

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

KHADIDAH STONE, et al.,

*Plaintiffs,*

v.

WES ALLEN, et al.,

*Defendants.*

Case No. 2:21-CV-01531-AMM

**PLAINTIFFS' RESPONSES TO DEFENDANT ALLEN'S  
DISCOVERY REQUESTS**

Pursuant to Rules 26, 33, 34, and 36 of the Federal Rules of Civil Procedure, Plaintiffs Khadidah Stone, Evan Milligan, Greater Birmingham Ministries, and Alabama State Conference of the NAACP (collectively "Plaintiffs"), submit the following objections and responses to Defendant Secretary of State Wes Allen's Discovery Requests to the Plaintiffs ("Requests").

These responses are based on the information and documents currently available to Plaintiffs, and Plaintiffs reserve the right to alter, supplement, amend, or otherwise modify these responses in light of additional facts revealed through subsequent inquiry and as appropriate under the Rules. These responses and objections are also based on Plaintiffs' understanding of each individual Request and not an admission or agreement with Defendant Allen's use or interpretation of terms. To the extent Defendant Allen asserts an interpretation of any Request that is inconsistent with Plaintiffs' understanding, Plaintiffs reserve the right to supplement its responses and objections.

Information contained in any responses and objections pursuant to these Requests are not an admission or acknowledgment by Plaintiffs that: (1) such information is relevant to any claim or defense in this action; (2) is without prejudice to Plaintiffs' right to contend at any trial or in any other proceeding,

in this action or otherwise, that such information is inadmissible, irrelevant, immaterial, or not the proper basis for discovery; and (3) is without prejudice to or waiver of any objection to any future use of such information.

In responding to the requests, whenever Plaintiffs agree to produce documents, such an agreement does not constitute a representation or concession that such documents are relevant or admissible as evidence. Further, Plaintiffs' responses to the requests shall not be construed in any way as an admission that any definition provided by Defendant Allen is either factually correct or legally binding.

**OBJECTIONS AND RESPONSES TO INTERROGATORIES**

**INTERROGATORY NO. 1: (Plaintiffs Stone and Milligan only):** Identify your residential address, place of employment, and social media accounts.

**OBJECTIONS TO INTERROGATORY NO. 1:** Plaintiffs object that this Interrogatory is overly broad, unduly burdensome, and seeks information that is neither relevant to any party's claims or defenses nor proportional to the needs of the case. Plaintiffs also object to the extent this Interrogatory invades Plaintiffs' privacy interests in violation of the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable law. *See Ams. for Prosperity Found. v. Bonta*, 141 S. Ct. 2373 (2021); *Buckley v. Valeo*, 424 U.S. 1, 66 (1976); *NAACP v. Button*, 371 U.S. 415, 429 (1963); *Louisiana ex rel. Gremillion v. NAACP*, 366 U.S. 293, 296 (1961); *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958).

**RESPONSES TO INTERROGATORY NO. 1:** Subject to and without waiving these objections, Plaintiffs respond as follows:

Khadidah Stone: Ms. Stone resides at 3037 Pinehaardt Drive, Montgomery, AL 36109. She is employed by Alabama Forward. She has social media accounts on Instagram, X.com [Twitter], TikTok, Facebook, LinkedIn, and Pinterest.

Evan Milligan: Mr. Milligan resides at 4601 Vanderbilt Drive, Montgomery, AL 36116. He is self-employed as an independent contractor. He has social media accounts on Instagram and LinkedIn.

**INTERROGATORY NO. 2: (Plaintiffs Greater Birmingham Ministries and Alabama State Conference of the NAACP only):** State with specificity the facts supporting your assertion of standing to bring the claims you press in the Fourth Amended Complaint.

**OBJECTIONS TO INTERROGATORY NO. 2:** Plaintiffs object to the extent that this Interrogatory calls for a legal conclusion. Plaintiffs further object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response. Plaintiffs also object to

the extent this Interrogatory invades Plaintiffs' privacy interests in violation of the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable law. *See Buckley v. Valeo*, 424 U.S. 1, 66 (1976); *NAACP v. Button*, 371 U.S. 415, 429 (1963); *Louisiana ex rel. Gremillion v. NAACP*, 366 U.S. 293, 296 (1961); *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958).

**RESPONSES TO INTERROGATORY NO. 2:** Without waiving these objections, Organizational Plaintiffs assert standing based "associational standing," that is, on behalf of impacted members.

Alabama NAACP: To support their claim of associational standing, Organizational Plaintiffs identify the following Black members who are registered to vote and reside in the Montgomery and Huntsville-Decatur areas, where Section 2 of the VRA requires the drawing of new Senate districts in which Black voters can elect candidates of choice, including the following:

- James E. Lovejoy, 9056 Black Cherry Trail, Pike Road, AL 36064
- Benard Simelton, 15376 Pepper Creek Rd., Harvest, AL 35749
- Jerry Burnet, 2405 Greenhill Drive, Huntsville, AL 35810
- Bobby Diggs, 227 Graves Blvd., Hillsboro, AL 35643
- Jo Ann Williams, 517 Southlawn Drive, Montgomery, AL 36198

Greater Birmingham Ministries: Greater Birmingham Ministries has individual members who live in the City of Huntsville and Montgomery County who identify as Black and are registered voters. GBM also has congregational members in the Ninth Episcopal District of the AME Church, which includes churches such as St. John AME Church (Huntsville), Grady - Madison AME Church (Madison), Wayman Chapel AME Church (Decatur), St. John, St. Paul, and St. Peter AME Churches (all in Montgomery), which have individual members who are Black registered voters who live in Madison County, Decatur, and Montgomery County. GBM reserves the right to amend this response to provide additional information about members who consent to having their identity disclosed.

**INTERROGATORY NO. 3:** Identify any Senate maps or districting plans known to you that contain one or more additional majority-BVAP Senate districts as compared to the 2021 Plan, which contains eight majority-BVAP Senate districts.

**OBJECTIONS TO INTERROGATORY NO. 3:** Plaintiffs object that this Interrogatory is premature as discovery is ongoing. Plaintiffs additionally object to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine.

**RESPONSES TO INTERROGATORY NO. 3:** Without waiving these objections, Plaintiffs respond that Anthony E. Fairfax’s expert report, served to counsel by email on February 2, 2024, includes a map that adheres to traditional redistricting criteria and contains two more majority-Black Senate districts than the 2021 Plan. Moreover, consistent with the scheduling order, Plaintiffs reserve the right to produce potentially responsive information in connection with the Plaintiffs’ rebuttal expert reports.

**INTERROGATORY NO. 4: (Plaintiffs Stone and Milligan only):** Describe your involvement, if any, in any national, State or local political party. Include any leadership role you served in, the responsibilities of the position, and the timeframe that you held/hold the position.

**OBJECTIONS TO INTERROGATORY NO. 4:** Plaintiffs object that this Interrogatory is vague and ambiguous in its use of the terms “involvement” and “leadership role.” Plaintiffs object to this Interrogatory because it is overly broad as it is untethered to any temporal limitation, and seeks information that is not relevant to any party’s claims or defenses nor proportional to the needs of the case. Plaintiffs also object that this Interrogatory requests information protected by the associational rights of the First Amendment to the U.S. Constitution. *See Ams. for Prosperity Found.*, 141 S. Ct. at 2385-88; *id.* at 2390 (Thomas, J., concurring) (“The text and history of the Assembly Clause suggest that the right to assemble includes the right to associate anonymously.”); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429 (“There [is] a vital relationship between freedom to associate and privacy in one’s associations); *Perry v. Schwarzenegger*, 591 F.3d 1126, 1142 (9th Cir. 2009) (The “right to associate with others to advance

one's shared political beliefs" entails "the right to exchange ideas and formulate strategy and messages, and to do so in private," as well as "to organize and direct them in the way that will make them most effective."); *see also NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958).

**INTERROGATORY NO. 5: (Plaintiffs Stone and Milligan only):** Identify whether you have been a candidate for any national, State or local office and the party, if any, that you ran under.

**OBJECTIONS TO INTERROGATORY NO. 5:** Plaintiffs object that this Interrogatory is vague and ambiguous in that it does not define the term "office." Plaintiffs further object to this Interrogatory because it is overly broad, unduly burdensome, untethered to any temporal limitation, and seeks information that is not relevant to any party's claims or defenses nor proportional to the needs of the case. Plaintiffs further object to the extent that this Interrogatory requests information protected by the associational privilege of the First Amendment to the U.S. Constitution. *See Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9.

**RESPONSES TO INTERROGATORY NO. 5:** Without waiving these objections, Ms. Stone and Mr. Milligan respond that they have not been candidates for any national, State or local office.

**INTERROGATORY NO. 6:** If you contend it to be true, explain how you—or, in the case of the organizational Plaintiffs, your members—have been prevented from being registered to vote in Alabama at any time since 2010.

**OBJECTIONS TO INTERROGATORY NO. 6:** Plaintiffs object to this Interrogatory because it is vague and ambiguous in that it does not define the term "prevented," and to the extent that it implies that the governing legal standard in this case only concerns who Alabamians have been outright denied the right to vote rather than subjected to burdensome and discriminatory restrictions and districts that provide them unequal access to political power. Plaintiffs further object to this Interrogatory because it is overly broad, unduly burdensome, and seeks information that is not proportional to the needs of the case.

Plaintiffs also object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response with expert reports and testimony or other discovery responses, including, but not limited to, depositions. Plaintiffs object to the extent that this Interrogatory calls for a legal conclusion. Plaintiffs further object to the extent this Interrogatory invades organizational Plaintiffs' members' privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable law.

**RESPONSES TO INTERROGATORY NO. 6:** Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Khadidah Stone: Ms. Stone has not been outright denied in any attempt to register to vote in Alabama since 2010.

Evan Milligan: Mr. Milligan has not been outright denied in any attempt to register to vote in Alabama since 2010.

Greater Birmingham Ministries: GBM is not aware of whether its members have been prevented from registering to vote since 2010 but it has assisted dozens of individuals who had been denied the right to register to vote or erroneously dropped from the voting rolls successfully register to vote. Much of GBM's work and knowledge in this area involves formerly incarcerated populations. At least in part because of its involvement as a plaintiff in *Thompson v. Alabama*, No. 2:16-cv-783-ECM-SMD (M.D. Ala.), in 2017, the Alabama Legislature passed a bill to define what crimes involved "moral turpitude" for the purposes of determining which citizens can vote, which had the effect of 140,000 Alabama citizens who had previously been denied the right to vote eligible to register and vote. Even in the midst of this, however, the Alabama Secretary of State refused to provide outreach or education to these newly eligible individuals, so many of these Alabamians remain unregistered because the State never informed them

that their prior criminal convictions no longer prohibit them from voting. GBM has assisted hundreds of these people in understanding their rights and successfully registering to vote.

GBM has also assisted more than 100 individuals who were mistaken about their eligibility to register to vote, denied the right to register, and/or erroneously denied registration or dropped from the voter rolls erroneously. For example, several such individuals were erroneously denied registration as a result of a State database error that incorrectly codes eligible Alabamians as not ineligible to vote. A conviction for an attempted crime is not considered a crime of moral turpitude under Alabama law and does not take away a citizen's voting rights. GBM has assisted in many cases where county registrars denied a citizen's voter registration application because their database erroneously showed the applicant as having been convicted of a completed crime that does result in the loss of voting rights, rather than an attempted crime. GBM must address such matters on a case-by-case basis and is one of only a few organizations that do so. Accordingly, there are many Alabamians in similar situations who have lost their voting rights erroneously and that GBM has not yet been able to help or identify.

Many other types of database errors have resulted in erroneous denials of voting rights and registrations. GBM has assisted applicants for Certificates of Eligibility to Register to Vote ("CERV") who the Alabama Bureau of Pardons and Paroles ("ABPP") erroneously confused with other people. According to ABPP, they do not have unique identifiers to distinguish one applicant from another. In one case, GBM worked with an individual ("Alvin") who had spent decades in prison. Upon his release, Alvin became eligible to restore his voting rights and register to vote. Yet ABPP confused Alvin with his brother for more than six months, erroneously attributing his brother's convictions to Alvin. GBM was able to persuade ABPP that these were two different people and Alvin was CERV-eligible. Alvin was issued a CERV many months after state law required ABPP to issue it.

Based on further experience, GBM also responds that they are aware of other arbitrary actions by ABPP result in the erroneous denial of voting rights and registration. To provide one example, GBM



representatives had attended a “second chance job fair” and met about ten individuals who had lost their voting rights but were eligible to have them restored. GBM left the job fair and submitted applications on behalf of these individuals. However, ABPP later notified GBM that the agency would not accept or process these applications because ABPP had changed their application form without any notice or grace period. For several of these applications, GBM was unable to relocate the applicants to have them fill out the exact same information on a new ABPP form.

GBM is aware of another form arbitrary denial of voting rights and registration. When voter registration applicants have out-of-state convictions or federal convictions, county registrars or ABPP compare those out-of-state or federal convictions to Alabama’s list of disqualifying convictions. If there is a perceived “match,” the applicant must satisfy additional conditions (*e.g.*, repayment of legal financial obligations, sentence completion) to have their voting rights restored. However, Alabama does not have any published standards for making such a “matching” determination. This results in arbitrary applications of eligibility rules and erroneous denials. Further, if an applicant has very old convictions or out-of-state or federal convictions that are not easily or immediately retrievable, ABPP presumptively denies voting rights restoration until the applicant can retrieve all requested records and affirmatively prove their eligibility. ABPP’s arbitrary placement of the burden of proving eligibility on the applicant results in excruciating and extended delays in the restoration of voting rights of eligible applicants.

NAACP of Alabama: The NAACP of Alabama is not aware of whether its members have been prevented from registering to vote since 2010 but it through its work enforcing Section 7 of the National Voter Registration Act of 1993 (“NVRA”),<sup>1</sup> it is aware of serious deficiencies in the administration of voter registration by the Department of Human Resources and the Medicaid Agency that likely prevented many eligible Alabamians from receiving voter registration opportunities. Due to the NAACP of

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<sup>1</sup> See Letter from NAACP of Alabama to Ms. Beth Chapman, June 12, 2013, <https://www.lawyerscommittee.org/wp-content/uploads/2015/06/0395.pdf>.

Alabama's work, the Governor, Secretary of State, Department of Human Resources, and the Medicaid Agency entered into settlement agreements to ensure NVRA compliance.<sup>2</sup>

In 2018, the NAACP of Alabama, along with the Brennan Center and the League of Women Voters of Alabama, sent a letter notifying the Secretary of State's Office that Alabama's policy of immediately removing voters from registration lists based on an interstate crosscheck program violated Section 8 of the NVRA, which establishes clear requirements that states must meet before removing voters from the rolls.<sup>3</sup> This use of Crosscheck almost certainly resulted in the erroneously removal of qualified voters from the voter rolls.

Organizational Plaintiffs are also generally aware of other findings which may have affected its members' ability to participate in the political process, including the U.S. Department of Justice finding in 2015 that Alabama had "widespread noncompliance with the requirements of Section 5" of the National Voter Registration Act,<sup>4</sup> and the D.C. Circuit's finding in 2016, that the mismatch between Alabama's voter registration form and practices at the time and the federal voter registration form "is very likely to confuse the public," which "will create a disincentive for citizens who would otherwise attempt to register to vote." *League of Women Voters v. Newby*, 838 F.3d 1, 13 (D.C. Cir. 2016).

**INTERROGATORY NO. 7:** If you contend it to be true, explain how you—or, in the case of the organizational Plaintiffs, your members—have been prevented from voting in Alabama at any time since 2010.

**OBJECTIONS TO INTERROGATORY NO. 7:** Plaintiffs object to this Interrogatory because it is vague and ambiguous in that it does not define the term "prevented," and to the extent that it implies

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<sup>2</sup> See Settlement Agreement Regarding Department of Human Resources (Dec. 2013), <https://www.lawyerscommittee.org/wp-content/uploads/2015/06/0396.pdf>; Settlement Agreement Regarding Medicaid Agency (Dec. 2013), <https://www.lawyerscommittee.org/wp-content/uploads/2015/06/0397.pdf>.

<sup>3</sup> See Letter regarding Alabama's Non-Compliance with Section 8, July 20, 2018.

<sup>4</sup> U.S. Dept. of Justice, *State of Alabama Agrees to Resolve Claims of National Voter Registration Act Violations* (Nov. 13, 2015)

that the governing legal standard in this case only concerns who Alabamians have been outright denied the right to vote rather than subjected to burdensome and discriminatory restrictions and districts that provide them unequal access to political power. Plaintiffs further object to this Interrogatory because it is overly broad, unduly burdensome, and seeks information that is not proportional to the needs of the case. Plaintiffs also object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response with expert reports and testimony or other discovery responses, including, but not limited to, depositions. Plaintiffs object to the extent that this Interrogatory calls for a legal conclusion. Plaintiffs further object to the extent this Interrogatory invades organizational Plaintiffs' members' privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable law.

**RESPONSES TO INTERROGATORY NO. 7:** Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Khadidah Stone: Ms. Stone has not been outright prevented from casting a ballot in Alabama since 2010 but has had her right to vote abridged due to living in an area with racially dilutive State Senate and congressional districts.

Evan Milligan: Mr. Milligan has not been outright prevented from casting a ballot in Alabama since 2010 but has had his right to vote abridged due to living in an area with racially dilutive State Senate and congressional districts.

Greater Birmingham Ministries: GBM incorporates by reference its response to Interrogatory No. 6 and also incorporates by reference barriers to voting GBM members experienced during the 2020 election as found in *People First of Alabama v. Merrill*, 491 F.Supp.3d 1076, 1146 (N.D. Al. 2020), and that thousands of Alabamians lack sufficient ID to be able to vote, as found in *Greater Birmingham Ministries v. Sec'y of State for State of Alabama*, 992 F.3d 1299, 1312 (11th Cir. 2021).

NAACP of Alabama: NAACP of Alabama incorporates by reference its response to Interrogatory No. 6 and also incorporates by reference barriers to voting its members experienced during the 2020 election as found in *People First of Alabama v. Merrill*, 491 F.Supp.3d 1076, 1146 (N.D. Al. 2020), and that thousands of Alabamians lack sufficient ID to be able to vote as found in *Greater Birmingham Ministries v. Sec’y of State for State of Alabama*, 992 F.3d 1299, 1312 (11th Cir. 2021).

**INTERROGATORY NO. 8:** If you contend it to be true, explain how you—or, in the case of the organizational Plaintiffs, your members—have been prevented from choosing a political party to support.

**OBJECTIONS TO INTERROGATORY NO. 8:** Plaintiffs object to this Interrogatory because it is vague and ambiguous in that it does not define the term “prevented,” or explain what it sense it means “choosing a political party to support.” To the extent this Interrogatory implies that the governing legal standard in this case only concerns who Alabamians have been outright denied the right to participate in party affairs. Plaintiffs further object to this Interrogatory because it is overly broad, unduly burdensome, and seeks information that is not proportional to the needs of the case. Plaintiffs also object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response with expert reports and testimony or other discovery responses, including, but not limited to, depositions. Plaintiffs object to the extent that this Interrogatory calls for a legal conclusion. Plaintiffs further object to the extent this Interrogatory invades Plaintiffs’ and organizational Plaintiffs’ members’ privacy interests—including to the extent it requests that Plaintiffs reveal individuals’ associations with political parties or voting selections, or the identities of organizational Plaintiffs’ individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment; Alabama law; and all other applicable law. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9; Ala. Code § 17-6-34.

**RESPONSES TO INTERROGATORY NO. 8:** Subject to and without waiving the foregoing objections, Plaintiffs respond that none of them understand what the question means in terms of being prevented from choosing a political party to support and so cannot say one way or the other.

**INTERROGATORY NO. 9:** If you contend it to be true, explain how you—or, in the case of the organizational Plaintiffs, your members—have been prevented from participating in the affairs of the political party that you/your members choose to support.

**RESPONSE TO INTERROGATORY NO. 9:** Plaintiffs object to this Interrogatory because it is vague and ambiguous in that it does not define the term “prevented” or the phrases “participating in the affairs.” Plaintiffs object to this Interrogatory because it is overly broad, unduly burdensome, untethered to any temporal limitation, and seeks information that is not relevant to any party’s claims or defenses nor proportional to the needs of the case. Plaintiffs also object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response with expert reports and testimony or other discovery responses, including, but not limited to, depositions. Plaintiffs object to the extent that this Interrogatory calls for a legal conclusion. Plaintiffs further object to the extent this Interrogatory invades Plaintiffs’ and organizational Plaintiffs’ members’ privacy interests—including to the extent it requests that Plaintiffs reveal individuals’ associations with political parties or voting selections, or the identities of organizational Plaintiffs’ individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment; Alabama law; and all other applicable law. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9; Ala. Code § 17-6-34.

**RESPONSES TO INTERROGATORY NO. 9:** Subject to and without waiving the foregoing objections, Plaintiffs respond that none of them understand what the question means in terms of being prevented from choosing a political party to support and so cannot say one way or the other.

**INTERROGATORY NO. 10:** If you contend it to be true, detail when and in what manner black candidates have been excluded, on account of race, as candidates of the Alabama Democratic Party.

**OBJECTIONS TO INTERROGATORY NO. 10:** Plaintiffs object to this Interrogatory because it is vague and ambiguous in that it does not define the term “excluded.” Plaintiffs object to this Interrogatory because it is irrelevant, overly broad, unduly burdensome, untethered to any temporal limitation, and seeks information that is not relevant to any party’s claims or defenses nor proportional to the needs of the case. Plaintiffs further object that this Interrogatory is burdensome to the extent the information it seeks is publicly available or equally accessible to Defendant as it is to Plaintiffs. Plaintiffs also object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response with expert reports and testimony or other discovery responses, including, but not limited to, depositions.

**RESPONSES TO INTERROGATORY NO. 10:** Subject to and without waiving the foregoing objections, Plaintiffs respond that none of them are part of the leadership or inner workings of the Alabama Democratic Party so lack knowledge of the extent to which the Party has discriminated against Black candidates. Plaintiffs are generally aware that, from the 1960s through today, Black voters have sued the Alabama Democratic Party over a lack of equal access to the party’s electoral processes and the party’s failure to comply with the Voting Rights Act. *See, e.g., Hadnott v. Amos*, 394 U.S. 358 (1969); *Gilmore v. Greene Cnty. Democratic Party Exec. Comm.*, 435 F.2d 487 (5th Cir. 1970); *Foster v. Jones*, No. 03-0574, 2004 WL 7344991, at \*1–2 (S.D. Ala. June 17, 2004); *Henderson v. Harris*, 804 F. Supp. 288 (M.D. Ala. 1992) (three-judge court); *Henderson v. Graddick*, 641 F. Supp. 1192 (M.D. Ala. 1986) (three-judge court); *Harris v. Graddick*, 615 F. Supp. 239 (M.D. Ala. 1985), 593 F. Supp. 128 (M.D. Ala. 1984); *MacGuire v. Amos*, 343 F. Supp. 119 (M.D. Ala. 1972) (three-judge court); *United States v. Democratic Exec. Comm. of Barbour Cnty., Ala.*, 288 F. Supp. 943 (M.D. Ala. 1968); *Smith v. Paris*, 257 F.Supp. 901 (M.D. Ala. 1966), *aff’d*, 386 F.2d 979 (5th Cir. 1967); *Gray v. Main*, 291 F. Supp. 998 (M.D.

Ala. 1966); *United States v. Exec. Comm. of Democratic Party of Dallas Cnty.*, 254 F. Supp. 537 (S.D. Ala. 1966); *see also Hawthorne v. Baker*, 750 F. Supp. 1090, 1092 (M.D. Ala. 1990) (three-judge court), *vacated*, 499 U.S. 933 (1991); *Harper v. Vance*, 342 F. Supp. 136 (N.D. Ala. 1972) (three-judge court); *Gray v. Main*, 291 F. Supp. 998 (M.D. Ala. 1966). Plaintiffs are further aware that the U.S. Department of Justice objected to numerous racially discriminatory changes to the Alabama Democratic Party's election procedures under Section 5 of the Voting Rights Act in 1974, 1976, 1982, 1989, 1990, and 1991. *See* U.S. Dep't of Justice, Civil Rights Div., Voting Determination Letters for Alabama, <https://www.justice.gov/crt/voting-determination-letters-alabama>. The Alabama Democratic Party did not remove "white supremacy" from its logo until 1966 and, that as of 1989, the governing body of the Party "was largely controlled by White Democrats in numbers disproportionate to the racial makeup of the Alabama Democratic Party electorate" and that this exclusion led to a consent decree.<sup>5</sup> Plaintiffs are also aware but lack knowledge of the veracity of the allegations in *Kelley v. Harrison*, No. 1:21-CV-56 and the statements made in 2023 by the Alabama Democratic Party Chair Kelley, which allege that some party officials were engaged in a "racist plot to divide, dilute, undermine and weaken the Black vote" on the State Democratic Executive Committee.

**INTERROGATORY NO. 11:** Detail any efforts you—or, in the case of the organizational Plaintiffs, your members—have made to join the Alabama Republican Party and explain how those efforts were met by the Alabama Republican Party.

**OBJECTIONS TO INTERROGATORY NO. 11:** Plaintiffs object to this Interrogatory because it is vague and ambiguous in that it does not define the phrase "join the Alabama Republican Party." Plaintiffs object to this Interrogatory because it is overly broad, unduly burdensome, untethered to any temporal limitation, and seeks information that is not relevant to any party's claims or defenses nor proportional to the needs of the case. Plaintiffs further object that this Interrogatory is oppressive and

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<sup>5</sup> *Kelley v. Harrison*, No. 1:21-CV-56-RAH-SMD, 2021 WL 3200989, at \*1 (M.D. Ala. July 28, 2021).

burdensome to the extent the information it seeks is publicly available or equally accessible to Defendant as it is to Plaintiffs. Plaintiffs also object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response. Plaintiffs further object to the extent this Interrogatory invades Plaintiffs' and organizational Plaintiffs' members' privacy interests—including to the extent it requests that Plaintiffs reveal individuals' associations with political parties or voting selections, or the identities of organizational Plaintiffs' individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment; Alabama law; and all other applicable law. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9; Ala. Code § 17-6-34.

**RESPONSES TO INTERROGATORY NO. 11:** Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Khadidah Stone: Ms. Stone has no efforts to report that she believes responds to this Interrogatory.

Evan Milligan: Mr. Milligan has no efforts to report that he believes responds to this Interrogatory.

Greater Birmingham Ministries: Greater Birmingham Ministries does not monitor the political affiliation of its individual members or of the individual members of its congregational members and therefore lacks sufficient knowledge to respond to this Interrogatory.

NAACP of Alabama: The NAACP of Alabama does not monitor the political affiliation of its members and therefore lacks sufficient knowledge to respond to this Interrogatory.

**INTERROGATORY NO. 12:** Identify the name, contact information, and race of each person you—or, in the case of the organizational Plaintiffs, your members—consider to be a leader of the Alabama Democratic Party.

**OBJECTIONS TO INTERROGATORY NO. 12:** Plaintiffs object to this Interrogatory because it is vague and ambiguous in that it does not define the term “leader.” Plaintiffs object to this Interrogatory because it is overly broad, unduly burdensome, and seeks information that is not relevant to any party’s



claims or defenses nor proportional to the needs of the case. Plaintiffs further object that this Interrogatory is oppressive and burdensome to the extent the information it seeks is publicly available or equally accessible to Defendant as it is to Plaintiffs. Plaintiffs further object to the extent this Interrogatory invades Plaintiffs' and organizational Plaintiffs' members' privacy interests—including to the extent it requests that Plaintiffs reveal individuals' associations with political parties or the identities of organizational Plaintiffs' individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and all other applicable law. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9.

**RESPONSES TO INTERROGATORY NO. 12:** Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Khadidah Stone: I know Tabitha Isner as a leader in the Alabama Democratic Party. She identifies as white. Her email address is tabitha@tabithaisner.com.

Evan Milligan: Tabitha Isner, a white woman, is the vice chair of the Alabama Democratic Party. Ms. Isner may be reached at tabitha@tabithaisner.com.

Greater Birmingham Ministries: Greater Birmingham Ministries does not monitor the views of its members as to who they consider to be leaders of political parties so lacks a basis to answer this Interrogatory.

NAACP of Alabama: The NAACP of Alabama does not monitor the views of its members as to who they consider to be leaders of political parties so lacks a basis to answer this Interrogatory.

**OBJECTIONS & RESPONSES TO REQUESTS FOR PRODUCTION**

Without waiving or limiting in any manner any of the foregoing Continuing Objections and Objections to Definitions, but rather incorporating them into each of the following responses to the extent applicable, Plaintiffs respond to Secretary Allen's Requests for Production as follows:

**REQUEST FOR PRODUCTION NO. 1:** Produce any documents depicting or concerning "this illustrative map" referenced in Paragraph 88 of the Fourth Amended Complaint.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 1:** Plaintiffs refer Defendant Allen to the illustrative map provided in Anthony E. Fairfax's expert report, served to counsel by email on February 2, 2024, and accompanying materials. Plaintiffs reserve the right to supplement this response based on further discovery and expert analysis according to the scheduling order in this case.

**REQUEST FOR PRODUCTION NO. 2:** Produce any documents concerning any effort you undertook to draw an Alabama Senate districting plan containing one or more additional majority-BVAP districts as compared to the 2021 Plan.

**OBJECTIONS & RESPONSE TO REQUEST FOR PRODUCTION NO. 2:** Plaintiffs object that this Request is premature as discovery is ongoing. Plaintiffs additionally object to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine. Subject to and without waiving these objections, Plaintiffs refer to Defendant Allen to Anthony E. Fairfax's expert report, served to counsel by email on February 2, 2024, and accompanying materials. Plaintiffs reserve the right to supplement this response based on further discovery and expert analysis according to the scheduling order in this case.

**REQUEST FOR PRODUCTION NO. 3:** Produce any documents concerning any maps or analysis that provides the basis for your contention that additional majority-BVAP Senate districts can be drawn in Alabama and that any such district can be reasonably constructed consistent with traditional districting criteria.

**OBJECTIONS & RESPONSE TO REQUEST FOR PRODUCTION NO. 3:** Plaintiffs object that this Request is premature as discovery is ongoing. Plaintiffs additionally object to this Request to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine. Subject to and without waiving these objections, Plaintiffs refer to Defendant Allen to Anthony E. Fairfax’s expert report, served to counsel by email on February 2, 2024, and accompanying materials. Plaintiffs reserve the right to supplement this response based on further discovery and expert analysis according to the scheduling order in this case.

**REQUEST FOR PRODUCTION NO. 4: (Plaintiffs Greater Birmingham Ministries and Alabama State Conference of the NAACP)** Produce any documents concerning how one becomes a “member” of your organization including, but not limited to, any process that is followed and any criterion that is applied.

**OBJECTIONS & RESPONSE TO REQUEST FOR PRODUCTION NO. 4:** Plaintiffs object to the extent that this Requests information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs further object to the extent this Request invades organizational Plaintiffs’ members’ privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable law.

Subject to and without waiving these objections, Plaintiffs will produce any responsive documents.

**REQUEST FOR PRODUCTION NO. 5: (Plaintiffs Greater Birmingham Ministries and Alabama State Conference of the NAACP)** Produce any documents concerning your standing to bring the claims you assert in the Fourth Amended Complaint.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 5:** Plaintiffs object to the extent that this Requests information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs further object to the extent this Request invades organizational Plaintiffs’ members’ privacy interests—including to the extent it requests the production of membership lists—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable law.

Subject to and without waiving these objections, Plaintiffs refer Defendants to their Answer to Interrogatory No. 2.

**REQUEST FOR PRODUCTION NO. 6:** If you contend that you—or, in the case of the organizational Plaintiffs, your members—have been prevented from being registered to vote in Alabama at any time since 2010, produce any documents you have concerning that contention.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 6:** Plaintiffs object to the extent this Request invades organizational Plaintiffs’ members’ privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable law.

Plaintiffs also refer to documents referred to and equally available to Defendants concerning the settlement of NVRA claims and from litigation referred to in Responses to Interrogatory No. 7.

**REQUEST FOR PRODUCTION NO. 7:** If you contend that Black candidates have been excluded, on account of race, as candidates of the Alabama Democratic Party, produce any documents you have concerning that contention.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 7:** Plaintiffs object to the extent that this Requests call for information equally available to Defendants. Plaintiffs further object to the extent this Request invades organizational Plaintiffs’ members’ privacy interests—including to the extent it

requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents.

**REQUEST FOR PRODUCTION NO. 8:** If you contend that the Alabama Democratic Party refuses to associate with Black voters and/or Black candidates on account of race, produce any documents you have concerning that contention.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 8:** Plaintiffs object to this Request because it is vague and ambiguous in that it does not define the phrase “associate.” Plaintiffs also object to the extent that this Requests information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs further object to the extent this Request invades organizational Plaintiffs’ members’ privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents.

**REQUEST FOR PRODUCTION NO. 9:** If you contend that the Alabama Republican Party refuses to associate with Black voters and/or Black candidates on account of race, produce any documents you have concerning that contention.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 9:** Plaintiffs object to this Request because it is vague and ambiguous in that it does not define the phrase “associate.” Plaintiffs also object to the extent that this Requests information protected by the associational privilege of the First

Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs further object to the extent this Request invades organizational Plaintiffs’ members’ privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents in their possession.

**REQUEST FOR PRODUCTION NO. 10:** If you contend that you—or, in the case of the organizational Plaintiffs, your members—have been prevented from choosing a political party to support, produce any documents you have concerning that contention.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 10:** Plaintiffs object to this Request because it is vague and ambiguous in that it does not define the phrase “choosing.” Plaintiffs also object to the extent that this Requests information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs further object to the extent this Request invades organizational Plaintiffs’ members’ privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents.

**REQUEST FOR PRODUCTION NO. 11:** If you contend that you—or, in the case of the organizational Plaintiffs, your members—have been prevented from participating in the affairs of the

political party or parties that you/your members choose to support, produce any documents you have concerning that contention.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 11:** Plaintiffs object to this Request because it is vague and ambiguous in that it does not define the phrase “participating.” Plaintiffs object to this Request because it is overly broad, unduly burdensome, untethered to any temporal limitation, and seeks information that is not relevant to any party’s claims or defenses nor proportional to the needs of the case as well. Plaintiffs further object to the extent that this Requests information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs also object to the extent this Request invades organizational Plaintiffs’ members’ privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents.

**REQUEST FOR PRODUCTION NO. 12:** If you contend that you—or, in the case of the organizational Plaintiffs, your members—have been prevented from choosing a political party to support, produce any documents you have concerning that contention.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 12:** Plaintiffs object to this Request because it is vague and ambiguous in that it does not define the phrase “choosing.” Plaintiffs object to this Request because it is overly broad, unduly burdensome, untethered to any temporal limitation, and seeks information that is not relevant to any party’s claims or defenses nor proportional to the needs of the case as well. Plaintiffs further object to the extent that this Requests information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted

membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs also object to the extent this Request invades organizational Plaintiffs’ members’ privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents.

**REQUEST FOR PRODUCTION NO. 13:** If you—or, in the case of the organizational Plaintiffs, your members—have made any effort to join the Alabama Republican Party, produce any documents you have concerning that effort, including any response from the Alabama Republican Party.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 13:** Plaintiffs object to the extent that this Requests information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs also object to the extent this Request invades organizational Plaintiffs’ members’ privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents.

**REQUEST FOR PRODUCTION NO. 14:** If you refuse to admit that many white voters in Alabama prefer Republican candidates for reasons that have nothing to do with race, produce any documents you have supporting that refusal.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 14:** Plaintiffs object to this Request because it is vague and ambiguous in that it does not define the phrase “nothing to do with race.” Plaintiffs



object to this Request because it is overly broad, unduly burdensome, untethered to any temporal limitation, and seeks information that is not relevant to any party's claims or defenses nor proportional to the needs of the case as well. Plaintiffs further object to the extent that this Request seeks information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs also object to the extent this Request invades organizational Plaintiffs' members' privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents except to the extent such documents are relied upon in expert reports.

**RESPONSES TO REQUESTS FOR ADMISSION**

Without waiving or limiting in any manner any of the foregoing Continuing Objections, but rather incorporating them into each of the following responses to the extent applicable, Plaintiffs respond to Secretary Allen's Requests for Admission as follows:

**REQUEST FOR ADMISSION NO. 1:** Admit that since at least 2000, support of Black voters has been critical to the electoral success of Democratic candidates in Alabama elections.

**RESPONSE TO REQUEST FOR ADMISSION NO. 1:** Plaintiffs object to Request for Admission No. 1 as vague and ambiguous in that it does not define the term "critical." Subject to and without waiving the foregoing objections, Plaintiffs admit that Black voters have tended to support Democratic candidates in general, partisan elections in the elections analyzed in Alabama elections dating back to 2014, although the level of support has varied in some races depending on the race of the candidates and that Democratic candidates have only seen success when the relevant district has a majority BVAP or BCVAP or close to it, or in the rare instances when white voters support Black-preferred candidates in greater numbers than usual. As to general election races between 2000 and 2012, Plaintiffs have anecdotal and experiential information that Black voters have tended to support Democratic more than Republican candidates, but lack sufficient knowledge beyond that. For all years, Plaintiffs admit that whereas Black Democratic candidates only found success in majority-BVAP districts in state legislative races, white Democrats had success in some circumstances in majority-white districts or voter populations, strongly indicating that the race of the candidate matters above and beyond political affiliation.

**REQUEST FOR ADMISSION NO. 2:** Admit that the support of Black voters was critical to the success of Doug Jones when he was elected, as a Democrat, to the U.S. Senate from Alabama in 2017.

**RESPONSE TO REQUEST FOR ADMISSION NO. 2:** Plaintiffs object to Request for Admission No. 2 as vague and ambiguous in that it does not define the term "critical." Subject to and

without waiving the foregoing objections, Plaintiffs admit that a significant majority of Black voters voted for Doug Jones in the 2017 U.S. Senate race over his opponent, but deny the Request to the extent it overlooks the fact that his rare election as a statewide Democrat was made possible by far greater than usual white support of his candidacy as a white Democrat running against a controversial candidate.

**REQUEST FOR ADMISSION NO. 3:** Admit that, since at least 2000, Black candidates in Alabama have routinely run for elected offices in Democratic primaries and have routinely won Democratic primaries.

**RESPONSE TO REQUEST FOR ADMISSION NO. 3:** Plaintiffs object to Request for Admission No. 3 as vague and ambiguous in that it does not define the term “routinely.” Subject to and without waiving the foregoing objections, Plaintiffs admit that Black candidates for public office in Alabama have won Democratic primary races, though Plaintiffs lack sufficient knowledge of whether they tend to win or lose in greater percentages when they face a white Democrat in the primary or in majority-white electorates.

**REQUEST FOR ADMISSION NO. 4:** Admit that in 2024, Black candidates ran in the Alabama Republican Party primary, including for Alabama Congressional District 2.

**RESPONSE TO REQUEST FOR ADMISSION NO. 4:** Plaintiffs admit that four Black candidates and four white candidates sought the Republican Party nomination for Alabama’s Congressional District 2, and further admit that those four Black candidates finished fifth, sixth, seventh, and eighth, while the white candidates finished first through fourth, with the Black candidates totaling approximately 6% of the votes, and the white candidates garnering the remaining approximately 94% of the votes.

**REQUEST FOR ADMISSION NO. 5:** Admit that, in the State of Alabama, the Black preferred candidate is usually a Democrat.

**RESPONSE TO REQUEST FOR ADMISSION NO. 5:** Plaintiffs object to Request for

Admission No. 5 as vague and ambiguous because it fails to provide the time period of the Request. Given the boundless definition of time, Plaintiffs deny the Request as Black support for candidates of the different political parties has varied over time, place, particular elections, and candidates in the past 50-60 years as Black Alabamians finally gained access to the franchise in meaningful numbers.

**REQUEST FOR ADMISSION NO. 6:** Admit that, nationally, the Black preferred candidate is usually a Democrat.

**RESPONSE TO REQUEST FOR ADMISSION NO. 6:** Plaintiffs object to Request for Admission No. 6 as vague and ambiguous because it fails to provide the time period of the Request. Given the boundless definition of time, Plaintiffs deny the Request as Black support for candidates of the different political parties has varied over the history of this country, with Black political support shifting to some degree in the last half-century due to a number of factors such as differences for political support for civil rights protections, the “Southern Strategy” which relied upon race-based appeals to drive the voting patterns of white voters in the South away from the Democratic Party, and other relevant factors.

**REQUEST FOR ADMISSION NO. 7:** Admit that, in the State of Alabama, the white preferred candidate is usually a Republican.

**RESPONSE TO REQUEST FOR ADMISSION NO. 7:** Plaintiffs object to Request for Admission No. 6 as vague and ambiguous because it fails to provide the time period of the Request. Given the boundless definition of time, Plaintiffs deny the Request as white support for candidates of the different political parties has varied over the history of the State and this country, with white political support shifting significantly even in the last twenty years between political parties and varying to some degree until the past decade or two between local, state, and national races.

**REQUEST FOR ADMISSION NO. 8:** Admit that white voters can prefer Republican candidates for reasons that have nothing to do with race.

**RESPONSE TO REQUEST FOR ADMISSION NO. 8:** Plaintiffs object to Request for

Admission No. 8 as vague and ambiguous due to the term “nothing to do with race.” Plaintiffs can neither admit nor deny it on the grounds that it calls for speculation and/or contains an incomplete hypothetical and requires isolating a political system infused by race in a way not reflected by reality, particularly considering recent overtly racist laws passed with support of most Republicans such as the recent ban on diversity, equity, and inclusion efforts.

**REQUEST FOR ADMISSION NO. 9:** Admit that many white voters in Alabama prefer Republican candidates for reasons that have nothing to do with race.

**RESPONSE TO REQUEST FOR ADMISSION NO. 9:** Plaintiffs object to Request for Admission No. 9 as vague and ambiguous due to the term “nothing to do with race.” Plaintiffs can neither admit nor deny it on the grounds that it calls for speculation and/or contains an incomplete hypothetical because it calls for isolating issues in a political system infused by race in a way not reflected by reality.

**REQUEST FOR ADMISSION NO. 10:** Admit that white voters can prefer Republican candidates for policy reasons, *i.e.*, abortion, gun rights, and immigration.

**RESPONSE TO REQUEST FOR ADMISSION NO. 10:** Plaintiffs object to Request for Admission No. 10 as vague and ambiguous as to the phrase and “policy reasons.” Subject to and without waiving the foregoing and Continuing Objections, Plaintiffs deny any implication that any of these policy positions can be completely separated from race given the dominant role of race in Alabama’s political system.

**REQUEST FOR ADMISSION NO. 11:** Admit that Rep. Kenneth Paschal is a Black Republican elected to represent majority-white Alabama House District 73.

**RESPONSE TO REQUEST FOR ADMISSION NO. 11:** Plaintiffs admit this Request.

**REQUEST FOR ADMISSION NO. 12:** Admit that the Alabama Democratic Party did not have candidates for more than half of the Alabama State Senate seats up for election in 2022.

**RESPONSE TO REQUEST FOR ADMISSION NO. 12:** Plaintiffs object to Request for

Admission No. 12 as vague and ambiguous. Plaintiffs further object to this Request to the extent it seeks information equally or more readily accessible to Secretary Allen. Subject to and without waiving the foregoing and Continuing Objections, this Request is admitted.

**REQUEST FOR ADMISSION NO. 13:** Admit that the Alabama Democratic Party did not have candidates for more than half of the Alabama State Legislature seats up for election in 2022.

**RESPONSE TO REQUEST FOR ADMISSION NO. 13:** Plaintiffs object to Request for Admission No. 13 as vague and ambiguous. Plaintiffs further object to this Request to the extent it seeks information equally or more readily accessible to Secretary Allen. Subject to and without waiving the foregoing and Continuing Objections, this Request is admitted.

**REQUEST FOR ADMISSION NO. 14:** Admit that citizen voting age population (“CVAP”) calculated by the Census Bureau is based on a collection of survey estimates, not a count of the population like the decennial Census.

**RESPONSE TO REQUEST FOR ADMISSION NO. 14:** Plaintiffs admit that the Census Bureau creates a “custom tabulation of the citizen voting age population” from five years of data from the American Community Survey (ACS), which means approximately 17.7 million households receive surveys in a typical five-year period nationwide, as do approximately 315,000 households in Alabama over the same period.

**REQUEST FOR ADMISSION NO. 15:** Admit that the 2020 Census did not ask respondents about whether they were citizens.

**RESPONSE TO REQUEST FOR ADMISSION NO. 15:** Plaintiffs admit that despite the U.S. Department of Commerce attempting to place such a question on the 2020 Decennial Census, the 2020 Decennial Census questionnaire did not ask about citizenship after the Supreme Court found that “the VRA enforcement rationale—the sole stated reason [provided for its addition]—seems to have been contrived,” and thus affirmed the district court’s decision enjoining its addition on that ground. *Dep’t of*

*Com. v. New York*, 139 S. Ct. 2551, 2575 (2019).

**REQUEST FOR ADMISSION NO. 16:** Admit that the ACLU opposed including a question on the 2020 Census asking respondents whether they were citizens.

**RESPONSE TO REQUEST FOR ADMISSION NO. 16:** Plaintiffs admit that the ACLU not only opposed, but successfully litigated the issue before the U.S. Supreme Court, where the Court affirmed the district court’s injunction against adding the question, finding that “the VRA enforcement rationale—the sole stated reason [provided for its addition]—seems to have been contrived,” and thus affirmed the district court’s decision enjoining its addition on that ground, *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2575 (2019)—a decision which including finding that former DOJ official John Gore admitted “that CVAP data collected through the census questionnaire” as opposed to the ACS “is not necessary for [the U.S. Department of Justice’s] VRA enforcement efforts.” *New York v. U.S. Dep’t of Com.*, 351 F. Supp. 3d 502, 556–57 (S.D.N.Y.), *aff’d in part, rev’d in part and remanded sub nom. Dep’t of Com. v. New York*, 139 S. Ct. 2551 (2019).

**REQUEST FOR ADMISSION NO. 17:** Admit that the NAACP LDF opposed including a question on the 2020 Census asking respondents whether they were citizens.

**RESPONSE TO REQUEST FOR ADMISSION NO. 17:** Plaintiffs admit that LDF not only opposed adding a citizenship question to the 2020 Decennial Census, but also submitted an amicus brief in the Supreme Court explaining that, among other things, “[e]xisting data sources, including citizenship data obtained through” census surveys, “have proven more than sufficient” for litigating cases under Section 2 of the VRA.

**REQUEST FOR ADMISSION NO. 18:** Admit that Alabama has used single-member districts to elect Members of the Alabama Senate for more than 40 years.

**RESPONSE TO REQUEST FOR ADMISSION NO. 18:** Plaintiffs object to Request for Admission No. 18 to the extent it seeks information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the foregoing and Continuing Objections, this Request is admitted.

**REQUEST FOR ADMISSION NO. 19:** Admit that U.S. Senator Howell Heflin was elected from the State of Alabama in, *inter alia*, 1984, when he received more than 60% of the vote.

**RESPONSE TO REQUEST FOR ADMISSION NO. 19:** Plaintiffs object to Request for Admission No. 19 to the extent it seeks information equally or more readily accessible to Secretary Allen. Subject to and without waiving the foregoing and Continuing Objections, this Request is admitted.

**REQUEST FOR ADMISSION NO. 20:** Admit that Joe Reed and the Alabama Democratic Conference endorsed Hillary Rodham Clinton over Barack Obama in 2008.

**RESPONSE TO REQUEST FOR ADMISSION NO. 20:** Plaintiffs object to Request for Admission No. 20 to the extent it seeks information equally or more readily accessible to Secretary Allen. Subject to and without waiving the foregoing and Continuing Objections, Plaintiffs admit that Joe Reed and the ADC endorsed Hillary Clinton over Barack Obama in 2008 contrary to the preferences of Black voters, 84% of whom voted for then-Senator Obama in the primary, in contrast to the white primary voters, 72% of whom gave then-Senator Hillary Clinton their vote.



DATED this 27th day of March 2024.

/s/ Alison Mollman

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Respectfully submitted,

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**VERIFICATION OF INTERROGATORY RESPONSES**

I, Khadidah Stone, believe, based on reasonable inquiry, that the foregoing answers are true and correct to the best of my knowledge, information, and belief. I verify as such under penalty of perjury.

A handwritten signature in black ink, appearing to read 'Khadidah Stone', written over a horizontal line.

Khadidah Stone

Dated: 3/27/24

**VERIFICATION OF INTERROGATORY RESPONSES**

I, Evan Milligan, believe, based on reasonable inquiry, that the foregoing answers are true and correct to the best of my knowledge, information, and belief. I verify as such under penalty of perjury.



Evan Milligan

Date: 3/27/24

**VERIFICATION OF INTERROGATORY RESPONSES**

I, Scott Douglas, believe, based on reasonable inquiry, that the foregoing answers submitted on behalf of Greater Birmingham Ministries are true and correct to the best of my knowledge, information, and belief. I verify as such under penalty of perjury.

A handwritten signature in black ink, appearing to read "Scott Douglas", written over a horizontal line.

Scott Douglas

Dated: 3/27/24

**VERIFICATION OF INTERROGATORY RESPONSES**

I, Benard Simelton, believe, based on reasonable inquiry, that the foregoing answers are true and correct to the best of my knowledge, information, and belief. I verify as such under penalty of perjury.

  
**Benard Simelton**

**Dated:** *March 26, 2024*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 28, 2024, a true and correct copy of the foregoing was served on all counsel of record by electronic mail.

/s/ Davin Rosborough  
Davin Rosborough