

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Civil Action No. 2:06cv225-CSC
)
STATE OF ALABAMA; BOB RILEY,)
GOVERNOR OF THE STATE OF ALABAMA;)
TROY KING, ATTORNEY GENERAL)
OF THE STATE OF ALABAMA; NANCY L.)
WORLEY, SECRETARY OF STATE OF THE)
STATE OF ALABAMA,)
)
Defendants.)
_____)

NOTICE OF DISMISSAL PURSUANT TO RULE 41(a)(1)(i)

This is a civil action brought by the Attorney General on behalf of the United States pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff *et seq.* (“UOCAVA”). The Complaint, filed on March 9, 2006, alleges that the compressed time period between certification of Alabama’s federal primary election and any primary runoff election (“second primary”) allows insufficient time for round-trip transmission of absentee ballots to and from Alabama’s uniformed services and overseas voters (“UOCAVA voters”). *See* Complaint, ¶¶ 9-11. Alabama conducted primary elections for federal office on the first Tuesday in June, and second primary elections, if any were necessary, just three weeks later, on the fourth Tuesday in June. *Id.* ¶ 5.

In response to the Complaint, the Alabama General Assembly, on April 5, 2006, enacted legislation embodied in Senate Bill 529 (2006) (“S.B. 529”), which addresses the UOCAVA

claim at issue. Governor Bob Riley signed the bill into law on April 13, 2006; it then became Act No. 2006-354.

Act No. 2006-354 amends Alabama law so as to extend the time between the primary and the second primary elections to six weeks. Specifically, it amends Alabama Code provisions to provide that primary elections, except special primaries, shall be held on the first Tuesday in June, and when necessary, second primary elections shall be held on the sixth Tuesday following the primary election. In addition, Act. No. 2006-354 amends Alabama law to allow UOCAVA voters' ballots to be received and counted until noon on the seventh day after the second primary election provided they are postmarked by the day of the second primary election. A copy of Act No. 2006-354 is appended as Attachment 1 hereto.

On April 13, 2006, the State of Alabama submitted the provisions of this legislation discussed herein for review pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. § 1973c ("Section 5").¹ Subsequently, the parties learned that the effect of the extended schedule under Act No. 2006-354 was to require voters to fill out two applications for absentee ballots if they wish to vote absentee in both the primary and primary run-off elections. On May 25, 2006, this Court entered an Interlocutory Order providing that for the 2006 primary election cycle, voters may continue to request and receive absentee ballots for both the primary election and any primary run-off election with a single application. On June 2, 2006, the Attorney General interposed no objection to the specified changes submitted by the State pursuant to Section 5.

¹ Alabama is covered by Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c, and as such must obtain preclearance of any changes to voting practices or procedures prior to implementation. The Attorney General has 60 days to review voting changes pursuant to Section 5.

See Letter, appended as Attachment 2 hereto.

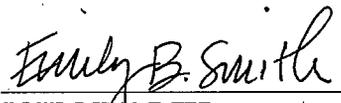
The legislative changes described in this notice afford substantial long-term relief to Alabama's UOCAVA voters whose rights the United States sought to protect in this suit. Based upon the changes to Alabama law, the claim set forth in the Complaint has now been satisfied.

Accordingly, pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure, the United States seeks voluntary dismissal of the Complaint.

Respectfully submitted,

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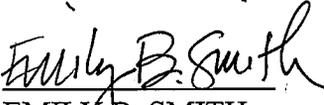
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CERTIFICATE OF SERVICE

This is to certify that on June 5, 2006, a copy of the foregoing has been electronically filed with the Clerk of Court using the CM/ECF system, which will electronically send a copy of the same to the following:

Margaret Fleming, m Fleming@ago.state.al.us
Counsel for Defendants

Dated: June 5, 2006


EMILY B. SMITH
Department of Justice