

2023 Aug-11 AM 9:01  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

# Exhibit 36

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

BOBBY SINGLETON, et al.,	)	
	)	
<i>Plaintiffs,</i>	)	
	)	
v.	)	Case No.: 2:21-cv-1291-AMM
	)	
WES ALLEN, in his official	)	<b>THREE-JUDGE COURT</b>
capacity as Secretary of State, et al.,	)	
	)	
<i>Defendants.</i>	)	

**DEFENDANT SECRETARY OF STATE ALLEN'S OBJECTIONS  
AND RESPONSES TO *SINGLETON* PLAINTIFFS'  
THIRD SET OF REQUESTS FOR ADMISSION**

Pursuant to Fed. R. Civ. P. 26 and Fed. R. Civ. P. 36, Alabama Secretary of State Wes Allen hereby responds to the *Singleton* Plaintiffs' Third Set of Requests for Admission.

**General Statement**

Secretary Allen has relied on the information presently available to him. 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 pursuant to Fed. R. Civ. P. 26.

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 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 different from those contained in the Federal Rules of Civil Procedure, the local Rules of this Court, applicable orders of the Court, and/or related agreements.

Secretary Allen further objects to each and every request that is not “separately stated” as required by Fed. R. Civ. P. 36(a)(2).

**REQUEST FOR ADMISSION NO. 94:** In the districting plan enacted by the Legislature in July 2023 (the “2023 Plan”), Jefferson County is split between Districts 6 and 7.

**Response:** Admitted.

**REQUEST FOR ADMISSION NO. 95:** The shape of District 7 in Jefferson County in the 2023 Plan is based on the shape of District 7 in the plan enacted in 2021.

**Response:** Secretary Allen objects to this request on grounds that the Secretary of State did not enact the 2023 Plan, and Secretary Allen does not have

personal knowledge of the bases of the decisions made by the various members of the Legislature who voted on the 2023 Plan. Without waiving this objection, Secretary Allen admits that a visual comparison of the shape of District 7 in Jefferson County in the 2021 Plan versus the shape of District 7 in Jefferson County in the 2023 Plan reveals some similarities as well as some differences.

**REQUEST FOR ADMISSION NO. 96:** District 7 in the 2023 Plan contains about 71% of the Black population of Jefferson County.

**Response:** Admitted.

**REQUEST FOR ADMISSION NO. 97:** The portion of District 7 in Jefferson County in the 2023 Plan is about 57% Black. The portion of District 6 in Jefferson County is about 27% Black.

**Response:** Admitted.

**REQUEST FOR ADMISSION NO. 98:** During the July 2023 special session of the Legislature, Senators Bobby Singleton and Rodger Smitherman each proposed a plan for Alabama's congressional districts (the "Singleton Plan" and the "Smitherman Plan").

**Response:** Admitted.

**REQUEST FOR ADMISSION NO. 99:** The Singleton Plan and Smitherman Plan both have one district largely comprised of Jefferson County and another district largely comprised of the Black Belt.

**Response:** Admitted.

**REQUEST FOR ADMISSION NO. 100:** At least since 2012, the candidate of choice for Black voters in Alabama's statewide elections has been the Democrat.

**Response:** Admitted that a majority of black voters have supported the Democratic candidate in the past several statewide general elections. Otherwise denied.

**REQUEST FOR ADMISSION NO. 101:** In the Jefferson County and Black Belt districts of the Singleton and Smitherman Plans, Black voters have an equal opportunity to elect candidates of their choice.

**Response:** Secretary Allen objects to this request on grounds that "equal opportunity to elect" is not defined. Without waiving these objections, see responses to requests number 102 and 103.

**REQUEST FOR ADMISSION NO. 102:** In statewide elections since 2012, the Democratic candidate received more votes than their opponent in 22 of the 28 statewide races contested by a Democrat and a Republican in the Singleton Plan's Jefferson County district, and in 28 of 28 races in the Black Belt district.

<b>Race</b>	<b>Party of candidate with the most votes</b>	
	<b>Jefferson County District</b>	<b>Black Belt District</b>
2012 President	Democrat	Democrat
2012 Chief Justice	Democrat	Democrat
2014 Governor	Republican	Democrat
2014 Lieutenant Governor	Republican	Democrat
2014 Commissioner of Agriculture and Industries	Republican	Democrat
2014 Attorney General	Democrat	Democrat
2014 Secretary of State	Republican	Democrat
2014 Auditor	Republican	Democrat
2016 President	Democrat	Democrat
2016 Senate	Democrat	Democrat
2017 Senate	Democrat	Democrat
2018 Governor	Democrat	Democrat
2018 Lieutenant Governor	Democrat	Democrat
2018 Attorney General	Democrat	Democrat
2018 Secretary of State	Democrat	Democrat
2018 Auditor	Democrat	Democrat
2018 Chief Justice	Democrat	Democrat
2018 Associate Justice	Democrat	Democrat
2018 PSC Place 1	Democrat	Democrat
2018 PSC Place 2	Democrat	Democrat
2020 President	Democrat	Democrat
2020 Senate	Democrat	Democrat
2020 PSC President	Democrat	Democrat
2022 Senate	Democrat	Democrat
2022 Governor	Republican	Democrat
2022 Attorney General	Democrat	Democrat
2022 Secretary of State	Democrat	Democrat
2022 Associate Justice	Democrat	Democrat

**Response:** Admitted.

**REQUEST FOR ADMISSION NO. 103:** In statewide elections since 2012, the Democratic candidate received more votes than their opponent in 26 of the 28 statewide races contested by a Democrat and a Republican in the Smitherman Plan's Jefferson County district, and in 23 of 28 races in the Black Belt district.

	<b>Party of candidate with the most votes</b>	
<b>Race</b>	<b>Jefferson County District</b>	<b>Black Belt District</b>
2012 President	Democrat	Democrat
2012 Chief Justice	Democrat	Democrat
2014 Governor	Democrat	Democrat
2014 Lieutenant Governor	Democrat	Democrat
2014 Commissioner of Agriculture and Industries	Republican	Democrat
2014 Attorney General	Democrat	Democrat
2014 Secretary of State	Republican	Democrat
2014 Auditor	Democrat	Democrat
2016 President	Democrat	Democrat
2016 Senate	Democrat	Democrat
2017 Senate	Democrat	Democrat
2018 Governor	Democrat	Democrat
2018 Lieutenant Governor	Democrat	Democrat
2018 Attorney General	Democrat	Democrat
2018 Secretary of State	Democrat	Democrat
2018 Auditor	Democrat	Democrat
2018 Chief Justice	Democrat	Democrat
2018 Associate Justice	Democrat	Democrat
2018 PSC Place 1	Democrat	Democrat
2018 PSC Place 2	Democrat	Democrat
2020 President	Democrat	Democrat
2020 Senate	Democrat	Democrat

2020 PSC President	Democrat	Democrat
2022 Senate	Democrat	Republican
2022 Governor	Democrat	Republican
2022 Attorney General	Democrat	Republican
2022 Secretary of State	Democrat	Republican
2022 Associate Justice	Democrat	Republican

**Response:** Admitted.

**REQUEST FOR ADMISSION NO. 104:** According to the Secretary of State, the Republican candidate for Governor in 2022, Kay Ivey, reported spending \$10,725,072.39 during the 2022 election cycle, which is about 843 times as much as the Democratic candidate, Yolanda Flowers, reported spending (\$12,725.87).

**Response:** Admitted, except that any implication that these are the only differences between the candidates is denied.

**REQUEST FOR ADMISSION NO. 105:** According to the Federal Election Commission, the Republican candidate for Senate in 2022, Katie Britt, reported spending \$9,744,197.22 during the 2022 election cycle, which is about 80 times as much as the Democratic candidate, Will Boyd, reported spending (\$121,509.06).

**Response:** Admitted, except that any implication that these are the only differences between the candidates is denied.



**REQUEST FOR ADMISSION NO. 106:** According to the Secretary of State, the Republican candidate for Attorney General in 2022, Steve Marshall, reported spending \$1,051,319.08 during the 2022 election cycle, which is about 152 times as much as the Democratic candidate, Wendell Major, reported spending (\$6,896.80).

**Response:** Admitted, except that any implication that these are the only differences between the candidates is denied.

**REQUEST FOR ADMISSION NO. 107:** According to the Secretary of State, the Republican candidate for Associate Justice–Place 5 in 2022, Greg Cook, reported spending \$2,010,168.45 during the 2022 election cycle, which is about 89 times as much as the Democratic candidate, Anita Kelly, reported spending (\$22,505.56).

**Response:** Admitted, except that any implication that these are the only differences between the candidates is denied.

**REQUEST FOR ADMISSION NO. 108:** According to the Secretary of State, the Republican candidate for Secretary of State in 2022, Wes Allen, reported spending \$787,607.30 during the 2022 election cycle, which is about 28 times as much as the Democratic candidate, Pamela Lafitte, reported spending (\$28,518.91).

**Response:** Admitted, except that any implication that these are the only differences between the candidates is denied.

**REQUEST FOR ADMISSION NO. 109:** Dave's Redistricting App is a reliable source of information about the population and racial demographics of congressional districts.

**Response:** Denied.

Respectfully Submitted,

Steve Marshall  
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*Solicitor General*

/s/ James W. Davis  
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***Counsel for Secretary Allen***

**CERTIFICATE OF SERVICE**

I hereby certify that on August 10, 2023, I served the foregoing on all counsel of record by electronic mail.

/s/ James W. Davis  
*Counsel for Secretary Allen*