R. Civ. P. 36, Hon. Wes Allen hereby objects and responds to *Plaintiffs’ First Set of Requests for Admission to Defendant Secretary of State Allen* as set out below.

General Statement

Secretary of State 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 obligations and grounds that would require the exclusion of evidence. Secretary Allen reserves the right to make any and all such objections at the appropriate time.

General Objections

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

REQUEST FOR ADMISSION NO. 1: Admit that the 2023 Plan contains one district, CD 7, that exceeds 50% Black Voting Age Population (“BVAP”).

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 2: Admit that, according to 2020 Census data, CD 7 in the 2023 Plan has a BVAP of 50.65% Any-Part Black.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 3: Admit that, under the 2023 Plan, the district with the next-highest BVAP is CD 2.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 4: Admit that, according to 2020 Census data, CD 2 in the 2023 Plan has a BVAP of 39.93% Any-Part Black.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 5: Admit that, under the 2023 Plan, Black Alabamians in CD 2 and CD 7 have cohesively supported a clear candidate of choice in each of Alabama's statewide general election contests since 2016.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 6: Admit that, under the 2023 Plan, white Alabamians in CD 2 and CD 7 have cohesively opposed Black voters' candidate of choice in each of Alabama's statewide general election contests since 2016.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 7: Admit that, in CD 2 under the 2023 Plan, white-preferred candidates usually defeat Black-preferred candidates in Alabama's statewide general election contests since 2016.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 8: Admit that voting in Alabama is racially polarized.

RESPONSE: Admitted that in the State as a whole, without consideration of different voting patterns that may exist within different parts of the State, a majority

of white voters in Alabama tend to support Republican candidates in most elections, while a majority of black voters in Alabama tend to support Democratic candidates in most elections. Any implication as to the reasons for these voting choices is denied.

REQUEST FOR ADMISSION NO. 9: Admit that the 2021 Plan contained only one district in which Black Alabamians would have an opportunity to elect their candidates of choice.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 10: Admit that the 2023 Plan contains only one district in which Black Alabamians have an opportunity to elect their candidates of choice.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 11: Admit that Alabama splits Mobile and Baldwin Counties in its current State Board of Education districts.

RESPONSE: Admitted. Any suggestion that the maps have the same number of districts, are drawn for the same purposes, or are otherwise comparable is denied.

REQUEST FOR ADMISSION NO. 12: Admit that Alabama splits Mobile and Baldwin Counties in its 2011 State Board of Education districts.

RESPONSE: Admitted that Alabama formerly did so in the 2011 map, which is no longer viable, but any suggestion that the maps have the same number of districts, are drawn for the same purposes, or are otherwise comparable is denied.

REQUEST FOR ADMISSION NO. 13: Admit that, based on 2020 Census data, the Black population in Alabama is sufficiently numerous to constitute a majority of the voting age population in two single-member congressional districts.

RESPONSE: Admitted that there are numerically enough black people of voting age in Alabama to draw two majority-black congressional districts, but only if race predominates in the drawing of those districts. Otherwise denied.

REQUEST FOR ADMISSION NO. 14: Admit that, based on 2020 Census data, the Black population in Alabama is sufficiently geographically compact to constitute a majority of the voting age population in two single-member congressional districts.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 15: Admit that, based on 2020 Census data, it is possible to draw a congressional districting plan in Alabama that contains two majority-Black congressional districts and six or fewer splits of county lines.

RESPONSE: Admitted that such districts can be drawn with six splits of county lines. Denied that those districts would be reasonably constructed and would avoid racially gerrymandering the districts.

REQUEST FOR ADMISSION NO. 16: Admit that, based on 2020 Census data, it is possible to draw a congressional districting plan in Alabama that contains two majority-Black congressional districts without pairing incumbent members of Congress within the same district.

RESPONSE: Admitted that such districts can be drawn without pairing incumbent members of Congress within the same district. Denied that those districts would be reasonably constructed and would avoid racially gerrymandering the districts.

REQUEST FOR ADMISSION NO. 17: Admit that, under the 2023 Plan, CD 4 spans from the western border of Alabama to the eastern border of Alabama.

RESPONSE: Admitted, but any suggestion that drawing Mississippi-to-Georgia borders in northern Alabama is comparable to doing the same in southern Alabama is denied.

REQUEST FOR ADMISSION NO. 18: Admit that, under the 2021 Plan, CD 4 spans from the western border of Alabama to the eastern border of Alabama.

RESPONSE: Admitted, but any suggestion that drawing Mississippi-to-Georgia borders in northern Alabama is comparable to doing the same in southern Alabama is denied.

REQUEST FOR ADMISSION NO. 19: Admit that, under the 2011 Plan, CD 4 spans from the western border of Alabama to the eastern border of Alabama.

RESPONSE: Admitted, but any suggestion that drawing Mississippi-to-Georgia borders in northern Alabama is comparable to doing the same in southern Alabama is denied.

REQUEST FOR ADMISSION NO. 20: Admit that, under the 2011 Plan, CD 5 spans from the western border of Alabama to the eastern border of Alabama.

RESPONSE: Admitted, but any suggestion that drawing Mississippi-to-Georgia borders in northern Alabama is comparable to doing the same in southern Alabama is denied.

REQUEST FOR ADMISSION NO. 21: Admit that, under the 2002 Plan, CD 4 spans from the western border of Alabama to the eastern border of Alabama.

RESPONSE: Admitted, but any suggestion that drawing Mississippi-to-Georgia borders in northern Alabama is comparable to doing the same in southern Alabama is denied.

REQUEST FOR ADMISSION NO. 22: Admit that, under the 2002 Plan, CD 5 spans from the western border of Alabama to the eastern border of Alabama.

RESPONSE: Admitted, but any suggestion that drawing Mississippi-to-Georgia borders in northern Alabama is comparable to doing the same in southern Alabama is denied.

REQUEST FOR ADMISSION NO. 23: Admit that, based on 2020 Census data, it is possible to draw a congressional districting plan in Alabama that contains two majority-Black congressional districts and scores the same as or higher than the 2023 Plan on the Reock compactness metric.

RESPONSE: Admitted that, by carving up districts in North Alabama far away from the districts at issue in this case, Cooper Plan 9 scores 0.02 points higher than the 2023 Plan on only one of the plan-wide compactness metrics: Reock. Denied

that Cooper's majority-black districts are more compact based on the Reock compactness metric. Otherwise denied.

REQUEST FOR ADMISSION NO. 24: Admit that Plaintiffs' Illustrative Plan 9 scores higher than the 2023 Plan on the Reock compactness metric.

RESPONSE: Admitted that, by carving up districts in North Alabama far away from the districts at issue in this case, Cooper Plan 9 scores 0.02 points higher than the 2023 Plan on only one of the plan-wide compactness metrics: Reock. Denied that Cooper's majority-black districts are more compact based on the Reock compactness metric.

REQUEST FOR ADMISSION NO. 25: Admit that the 2023 Plan contains at least one congressional district that scores lower on the Reock compactness metric than any version of District 2 in Plaintiffs' Illustrative Plans 1, 3, 4, 5, 6, 7, 8, or 9.

OBJECTION: Secretary Allen objects to Plaintiffs' failure to state each matter separately, as required by Fed. R. Civ. P. 36(a)(2).

RESPONSE: Admitted that by forcing District 1 in the Illustrative Plans into a non-compact shape, District 2 in the Illustrative Plans has a higher score on the Reock compactness measure than District 1 in the 2023 Plan—a district not drawn on the basis of race.

REQUEST FOR ADMISSION NO. 26: Admit that the 2021 Plan contains at least one congressional district that scores lower on the Reock compactness metric than any version of District 2 in Plaintiffs' Illustrative Plans 1-9.

OBJECTION: Secretary Allen objects to Plaintiffs' failure to state each matter separately, as required by Fed. R. Civ. P. 36(a)(2).

RESPONSE: Admitted that by forcing District 1 in the Illustrative Plans into a non-compact shape, District 2 in the Illustrative Plans has a higher score on the Reock compactness measure than District 5 in the 2021 Plan—a district not drawn on the basis of race. Any suggestion that a prior Legislature's decision to draw less compact districts is in any way controlling as to the current Legislature is denied.

REQUEST FOR ADMISSION NO. 27: Admit that the 2011 Plan contains at least one congressional district that scores lower on the Reock compactness metric than any version of District 2 in Plaintiffs' Illustrative Plans 1-9.

OBJECTION: Secretary Allen objects to Plaintiffs' failure to state each matter separately, as required by Fed. R. Civ. P. 36(a)(2).

RESPONSE: Admitted that by forcing District 1 in the Illustrative Plans into a non-compact shape, District 2 in the Illustrative Plans has a higher score on the Reock

compactness measure than District 5 in the 2011 Plan—a district not drawn on the basis of race. Any suggestion that a prior Legislature’s decision to draw less compact districts is in any way controlling as to the current Legislature is denied.

REQUEST FOR ADMISSION NO. 28: Admit that the 2002 Plan contains at least one congressional district that scores lower on the Reock compactness metric than any version of District 2 in Plaintiffs’ Illustrative Plans 1-9.

OBJECTION: Secretary Allen objects to Plaintiffs’ failure to state each matter separately, as required by Fed. R. Civ. P. 36(a)(2).

RESPONSE: Admitted that by forcing District 1 in the Illustrative Plans into a non-compact shape, District 2 in the Illustrative Plans has a higher score on the Reock compactness measure than District 5 in the 2002 Plan—a district not drawn on the basis of race. Any suggestion that a prior Legislature’s decision to draw less-compact districts is in any way controlling as to the current Legislature is denied.

REQUEST FOR ADMISSION NO. 29: Admit that, based on 2020 Census data, it is possible to draw a congressional districting plan in Alabama that contains two majority-Black congressional districts and scores the same as the 2023 Plan on the Polsby-Popper compactness metric.

RESPONSE: Admitted that, by carving up districts in North Alabama far away from the districts at issue in this case, Duchin Plan B scores the same digits as the 2023 Plan on only one of the plan-wide compactness metrics: Polsby-Popper. Denied that Duchin's majority-black districts are more compact based on the Polsby-Popper compactness metric. Otherwise denied.

REQUEST FOR ADMISSION NO. 30: Admit that Dr. Moon Duchin's Plan B scores the same as the 2023 Plan on the Polsby-Popper compactness metric.

RESPONSE: Admitted that, by carving up districts in North Alabama far away from the districts at issue in this case, Duchin Plan B scores the same to three significant digits as the 2023 Plan on only one of the plan-wide compactness metrics: Polsby-Popper. Denied that Duchin's majority-black districts are more compact based on the Polsby-Popper compactness metric.

REQUEST FOR ADMISSION NO. 31: Admit that Plaintiffs' Illustrative Plan 9 scores one one-hundredth of a point lower than the 2023 Plan on the Polsby-Popper compactness metric.

RESPONSE: By carving up districts in North Alabama far away from the districts at issue in this case, admitted.

REQUEST FOR ADMISSION NO. 32: Admit that the 2023 Plan contains at least one congressional district that scores lower on the Polsby-Popper compactness metric than any version of District 2 in Plaintiffs' Illustrative Plans 3, 5, 7, or 9.

OBJECTION: Secretary Allen objects to Plaintiffs' failure to state each matter separately, as required by Fed. R. Civ. P. 36(a)(2).

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 33: Admit that the 2021 Plan contains at least one congressional district that scores lower on the Polsby-Popper compactness metric than any version of District 2 in Plaintiffs' Illustrative Plans 3, 4, 5, 7, 9.

OBJECTION: Secretary Allen objects to Plaintiffs' failure to state each matter separately, as required by Fed. R. Civ. P. 36(a)(2).

RESPONSE: By forcing District 1 in the Illustrative Plans into a non-compact shape, admitted. Any suggestion that a prior Legislature's decision to draw less-compact districts is in any way controlling as to the current Legislature is denied.

REQUEST FOR ADMISSION NO. 34: Admit that the 2011 Plan contains at least one congressional district that scores lower on the Polsby-Popper compactness

metric than any version of District 2 in Plaintiffs' Illustrative Plans 1, 3, 4, 5, 7, or 9.

OBJECTION: Secretary Allen objects to Plaintiffs' failure to state each matter separately, as required by Fed. R. Civ. P. 36(a)(2).

RESPONSE: By forcing District 1 in the Illustrative Plans into a non-compact shape, admitted. Any suggestion that a prior Legislature's decision to draw less-compact districts is in any way controlling as to the current Legislature is denied.

REQUEST FOR ADMISSION NO. 35: Admit that the 2002 Plan contains at least one congressional district that scores lower on the Polsby-Popper compactness metric than any version of District 2 in Plaintiffs' Illustrative Plans 1-9.

OBJECTION: Secretary Allen objects to Plaintiffs' failure to state each matter separately, as required by Fed. R. Civ. P. 36(a)(2).

RESPONSE: By forcing District 1 in the Illustrative Plans into a non-compact shape, admitted. Any suggestion that a prior Legislature's decision to draw less-compact districts is in any way controlling as to the current Legislature is denied.

REQUEST FOR ADMISSION NO. 36: Admit that Alabama has a history of official voting-related discrimination.

RESPONSE: Admitted that official voting-related discrimination exists in Alabama's history. Denied that Alabama has a recent history of official voting-related discrimination or that the Legislature acted with racially discriminatory intent when passing the challenged law.

REQUEST FOR ADMISSION NO. 37: Admit that Black Alabamians bear the effects of discrimination in education.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 38: Admit that Black Alabamians bear the effects of discrimination in employment.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 39: Admit that Black Alabamians bear the effects of discrimination in health.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 40: Admit that Black Alabamians generally have lower turnout in elections than white Alabamians.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 41: Admit that the 2010 political campaign of Tim James for Governor included a campaign ad in which James asserted, “This is Alabama’ we speak English. If you want to live here, learn it.”

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 42: Admit that the 2016 political campaign of Donald Trump for President included a rally in Birmingham in November 2015 after which then-candidate Trump stated that a peaceful Black Lives Matter protester “should have been roughed up, because it was absolutely disgusting what he was doing.”

RESPONSE: Admitted that the media reported that such events took place. Secretary Allen is without sufficient information to admit or deny whether such reports are true. Denied that the actions of a national candidate who does not hail from, or live in, Alabama are properly attributed to the State for purposes of a Section 2 analysis just because the candidate allegedly took actions within the State.

REQUEST FOR ADMISSION NO. 43: Admit that the 2017 political campaign of Roy Moore for U.S. Senator included a rally in Florence in November 2017 at which a Black person in attendance asked when Moore thought America was last “great.”

RESPONSE: Admitted that the media reported that such events took place. Secretary Allen is without sufficient information to admit or deny whether such reports are true.

REQUEST FOR ADMISSION NO. 44: Admit that, in response to the question referenced in RFA No. 43, Moore said: “I think it was great at the time when families were united — even though we had slavery — they cared for one another Our families were strong, our country had a direction.”

RESPONSE: Admitted that the media reported that such events took place. Secretary Allen is without sufficient information to admit or deny whether such reports are true, and notes that Alabama voters rejected Moore’s candidacy

REQUEST FOR ADMISSION NO. 45: Admit that the 2017 political campaign of Roy Moore for U.S. Senator included a statement by Moore that “They started [to] create new rights in 1965, and today we’ve got a problem,” an apparent reference to the Voting Rights Act.

RESPONSE: Admitted that the media reported that such events took place. Secretary Allen is without sufficient information to admit or deny whether such reports are true. Denied further that there is basis to conclude that the comments

referred to the Voting Rights Act, and noted that Alabama voters rejected Moore's candidacy.

REQUEST FOR ADMISSION NO. 46: Admit that the 2017 political campaign of Roy Moore for U.S. Senator included a campaign rally in Midland City at which Kayla Moore, the candidate's wife, stated: "Fake news would also have you think that my husband doesn't support the Black community. Yet my husband appointed the very first Black marshal to the Alabama Supreme Court, Mr. Willie James. When he first took office as the chief justice many years ago, he brought with him three people from Etowah County. Two were Black, and one of them is here tonight."

RESPONSE: Admitted that the media reported that such events took place. Secretary Allen is without sufficient information to admit or deny whether such reports are true.

REQUEST FOR ADMISSION NO. 47: Admit that during the 2018 political campaign of Kay Ivey for Governor, the candidate called for the preservation of confederate monuments.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 48: Admit that the 2018 political campaign of Kay Ivey for Governor included a campaign ad entitled, “Monuments,” in which Ivey said, “Up in Washington, they always know better. Politically correct nonsense, I say.”

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 49: Admit that the Southern Poverty Law Center publicly defines itself as “a catalyst for racial justice in the South and beyond, working in partnership with communities to dismantle white supremacy, strengthen intersectional movements, and advance the human rights of all people.”

RESPONSE: Admitted that the Southern Poverty Law Center describes itself in such fashion.

REQUEST FOR ADMISSION NO. 50: Admit that the 2018 political campaign of Tom Parker for Supreme Court Chief Justice included a campaign ad in which Parker stated that he had “taken on and beaten the Southern Poverty Law Center.”

RESPONSE: Admitted that the ad made such statements after Parker prevailed in litigation having nothing to do with race, after the Southern Poverty Law Center filed a complaint against Parker with the Alabama Judicial Inquiry Commission over comments Parker had made concerning marriage.

REQUEST FOR ADMISSION NO. 51: Admit that the campaign ad referenced in RFA No. 50 said that Parker opposed “the leftist mob tr[ying] to destroy our society” while showing images of U.S. Congresswoman Maxine Waters, a Black member of Congress from California.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 52: Admit that the 2020 political campaign of Bradley Byrne for U.S. Senator included a campaign television ad that featured images and video of the following individuals overlaid on video of a burning fire: Representative Ilhan Omar, then NFL quarterback Colin Kaepernick, and then Representatives Alexandria Ocasio-Cortez, Ayanna Pressley, Ilhan Omar, and Rashida Tlaib together.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 53: Admit that of all of the individuals listed in RFA No. 52 are racial or ethnic minorities.

RESPONSE: Admitted on information and belief.

REQUEST FOR ADMISSION NO. 54: Admit that the 2020 political campaign of Jeff Sessions for U.S. Senator included an ad warning that “socialism, open borders, free healthcare for illegal immigrants, that is the Democrats’ plan for America.”

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 55: Admit that the 2020 political campaign of Arnold Mooney for U.S. Senator included an ad entitled, “Border on Fire,” in which the voiceover begins with: “Our southern border is on fire. Illegal aliens swarm. Opioids flow. Americans die.”

RESPONSE: Secretary Allen lacks sufficient information to admit or deny the request.

REQUEST FOR ADMISSION NO. 56: Admit that the campaign ad referenced in RFA No. 55 includes images of heavily tattooed MS-13 gang members.

RESPONSE: Secretary Allen lacks sufficient information to admit or deny the request.

REQUEST FOR ADMISSION NO. 57: Admit that the campaign ad referenced in RFA Nos. 55 and 56 then cuts to Mooney, who says, “Let’s finally build that dadgum

wall and cut legal immigration. Yeah, I said legal. We can either put America first or we can keep emptying out Central America.”

RESPONSE: Secretary Allen lacks sufficient information to admit or deny the request.

REQUEST FOR ADMISSION NO. 58: Admit that the 2020 political campaign of Chris Pringle for U.S. Representative for CD 1 included a campaign ad that included Pringle proudly labeling himself “politically incorrect.”

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 59: Admit that in the campaign ad referenced in RFA No. 58, Pringle insisted, “These days if you look like me and believe like me, everything that’s wrong in our society is your fault.”

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 60: Admit that in the campaign ad referenced in RFA Nos. 58 and 59 above, Pringle said, “If you’re straight, southern, conservative, and heaven forbid, Christian, they call you a racist and blame you for everyone else’s problems.”

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 61: Admit that the 2024 political campaign of Caroleene Dobson for U.S. Representative for CD 2 included a social media post by Dobson that featured a news article about an undocumented immigrant that claimed, “Enterprise is under attack. This is more than fentanyl, it’s the surge of crime and enemy agents flooding our border and infiltrating our nation.”

RESPONSE: Secretary Allen lacks sufficient information to admit or deny the request.

REQUEST FOR ADMISSION NO. 62: Admit that the 2024 political campaign of Caroleene Dobson for U.S. Representative for CD 2 included a primary debate during which Dobson stated, “Every child is entitled to the best education to equip them to succeed, and the parents are the ones who should determine where that education takes place. . . . Why do parents want more options? Because these days you may be learning critical race theory in schools, you may have boys in girls’ bathrooms in schools.”

RESPONSE: Secretary Allen lacks sufficient information to admit or deny the request.

REQUEST FOR ADMISSION NO. 63: Admit that the 2024 political campaign of Dick Brewbaker for U.S. Representative for CD 2 included a campaign ad that featured video of former Harvard president Claudine Gay, a Black woman, juxtaposed with images of a white man brandishing a firearm, while Brewbaker intones that “the media and woke corporations and liberal politicians sow division for their own profit.”

RESPONSE: Secretary Allen lacks sufficient information to admit or deny the request.

REQUEST FOR ADMISSION NO. 64: Admit that no Black Alabamian has been elected to statewide office since 1996.

RESPONSE: Admitted, but any suggestion that race is the reason is denied

REQUEST FOR ADMISSION NO. 65: Admit that no Black candidate has ever been elected Governor, Lieutenant Governor, U.S. Senator, Secretary of State, or State Auditor in Alabama.

RESPONSE: Admitted, but any suggestion that race is the reason is denied

REQUEST FOR ADMISSION NO. 66: Admit that the only Black Alabamians to have ever been elected to statewide office are Oscar Adams and Ralph Cook, who won elections to the Alabama Supreme Court after initial gubernatorial appointment.

RESPONSE: Admitted, but any suggestion that race is the reason is denied.

REQUEST FOR ADMISSION NO. 67: Admit that there are currently no Black judges on the State's Supreme Court or the Courts of Appeals.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 68: Admit that since Reconstruction, just three Black candidates have been elected to the U.S. House of Representatives from Alabama.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 69: Admit that all three Black candidates elected to the U.S. House of Representatives from Alabama since Reconstruction were elected to represent the State's sole majority-Black district.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 70: Admit that there are currently 26 Black members of the Alabama House of Representatives and seven Black members of the Alabama Senate.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 71: Admit that 32 out of 33 Black Alabamians currently serving in the Alabama Legislature were elected in majority-Black districts.

RESPONSE: Admitted.

Done this 6th day of September, 2024.

Steve Marshall

Attorney General

s/ James W. Davis

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CERTIFICATE OF SERVICE

I certify that on September 6, 2024, I served the foregoing on all counsel of record by electronic mail.

s/ James W. Davis

Counsel for Secretary of State Allen