

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

DORIS POWELL,

Plaintiff,

v.

THE STATE OF ALABAMA;
JEFFERSON COUNTY
ELECTION COMMISSION; ALAN
KING, MIKE HALE, and ANNE-
MARIE ADAMS, in their official
capacities as members of the
Jefferson County Election
Commission,

Defendants.

CIVIL ACTION NO.
2:08cv1345-LSC

**Plaintiff's Motion for Rule 16 Conference
To Expedite These Proceedings**

1. This action has been filed because the defendants are proceeding to implement a statutory changes in the way vacancies are filled on the Jefferson County Commission, even though those statutes have not received preclearance under § 5 of the Voting Rights Act.

2. These statutes, Ala. Code §§ 11-3-1(b) and (f), as amended in 2007, are not likely to be precleared as applied to the

Jefferson County Commission, because they invalidate filling the vacancy left by Larry Langford by the special election held February 5, 2008, and authorize the Governor to appoint a person to fill the vacancy, at least until the November 4, 2008, general election. This change is retrogressive, because it substitutes an appointee selected by a Governor elected by a statewide majority-white constituency for the person selected by the voters in majority-black Jefferson County Commission District 1.

3. The Jefferson County Circuit Court has set special deadlines of August 6, 2008, for qualification by party-nominated candidates and August 27, 2008, for qualification by independent candidates (who must gather 914 valid petition signatures from residents of the district).

4. The November 4 general election ballot for the District 1 seat on the Jefferson County Commission must be certified by September 15, 2008, and sent to the printer.

5. Consequently, only action by this Court can prevent implementation of the statutory repeal of Act 1977-784 in the event that preclearance of that repeal is not obtained before September 15.

6. The public interest as well as the interests of the candidates and potential candidates will be served by a speedy resolution of this matter.

7. The defendants have not yet been served, but a copy of the complaint was emailed to their respective counsel (listed in the certificate service below) within an hour of the filing. Counsel listed below have been representing the current defendants in the *Working v. Jefferson County Election Commission* case in the Jefferson County Circuit Court.

WHEREFORE, plaintiff prays that this Court will schedule immediately a conference, pursuant to Rule 16(a)(1), Fed.R.Civ.P., to establish a schedule for expediting these proceedings and for preventing the irreparable injury that plaintiff, other voters, and taxpayers will suffer if a special election for District 1 goes forward and later must be set aside under § 5 of the Voting Rights Act.

Submitted by,

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Attorneys for the plaintiff

CERTIFICATE OF SERVICE

I certify that on 31 July 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and emailed a copy to the following attorneys who represent the defendants:

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