



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

4-10-2019
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P. HACKETT, CLK
DISTRICT COURT
DISTRICT ALA

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF ALABAMA; BETH
CHAPMAN, SECRETARY OF STATE OF
ALABAMA, in her official capacity,

Defendants.

Civil Action No. _____

COMPLAINT

The United States of America alleges:

1. This action is brought by the Attorney General on behalf of the United States pursuant to the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA") 42 U.S.C. § 1973ff-1(c) (2003).
2. 42 U.S.C. § 1973ff-1(c) mandates that States (and local governments through their respective States) report to the Election Assistance Commission the "[n]ot later than 90 days after the date of each regularly scheduled general election for Federal office" the "combined number of absentee ballots that are transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast." The States "shall make such a report available to the general public." *Id.*
3. The Attorney General of the United States is given authority to ensure that states comply with 42 U.S.C. § 1973ff-1(c) and report the number of UOCAVA ballots transmitted,

returned, and cast. Under 42 U.S.C. § 1973ff-4, “[t]he Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this subchapter [UOCAVA].”

4. This Court has jurisdiction pursuant to 42 U.S.C. § 1973ff-4 and 28 U.S.C. §§ 1345 and 2201(a).

5. The Defendant State of Alabama (the “State”) is responsible for complying with UOCAVA, and ensuring required information is transmitted to the Election Assistance Commission within 90 days of a Federal Election.

6. Defendant Beth Chapman is sued in her official capacity as the Secretary of State of the State of Alabama. As the Secretary of State, she is the chief election officer for Alabama. See Ala. Code 1975 § 17-1-3. The principal office of the Secretary of State elections division is in Montgomery, Alabama.

7. Alabama failed to comply with § 1973ff-1(c) in 2006 and did not report any data as required.

8. Alabama has not provided any information demonstrating that there are any new efforts to obtain compliance with § 1973ff-1(c) in 2008.

9. The failure of election officials in Alabama to comply with § 1973ff-1(c) results in an absence of information as to whether or not UOCAVA’s guarantees that overseas citizens and those serving in the armed forces are effectively exercising the franchise.

10. An order of this Court is necessary requiring Defendants to take corrective action for the November 4, 2008, election in order to protect the rights granted by UOCAVA.

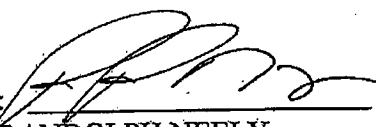
WHEREFORE, Plaintiff prays that this Court hear this action pursuant to 42 U.S.C. §

1973ff-1(c); issue a declaratory judgment under 28 U.S.C. § 2201 that Alabama officials failed to track and report data about the number of UOCAVA ballots requested, transmitted and cast; and issue injunctive relief ordering the Defendants, their agents and successors in office, and all persons acting in concert with them:


- (1) to require all election officials to implement procedures to record data about the number of UOCAVA ballots requested, transmitted and cast by UOCAVA voters; and,
- (2) to report data required by § 1973ff-1(c) to the Election Assistance Commission to the Election Assistance Commission and general public within 90 days after the November 4, 2008 election and in future federal general elections.


The United States of America further prays that this Court order such other relief as the interests of justice may require, together with the costs and disbursements of this action.

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