



IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

DAVID WOODS, Candidate for Mayor of the)
City of Montgomery, Alabama,)
Plaintiff,)
v.)
BRENDA G. BLALOCK, as Chief Election Official)
of the City of Montgomery Municipal Election;)
DARRYL A. PARKER, Montgomery County)
Elections Director; and, STEVEN L. REED, as)
Chief Election Official for Montgomery County,)
Alabama,)
Defendants.)

CASE NO.: CV-2019-_____

COMPLAINT FOR TEMPORARY RESTRAINING ORDER AND INJUNCTION

COMES NOW, David Woods, as a Candidate for Mayor of the City of Montgomery, Alabama, by and through his attorney, J.C. Webb IV, Esq., and files his Complaint for Temporary Restraining Order and Injunction, and in support shows:

Parties

1. David Woods, (hereinafter "Woods"), is an individual over 19 years of age, a resident and taxpayer of the City of Montgomery, Alabama, and a duly-qualified Candidate for Mayor of the City of Montgomery, Alabama.

2. Brenda G. Blalock is the City Clerk for the City of Montgomery, Alabama, is over 19 years of age, is the Chief Election Official of the municipal run-off election to be held October 8, 2019, and may be served with legal process at 103 North Perry Street, Montgomery, Alabama 36104.

3. Darryl A. Parker, is the Montgomery County Director of Elections, is over 19 years of age, is responsible for managing and overseeing all operations involved in

elections in Montgomery County, Alabama, and may be served with legal process at 125 Washington Avenue, Montgomery, Alabama 36104.

4. Steven L. Reed is the Judge of Probate for Montgomery County, Alabama, is over 19 years of age, is responsible for supervising and overseeing the Montgomery County Director of Elections and the Montgomery Election Center and may be served with legal process at 101 South Lawrence Street, Montgomery, Alabama 36101.

Jurisdiction

5. Jurisdiction is proper before this Court pursuant to Ala. Code § 11-46-69 and 12-11-30 and 31 (1975).

Facts and Prayer for Temporary Restraining Order and Injunction

6. A general election for Mayor of the City of Montgomery, Alabama was held on August 27, 2019.

7. Various, well documented 'irregularities' arose during the general election which led to 12 complaints being filed with the Alabama Secretary of State's Office.

8. Following the general election, a run-off election was necessary and scheduled to take place on October 8, 2019.

9. The Montgomery Elections Center serves as the clearinghouse for elections within Montgomery County, Alabama, including municipal elections in the City of Montgomery, Alabama by virtue of the City-County agreement related to elections.

10. The Montgomery Elections Center also serves as the polling place for absentee voting in the municipal run-off election to be held on October 8, 2019.

11. Darryl A. Parker, (hereinafter "Parker"), is the Montgomery County Director of Elections and is responsible for managing and overseeing elections within Montgomery County, including management of the Montgomery Elections Center.

12. Judge Steven L. Reed, (hereinafter "Reed"), directly supervises Mr. Parker and the Montgomery Elections Center as a part of the Office of the Judge of Probate for Montgomery County, Alabama.

13. Judge Reed is a candidate in the October 8, 2019 run-off election for Mayor of the City of Montgomery, Alabama.

14. On October 3, 2019 David Woods' campaign, (hereinafter "Woods campaign"), was notified by Brenda L. Blalock, (hereinafter "Blalock"), of Mrs. Blalock's intention to prohibit campaign watchers from being present in the Montgomery Election Center during polling place hours.

15. Subsequently, the Woods campaign has followed up numerous times with Mrs. Blalock questioning why she refuses to allow campaign watchers in the Montgomery Elections Center in this particular election.

16. Presently, Mrs. Blalock is unwilling to allow any campaign watcher into the Montgomery Election Center to examine, certify, and observe election procedures in violation of Ala. Code § 11-46-35 (1975) and Ala. Code § 17-11-10 and 11 (1975).

17. Mrs. Blalock has provided no legitimate reason for her violation of Mr. Woods' statutory right to have a duly-appointed watcher present during polling place hours.¹

18. Only after Mr. Woods' undersigned attorney provided Mrs. Blalock a demand letter regarding her refusal to allow campaign watchers access to the Montgomery Election Center did Mrs. Blalock agree to allow access after the close of the

¹ Ala. Code § 11-46-28 (1975) sets polling place hours for every polling place to run from 7:00 a.m. until 7:00 p.m.

polls, not during polling place hours. See, a copy of the demand letter attached as Exhibit A.

19. Mrs. Blalock's actions violate the Mr. Woods' rights under Ala. Code § 11-46-35 (1975), is in direct conflict with procedure utilized in prior elections and conflicts with the election process regularly used in partisan elections.

20. Because the election for Mayor of the City of Montgomery, Alabama is a non-partisan race, Mr. Woods lacks the protection afforded by political parties that regularly ensure fair, open, and transparent elections.

21. Mr. Woods avers that there is no adequate legal remedy available to protect his rights.

22. Mr. Woods avers that without issuance of a temporary restraining order and injunction by this honorable Court immediate and irreparable harm to his rights will be caused by Mrs. Blalock's prohibition against access by a duly-appointed watcher to the Montgomery Election Center.

23. Mr. Woods avers that time is of the essence and notice cannot be reasonably provided to all parties in due time.

24. Mr. Woods is prepared and stands ready to post bond as may be required and ordered by this Court.

25. An order is necessary to direct Judge Reed, Mr. Parker, and/or Mrs. Blalock to allow Mr. Woods' duly-appointed watcher access to the Montgomery Elections Centers during polling hours and at all other times provided by Alabama statute.

WHEREFORE, the Plaintiff, David Woods prays this honorable Court will enter a temporary restraining order and injunction directing Judge Steven L. Reed, as the Chief Election Officer of Montgomery County, Alabama; Darryl A. Parker, as Director of

Elections; and, Brenda G. Blalock, as the Chief Election Official of the municipal run-off election to be held on October 8, 2019, to allow Mr. Woods' duly-appointed watcher access to the Montgomery Election Center, and will grant any other, further, and/or different relief this Court deems fair, just, and/or equitable.

Respectfully submitted, on this the 7th day of October 2019.

David Woods

David Woods, Plaintiff

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

I, the undersigned, a Notary Public in and for said State at Large, certify that David Woods, whose name is signed to the foregoing instrument, and after being sworn, acknowledged before me on this day, that being informed of the contents of this Complaint and verifying the same, states that the averments contained herein are true to the best of his knowledge and belief and executed the same voluntarily on the date the same bears.

GIVEN under my hand and seal on this 7th day of October 2019.



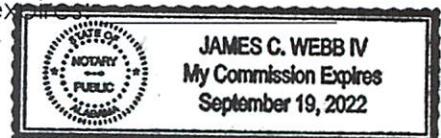
[SEAL]

Plaintiff's Attorney:

J.C. Webb IV

NOTARY PUBLIC

My commission expires



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(Letter to Brenda G. Blalock)

STONE | BRITT | WEBB

Attorneys & Counselors at Law

October 7, 2019

DELIVERED BY HAND

Brenda Blalock, City Clerk
Chief Election Official for Municipal Election
Montgomery, Alabama City Hall
103 N. Perry Street
Montgomery, Alabama 36104

RE: WATCHERS; ELECTION CENTER

Dear Mrs. Blalock:

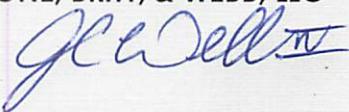
I represent the David Woods for Montgomery campaign. I have been informed and believe that you as the chief election official over the municipal elections for the City of Montgomery plans to prohibit watchers from the Montgomery County Election Center during the October 8, 2019 runoff election. Pursuant to Ala. Code § 11-46-35 (1975) each candidate may designate a watcher to observe activities at the polling place. Additionally, watchers are allowed to examine, certify, and observe the opening of machines as well as the reading and tabulating of results.

The election center is the 'clearinghouse for all federal, state, and local elections held in Montgomery County' and is also the poll for absentee ballots, which are run through a machine and tabulated on-site. Pursuant to Ala. Code § 17-11-11 (1975) the campaign is allowed to have a watcher available at the election center. Therefore, I urge you to allow the campaign's duly-appointed watcher access to the election center on October 8, 2019 as directed by Alabama statute.

Please let me know by 1:00 p.m. CST on October 7, 2019 whether access to the election center will be allowed to the campaign's watcher. If I have not heard from you by the appointed time, I will assume you intend to prohibit access and will immediately move forward to protect my client's rights in this matter.

With my best regards,

STONE, BRITT, & WEBB, LLC



J.C. Webb IV, Esq.