

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

ALABAMA STATE CONFERENCE OF
THE NAACP, *et al.*,

Plaintiffs,

v.

STEVE MARSHALL, in his official capacity
as Alabama Attorney General, *et al.*,

Defendants.

Civil Action No. 24 Civ. 420
Chief Judge R. David Proctor

HEARING REQUESTED

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65, and for the reasons stated in the accompanying memorandum, declarations and exhibits, all pleadings filed, and any oral argument or testimony to be presented to the Court, Plaintiffs Alabama State Conference of the NAACP, League of Women Voters of Alabama, League of Women Voters of Alabama Education Fund, Greater Birmingham Ministries, and Alabama Disabilities Advocacy Program (collectively, “Plaintiffs”) respectfully move for the following preliminary injunctive relief:

(1) Enjoin Defendants, along with their respective agents, officers, employees, and successors, from implementing or enforcing the following Challenged Provisions of Alabama Senate Bill 1, Act No. 2024-33 (“SB 1”):¹

a. **Payment Provisions**: SB 1 makes it “unlawful for a third party to knowingly

¹ See 2024 Alabama Laws Act 2024-33 (S.B. 1), https://1.next.westlaw.com/Document/I193614D0E76211EEBDB185AF89C5BCF3/View/FullText.html?VR=3.0&RS=cblt1.0&__lrTS=20240501162006477&transitionType=Default&contextData=%28sc.Default%29. Section 1 of SB 1 amends Ala. Code Section 17-11-4, which governs absentee applications. Sections 2, 3, and 4 of SB 1 contain other provisions. Hereinafter, citations to Section 1 of SB 1 will be denoted by “§ 17-11-4.” Citations to other sections of SB 1 will be identified by section number.

receive a payment,” or “knowingly pay . . . a third party,” to “distribute, order, request, collect, prefill, complete, obtain, or deliver a voter’s absentee ballot application.” § 17-11-4(d)(1)-(d)(2). These provisions carry a Class B or C felony penalty (Class C for assistors who “receive a payment” and Class B for those who “pay” such assistor). *Id.*

- b. **Gift Provisions**: SB 1 makes it “unlawful for a third party to knowingly receive . . . a gift,” or “knowingly . . . provide a gift,” to a “third party” to “distribute, order, request, collect, prefill, complete, obtain, or deliver a voter’s absentee ballot application.” § 17-11-4(d)(1)-(d)(2). These provisions carry a Class B or C felony penalty (Class C for assistors who “receive a . . . gift” and Class B for those who “provide a gift” to such assistor). *Id.*
- c. **Prefilling Restriction**: SB 1 makes it “unlawful for any person to knowingly distribute an absentee ballot application to a voter that is prefilled with the voter’s name or any other information required on the application form.” § 17-11-4(b)(2). This provision carries a Class A misdemeanor penalty. SB 1 § 2.
- d. **Submission Restriction**: SB 1 makes it “unlawful for an individual to submit a completed absentee ballot application to the absentee election manager other than his or her own application,” unless that person is seeking emergency medical treatment within five days before an election. § 17-11-4(c)(2). The application “may be submitted” by personally dropping off one’s own application with the Absentee Election Manager or placing one’s own application in the mail/commercial carrier. *Id.* This provision carries a Class A misdemeanor penalty. SB 1 § 2.

(2) Enjoin Defendants, along with their respective agents, officers, employees, and successors, from issuing any instructions or communications—whether public-facing or otherwise—indicating that the Challenged Provisions prohibit any form of absentee application assistance, and order Defendants to issue corrective instructions stating that the Challenged Provisions have been preliminary enjoined and accordingly, that those provisions are not enforceable.

DATED: May 2, 2024

Respectfully submitted,

/s/ Alison Mollman

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CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed a copy of the foregoing with the Clerk of Court using the CM/ECF system which provides electronic notice of filing to all counsel of record.

DATED: May 2, 2024

/s/ Laurel Hattix

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