



**IN THE CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA**

**STATE OF ALABAMA ex rel.
BROOKE LYNN DORGAN,
and JUSTIN JUDE LeBLANC,
as Relators,**)

Plaintiffs,)

v.)

**THOMAS HAWLEY TUBERVILLE,
individually and in his capacity as the
certified nominee of the Alabama
Republican Party for the office of
Governor; and WESLEY HARRISON
ALLEN, in his official capacity as
Secretary of State of
Alabama,**)

Defendants.)

CIVIL ACTION NO.: CV-2026-_____

JURY TRIAL DEMANDED

EXPEDITED COMPLAINT FOR QUO WARRANTO AND DECLARATORY RELIEF

This Complaint arises from Thomas Hawley Tuberville’s (“Tuberville”) certification by the Alabama Republican Party as the Republican nominee for the office of Governor of the State of Alabama. Relator Plaintiffs contend that Tuberville is constitutionally prohibited from serving as Governor because he fails to satisfy the 7-year durational residency requirement contained in the Alabama Constitution. As such, Plaintiffs contend that Tuberville has “usurp[ed], intrude[d] into or unlawfully holds or exercises a public office” and seek relief pursuant to the Alabama quo warranto statutes.¹

¹ Ala. Code § 6-6-590-604, *et seq.*

PARTIES

1. Plaintiff, the State of Alabama (“the State”), brings a claim in quo warranto on the relation of Brooke Lynn Dorgan (“Dorgan”) and Justin Jude LeBlanc (“LeBlanc”) (collectively “the Relators”), who are citizens and residents of the State of Alabama and who are over the age of nineteen. The State is a named plaintiff only with respect to the quo warranto claim of this Complaint.

2. Relator Dorgan is over the age of nineteen and a resident of Mobile County, Alabama. Dorgan is registered and eligible to vote in Mobile County, Alabama. Dorgan is a United States Air Force veteran who received an Honorable Discharge following her military service.

3. Relator LeBlanc is over the age of nineteen and a resident of Jefferson County, Alabama. LeBlanc is registered and eligible to vote in Jefferson County, Alabama. LeBlanc is a United States Army veteran who received an Honorable Discharge following his military service.

4. Defendant, Thomas Hawley Tuberville (“Tuberville”), is over the age of nineteen and a resident of Walton County, Florida. Tuberville is the certified Republican nominee for Governor of Alabama.

5. Defendant, Wesley Harrison Allen (“Allen”), is over the age of nineteen and a resident of Montgomery County, Alabama. Allen is sued only in his official capacity as Alabama Secretary of State.

JURISDICTION AND VENUE

6. This Court has jurisdiction over this action pursuant to Alabama Code § 6-6-591. This is not an election contest and Plaintiffs do not contest the validity of the results of the Republican primary for Governor.

7. Venue is proper in this Court pursuant to Alabama Code § 6-6-591(c) because the challenged acts occurred in Montgomery County, Alabama.

8. Venue is also proper in this Court because “where an agency of the state is a defendant, venue is proper only in Montgomery County, absent specific statutory authority to the contrary or waiver of objection to venue.”²

CONSTITUTIONAL AND STAUTORY FRAMEWORK

9. Alabama became a state in 1819, and every Constitution this state has ever had—1819, 1861, 1865, 1875 and 1901—has contained a pre-election durational residency requirement for the office of Governor, with the sole exception being the “Carpetbagger Constitution” of 1868.³ The current Constitutional durational residency requirement for Governor is found in Section 117 of Article V of the Constitution of Alabama of 2022:

The governor and lieutenant governor shall each be at least thirty years of age when elected, **and shall have been citizens of the United States ten years and resident citizens of this state at least seven years next before the date of their election.** .

..

Ala. Const., § 117 (emphasis added). This provision, along with the rest of the 2022 Alabama Constitution, was recently recompiled and overwhelmingly ratified by over 76% of Alabama voters on November 8, 2022.⁴

² *Ex Parte Neely*, 653 So. 2d 945, 946 (Ala. 1995).

³ See **ART. IV, SEC. 4, ALA. CONST. OF 1819** (“The Governor shall . . . be a native citizen of the United States, and shall have resided in this state at least four years next preceding the day of his election.”); **ART. IV, SEC. 4, ALA. CONST. OF 1861** (“The Governor shall . . . be a citizen of the State of Alabama, and native of one of the States of the Territories, lately styled the United States of America.”); **ART. V, SEC. 4, ALA. CONST. OF 1865** (“The Governor shall . . . be . . . a native citizen of the United States, and shall have resided in this State at least four years next preceding the day of his election.”); **ART. V, SEC. 6, ALA. CONST. OF 1875** (“The governor shall . . . have been a citizen of the United States ten years, and a resident citizen of this state at least seven years next before the day of his election.”); **ART. V, SEC. 117, ALA. CONST. OF 1901** (“The governor shall . . . have been citizens of the United States ten years and resident citizens of this state at least seven years next before the date of their election.”).

⁴ <https://www.al.com/election/2022/11/whats-in-alabamas-new-state-constitution-of-2022-whats-changed.html>

10. “The [Alabama] Constitution is the supreme law of the state, and to it all rules of evidence, procedure, and expediency in conflict with its mandates and prohibitions must yield. The [Alabama] Constitution is the supreme law, limiting the power of the legislature and binding departments of State government and the people themselves subject only to restraints resulting from Federal Constitution and the people themselves.”⁵ “The Constitution of Alabama, like that of the nation and of the other states, is the supreme law within the realm and sphere of its authority. Subject only to the restraints resulting from the Constitution of the United States, the Constitution of Alabama is the highest form and expression of law that exists in this state. The source of its creation and the character of its sanction, [namely] the people’s deliberate will, invest the Constitution with its paramount quality. The Constitution’s control is absolute wherever and to whatever its provisions apply; and every officer, executive, legislative, and judicial, is bound by oath to support the [Alabama] Constitution, to vindicate and uphold its mandates, and to observe and enforce its inhibitions without regard to extrinsic circumstances.”⁶

11. Indeed, the sworn oaths administered to the next Alabama Governor,⁷ every judge and justice that will hear this case,⁸ and every attorney who will appear in this case⁹ all require that they “solemnly swear” to “support the Constitution of the State of Alabama, . . . So help me God.” “An oath is a solemn adjuration to God to punish the affiant if he swears falsely.”¹⁰ Section 117’s requirement that a candidate for Governor live in Alabama for the seven years leading up to the election is a part of the Alabama Constitution that all have solemnly sworn to uphold.

⁵ *Alexander v. State ex rel. Carver*, 150 So. 2d 204, 208 (Ala. 1963).

⁶ *Johnson v. Craft*, 87 So. 375, 380 (1921).

⁷ Ala. Const., § 279.

⁸ *Id.*

⁹ *Ex parte Griffith*, 178 So. 2d 169, 174 (Ala. 1965).

¹⁰ *Birmingham Ry., Light & Power Co. v. Jung*, 49 So. 434, 440 (Ala. 1909).

12. As veterans, Relator Plaintiffs are particularly aware of the sanctity of a sworn oath to uphold the Constitution. As the Alabama Supreme Court noted more than a century ago:

The sons of Alabama who with honor to their state served in World War [I], under the colors of a nation that stood, as always, for the supremacy of right over might, for the observance of the obligations of duty to constitutional government, and for fidelity to the institutions of state that protect the dearest interests of those subject to its blessings and bearing its burdens, desire, we apprehend, the fearless maintenance and vindication of the Constitution of Alabama, regardless of the popularity or unpopularity of the result of the performance of that duty.¹¹

13. The courts of this State have had no problem recognizing the importance and compelling state interest of pre-election durational residency requirements for elected office in Alabama.¹² Candidates for elected office should actually reside in the State and live among the voters for a sufficiently long enough duration to understand the issues and challenges facing the citizens of Alabama.

14. Alabama is not alone in imposing pre-election durational residency requirements on candidates for Governor. Twenty-seven states require at least five years of prior residency to run for Governor. In most states, like Alabama, the durational residency requirements are enshrined in the state's constitution.¹³

15. The Alabama Supreme Court has held that “[i]t is fully settled in this State that statutory quo warranto is the appropriate remedy to . . . oust a usurper intruding into an office.”¹⁴ The Court has also held that “[i]t is well established that the remedy [of quo warranto] lies to challenge a person's right to hold office based on grounds of ineligibility.”¹⁵ “The writ of quo

¹¹ *Johnson v. Craft*, 87 So. 375, 386 (1921).

¹² *See Blevins v. Chapman*, 47 So. 3d 227, 233–34 (Ala. 2010) (upholding pre-election residency requirement for circuit judges); *Butler v. Amos*, 292 So. 2d 645, 646 (Ala. 1974) (upholding residency requirement for state legislators); *Hadnott v. Amos*, 320 F. Supp. 107, 119–20 (M.D. Ala. 1970), *aff'd*, 405 U.S. 1035 (1972).

¹³ Eugene D. Mazo, *Residency and Democracy: Durational Residency Requirements from the Framers to the Present*, 43 Fla. St. U. L. Rev. 611, 650–652 (2016).

¹⁴ *Hudson v. Ivey*, 383 So. 3d 636, 643 (Ala. 2023); *Reed v. State ex rel. Davis*, 961 So. 2d 89, 95 (Ala. 2006).

¹⁵ *State ex rel. James v. Reed*, 364 So. 2d 303, 305 (Ala.1978).

warranto is a common law writ used to determine whether one is properly qualified and eligible to hold a public office. The writ is utilized to test whether a person may lawfully hold office, unlike impeachment, which is the removal of an officeholder for inappropriate acts while lawfully holding office.”¹⁶ “[T]he purpose of the writ of quo warranto is to ascertain whether an officeholder is ‘constitutionally and legally authorized to perform any act in, or exercise any functions of, the office to which he lays claim.’”¹⁷ Recently, the Supreme Court has reaffirmed that “[a] quo warranto action is the exclusive means for determining whether a person unlawfully holds an office.”¹⁸ “Private individuals in Alabama are authorized by [Alabama Code] § 6-6-591 to institute quo warranto actions.”¹⁹

16. As the nominee of the Alabama Republican Party for the office of Governor, Tuberville is a “quasi-officer” whose eligibility for office is subject to legal challenge under Alabama’s quo warranto statute.²⁰ “A certificate of nomination in a primary gives to its holder a quasi office with limited effect in value and in time. But it is a valuable right of the same sort as a certificate of election to an office which is more lasting and permanent.”²¹

17. Quo warranto actions are required to be prioritized and expedited by the courts hearing them. “[Q]uo warranto actions . . . are expedited proceedings because of the public’s interest in quickly resolving questions surrounding who holds public office in Alabama.”²² In furtherance of that goal, the quo warranto statute provides that “[t]he court is at all times open for

¹⁶ *Hudson v. Ivey*, 383 So. 3d 636, 639-640 (Ala. 2023).

¹⁷ *Id.*

¹⁸ *Hudson v. Ivey*, 383 So. 3d 636, 641 (Ala. 2023); *Naftel v. State ex rel. Driggars*, 361 So. 3d 751, 753 n.2 (Ala. 2022); *Riley v. Hughes*, 17 So. 3d 643, 647 (Ala. 2009).

¹⁹ *Rouse v. Wiley*, 440 So. 2d 1023, 1024 (Ala. 1983).

²⁰ *State ex rel. Norrell v. Key*, 165 So. 2d 76, 78 (Ala. 1964); *King v. Campbell*, 988 So. 2d 969, 979 (Ala. 2007); *Bridges v. McCorvey*, 49 So. 2d 546, 548 (Ala. 1950); *Boyd v. Garrison*, 19 So. 2d 385, 387 (Ala. 1944).

²¹ *Boyd v. Garrison*, 19 So. 2d 385, 387 (Ala. 1944).

²² *Naftel v. State ex rel. Driggars*, 361 So. 3d 751, 755 (Ala. 2022).

the trial of a case or the granting of orders” in such an action and requires a defendant in a quo warranto action to answer the complaint within five days of service.²³

18. An individual who is not “qualified for the office they seek” is not entitled to have their name printed on the ballot for a general election. Ala. Code § 17-9-3(a). Only the name of a candidate “qualified under the provisions of this section” can be printed on the general election ballot. Ala. Code § 17-9-3(b).

19. Tuberville’s eligibility for office requires that he prove that he has been a “resident citizen[] of this state at least seven years next before the date of the [general] election” on November 3, 2026. That means Tuberville must have been a legal resident of Alabama no later than November 3, 2019.

20. Alabama law regarding residency is well-established. “In order to ‘reside’ for th[e] purpose [of election laws], one must establish ‘domicile,’ and “the terms ‘legally resides,’ ‘inhabitant,’ ‘resident,’ etc., when used in connection with political rights are synonymous with domicile.”²⁴ The term “domicile” “denote[s] the place where the person is deemed in law to live, which may not always be the place of one’s actual dwelling, and [is] to be contra-distinguished from temporary abode.”²⁵ Domicile is “established by physical presence in a place in connection with a certain state of mind concerning one’s intent to remain there.”²⁶ “A person’s domicile is that place in which his habitation is fixed, without any present intention of removing, and it embraces (1) the fact of residence and (2) the intention to remain.”²⁷ “As a general proposition a person can have but one domicile, and when once acquired is presumed to continue until a new

²³ Ala. Code § 6-6-593(a); Ala. R. App. 4(a)(1)(C).

²⁴ *Horwitz v. Kirby*, 197 So. 3d 943, 949–50 (Ala. 2015).

²⁵ *Id.*; *Osborn v. O’Barr*, 401 So.2d 773, 775 (Ala. 1981); *Mitchell v. Kinney*, 5 So. 2d 788 (Ala. 1942).

²⁶ *Horwitz*, 197 So. 3d at 950.

²⁷ *Ex parte Weissinger*, 22 So. 2d 510, 513–14 (Ala. 1945).

one is gained [by act and intention], and what state of facts constitutes a change of domicile is a mixed question of law and fact.”²⁸ “The law is also established that a domicile, once acquired, is presumed to exist until a new one has been gained [in fact and intent]. And in order to displace the former, original domicile by the acquisition of one of choice, actual residence and intent to remain at the new one must concur. One who asserts a change of domicile has the burden of establishing it. And where facts are conflicting, the presumption is strongly in favor of an original, or former, domicile, as against an acquired one.”²⁹

FACTS

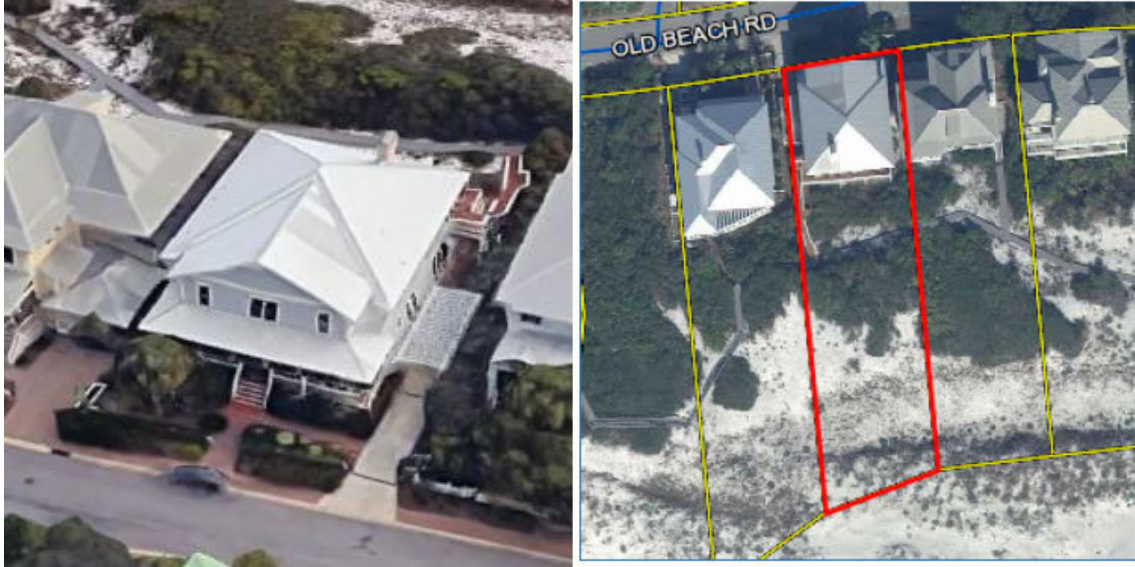
21. In early December of 2016, Tuberville abruptly resigned as the head football coach at the University of Cincinnati when his imminent firing was widely rumored following a disappointing 4-8 record, including five straight losses to end the season.

22. As many new retirees do, Tuberville promptly moved to Florida.

23. Since at least October of 2004, Tuberville and his wife Suzanne have owned, through a Georgia LLC, a 5,000-square-foot beachfront home located in a gated community on Old Beach Road in Santa Rosa Beach, Florida, which was purchased for \$3 million. On July 12, 2012, the Tubervilles personally purchased the Santa Rosa Beach residence for \$750,000 in a sale to themselves.

²⁸ *Ex parte Weissinger*, 22 So. 2d 510, 513–14 (Ala. 1945).

²⁹ *Ex parte Weissinger*, 22 So. 2d 510, 514 (Ala. 1945).



Tuberville's Santa Rosa Beach, Florida residence

24. On February 10, 2017, Suzanne Tuberville registered to vote in Walton County, Florida, where the Tubervilles' Santa Rosa Beach residence is located.

25. On March 28, 2017, Tuberville's pursuit of public office began in earnest when Tuberville registered a gubernatorial campaign with the Alabama Secretary of State using a P.O. Box in Auburn, Alabama as his address. Two days later, on March 30, 2017, Tuberville loaned his campaign \$100,000, listing his address as Marin Parkway in Dadeville, Alabama. On the same day, March 30, 2017, Suzanne Tuberville and the Tubervilles' son, Thomas Tucker Tuberville ("Tucker"), purchased a three-bedroom, one-bath home on Cherry Street in Auburn, Alabama (the "Auburn House").

26. Less than a month later, on April 25, 2017, Tuberville publicly announced that he was abandoning his campaign for Governor. At the time, he told the media: "I think I could've gone through the legal channels to get the residency issue solved, but my family wasn't wild about the idea either." Tuberville later said that he chose to live in Florida rather than run for Alabama Governor: "My wife and I said, let's go to the beach."

27. On May 24, 2017, Tuberville registered to vote in Walton County, Florida.

28. The Florida uniform statewide voter registration application requires applicants to list their “(c) Address of legal residence; . . . (e) County of legal residence, [and] (f) Address of property for which the applicant has been granted a homestead exemption, if any.” Section 97.051, Florida Statutes, requires any person registering to vote in Florida to subscribe to an oath, swearing that he or she is qualified to register as a voter under the Constitution and laws of the State of Florida and is a legal resident of Florida. When registering to vote in May 2017, Tuberville swore under oath that his Santa Rosa Beach home was his “legal residence.” Section 104.011, Florida Statutes, makes it a felony to falsely swear or affirm “in connection with or arising out of voting or elections” or to “willfully submit[] any false voter registration information.”

29. On June 21, 2017, Suzanne Tuberville applied for and received her Florida real estate agent license, indicating that she was a Florida resident.

30. On July 19, 2017, Tuberville accepted a job with ESPN and filmed a promotional video on the back deck of his Santa Rosa Beach residence overlooking the Gulf of Mexico in which he said: **“Six months ago, after 40 years of coaching football, I hung up my whistle and moved to Santa Rosa Beach, Florida, with the white sands and the blue water. What a great place to live.”**



31. In 2018, Tuberville and his wife claimed the Santa Rosa Beach home as their primary residence, according to political contribution receipts and Walton County, Florida tax records.

32. On August 29, 2018, Tuberville and his wife sold their house at Lake Martin, listing their address as the Old Beach Road residence in Santa Rosa Beach, Florida. With that sale, Tuberville no longer owned any real property in the State of Alabama in his own name until May of 2004.

33. On November 6, 2018, both Tuberville and his wife Suzanne voted in the midterm elections in Walton County, Florida.

34. The residency requirement for voters in Florida is established in Article VI, section 2 of the Florida Constitution, which requires a person voting in Florida to be “a permanent resident of the state.” Section 97.041, Florida Statutes, establishes qualifications to register or vote in Florida, and provides that “[a] person may become a registered voter only if that person: . . . 3. Is a legal resident of the State of Florida; [and] 4. Is a legal resident of the county in which that person seeks to be registered.” Section 104.15, Florida Statutes, makes it a felony for a non-resident to vote in Florida.

35. As of at least November 3, 2018, Tuberville was a legal permanent resident of Florida.

36. Although Tuberville has publicly claimed that he changed his legal residence to Alabama in 2018 or early 2019, the overwhelming evidence suggests that he remained a Florida resident well beyond the November 6, 2019 deadline imposed by the Alabama Constitution.

37. Early in 2019, Tuberville decided to run for the United States Senate seat then occupied by Senator Doug Jones. After consulting with his political and legal advisors, Tuberville

undertook a series of acts calculated to give the false appearance that the Tubervilles had moved their legal residence from Florida to the Auburn House owned by Tucker and Suzanne Tuberville. Much of the documentation that Tuberville now relies on to support his claim of Alabama residency was manufactured and fabricated pursuant to this scheme.

(a). On March 28, 2019, Tuberville was issued an Alabama Driver License using the address of the Auburn House owned by his wife and son Tucker. On the same day, Tuberville also registered to vote in Alabama, listing the same Auburn address as his legal residence.

(b). On May 2, 2019, Tuberville falsely told a talk radio host that he had moved back to Alabama in August of 2018. “I moved back about, I would say, probably, full-time, end of August,” Tuberville said. After the radio host pointed out that Tuberville had voted in Florida in November of 2018, Tuberville did not dispute the timeline. During that interview, Tuberville refused the radio host’s request to show him his driver’s license.

(c). Although Florida law requires individuals to notify the Supervisor of Elections if they change their residence address,³⁰ Tuberville did not notify Florida authorities or cancel his Florida voter registration until March of 2020. For at least two years, therefore, Tuberville was registered to vote in both Florida and Alabama.

(d). In 2023, the Tubervilles listed their Florida home as their primary residence on legal documents associated with the purchase of a piece of property.

38. On April 6, 2019, less than two weeks after registering to vote in Alabama, Tuberville announced that he would run for the U.S. Senate. Two days later, Tuberville filed the required paperwork with the Federal Election Commission (“FEC”), using the address of the Auburn House owned by his wife and son Tucker.

³⁰ Fla. Statutes § 97.1031(1)(a).

39. At a meeting of the Shoals Republican Club on August 3, 2019, Tuberville candidly conceded that he “has property” in Alabama but is not an “everyday resident of Alabama,” describing himself as a “carpetbagger.”

40. During the campaign for the Republican Senate nomination in 2020, Tuberville’s runoff opponent openly questioned Tuberville’s residency, airing ads attacking him as a “Florida man” and a “tourist” who claimed to live in Alabama just to run for office. Tuberville was elected to the U.S. Senate on November 3, 2020.

41. On May 27, 2025, Tuberville formally announced that he was running for Governor of Alabama.

42. Despite obtaining an Alabama Driver License in 2019, Tuberville failed to surrender his Florida Driver License, and it remained active until at least 2023. According to ALEA: “An Alabama driver license will not be issued to an individual unless and until all driver licenses in the person’s possession are surrendered to ALEA.”³¹

43. In April of 2026, Tuberville admitted to an interviewer at the Alabama Sports Hall of Fame that **“I go back to Auburn for 3 or 4 ballgames a year.”** When he realized his admission, Tuberville quickly tried to cover it up by adding, “Actually, I live in Auburn.”

The Auburn Game Day House

44. Tuberville and his campaign have publicly claimed that Tuberville and his wife have lived in a small house in Auburn since at least Spring of 2019. There is overwhelming evidence that the Auburn House has not been Tuberville’s primary residence since 2019 and that instead, Tuberville continued to maintain his domicile at the Santa Rosa Beach, Florida home.

³¹ <https://www.alea.gov/dps/driver-license/driver-license-information>

45. The Auburn House in question is a modest 1,500-square-foot, three-bedroom, one-bath house on Cherry Street in Auburn, Alabama.



46. The Auburn House was purchased by Suzanne Tuberville and Tucker Tuberville—the Tubervilles' son, who had graduated from Auburn six months earlier—on March 30, 2017. Tuberville was not listed on the deed to the Auburn House.

47. Tucker (and purportedly Suzanne)—**but not Tuberville**—claimed a homestead exemption on the Auburn House in October 2018, just a month before Tuberville and his wife would swear under penalty of perjury that they were legal residents of Walton County, Florida, and vote in the November 2018 Florida General Election.

48. The Lee County, Alabama Revenue Commission requires applicants to appear in person and to provide deed records and a driver's license to have tax exemptions assigned to their property. Lee County, Alabama revenue records reflect that Tucker Tuberville signed the 2017 assessment that placed a standard H1 homestead exemption on the Auburn House for the 2018 tax year.

No morte

COPY

Lee County Alabama Property Assessment Sheet
TAX YEAR 2018

Account # _____ PPN 735746 Request# _____

Map Number: 09 09 29 1 000 262 000 Unit _____

Buyer (Grantee): _____ Previous Owner: _____

Name: Tuberville, Thomas Tucker & Suzanne Marie Property Address: same

Mail: Cherry St. Deed Information: Book 2508 Page 612

City: Auburn St. AL Zip: 36830 Date Signed: 3/30/17 Date Recorded: 3/30/17

Phone: _____ Date moved into house: _____ **COPY**

Current year tax amount given to customer: YES 1430.00 NO Purchase Price \$ 260K
2017 estimated property tax @ HT prev owner

Assessment Type Applying For: Regular Homestead (H1) Act 48 (H3) Disability Date of Birth: _____ Son
 Class II Developer Act 91 (H2) Income Spouse: _____ mom
 Class II Property Act 91B (H4) Tax Exempt: CHURCH / GOVT / NON PROFIT
 Class III Family Member
 Vacation Home
 Class III Military Home of Record? Do you file Income Tax Return? Yes / No (ASK ON ALL OVER 65 ACCOUNTS!!)
Over / Under (\$12000) (Federal)
Over / Under (\$12000) (State)

Do you have any other Property Tax Exemptions? YES NO In Lee County? YES NO Elsewhere? (State or County) _____
Notes: Dardville AL 36853 Tallapoosa City

Property Use: (How many bedrooms?) Municipality: _____ Fire District: _____ Current Use: _____
 Residential Condo 1-Opelika 6-County 1-Friendship Yes No
 Business Townhouse 2-Auburn 6-Waverly 2-Beauregard Timber _____ acres
 Industrial Duplex _____ (each) 3-Phenix City 7-Smith Station 4-Oak Bowery Pasture _____ acres
 Vacant Land Class III 4-Notasulga 8-Salem Row Crops _____ acres
 Historic Site Rental (Roommates? _____) 8-Farmville TOTAL ACRES _____

Manufactured Home: Year: _____ Size: _____ x _____ Color: _____ Make: _____
Garbage Fee: Residential: _____ Business: _____ Garbage Fee Exemptions: P-Private S-Storage V-Vacant

Notes: 2.018- H-1 **COPY**

I do solemnly swear that the foregoing statement is true and correct to the best of my knowledge and acknowledge that any fraudulent statement is subject to a penalty for perjury.

Signed and sworn to and subscribed before me this 10 day of May, 2017

Suzanne Tuberville (Signature)

Completed by:
Clerk: SF
Date: 5/10/17

Suzanne Tuberville signed the exemption as well—crossing out “spouse” and writing “mom” on the form. That homestead exemption remained under Tucker’s name until 2024.

49. “A ‘homestead’ is generally defined as the home or house where a family resides [and] where the head of the family dwells To qualify for the protection afforded by Alabama’s homestead exemption, one must be a ‘resident’ and must, in fact, occupy a ‘home’ in the state of Alabama.³² For purposes of the homestead exemption, “residence” means the same thing as “domicile.”³³

50. Under Alabama law, it is illegal to “knowingly and willfully gives false information for the purpose of claiming a homestead exemption.”³⁴ In addition, it is a criminal offense for any person to “fraudulently fail, neglect, or refuse to notify the tax assessor of any change in the condition of his property or of the relinquishment, abandonment, or loss of his homestead exemption.”³⁵

³² *Sims v. Cox*, 611 So. 2d 339, 340 (Ala.1992).

³³ *Matthews v. Matthews*, 612, 32 So. 2d 514, 514 (Ala. 1947).

³⁴ Ala. Code § 40-9-21.2.

³⁵ Ala. Code § 40-7-12.

51. In 2025, Tuberville and his political allies fed false information to a favorable online blog claiming that Tuberville had maintained a homestead exemption on the Auburn house since 2018. That was a lie, as the records show that it was Tucker, not Tuberville, who claimed that homestead exemption.

52. While Tuberville has sporadically used the Auburn House as his address since launching his Senate campaign in early 2019, he was not added to the deed until mid-2024.

53. On May 7, 2024, the Tubervilles filed a quit claim deed in Lee County, Alabama removing Tucker from the deed on the Auburn House and adding Tuberville's name for the first time.

54. On November 14, 2025, Tuberville claimed an age-based (65+) homestead exemption on the Auburn House. This is the first record of Tuberville personally claiming homestead on the Auburn House.

55. Tuberville and his family members routinely referred to the Auburn House as "the Game Day House" to friends and family because it was primarily used and occupied during Auburn University home football games.

56. The Auburn House and yard are in a state of disrepair and neglect indicative of only occasional occupancy. It is facially implausible that Tuberville and his wife actually live in the Auburn House.

Tax Records

57. Although a number of media outlets, his Republican opponents, and others have repeatedly asked that Tuberville produce his tax records for the last seven years to establish his eligibility for office, Tuberville repeatedly refused to do so until very recently.

58. In response to a post-primary intraparty election contest filed with the Alabama Republican Party, Tuberville recently voluntarily produced what are purported to be his 2018-2024 Alabama Individual Tax Returns. The tax returns produced by Tuberville are highly redacted and do not include the accompanying schedules.

59. The Alabama tax returns that Tuberville voluntarily produced included a readable bar code that revealed most of the relevant information that Tuberville's lawyers had attempted to redact. Tuberville and his lawyers voluntarily disclosed his Alabama tax returns without redacting the readable bar code and have, therefore, waived any privacy protections that might have previously applied. A number of media outlets and others were able to read the information in the bar code and that information has now entered the public domain.

60. While Tuberville has publicly claimed that the Alabama tax returns are evidence of his Alabama domicile, the returns, and particularly the information contained in the readable bar code, raise far more questions than they answer. For example, Tuberville's purported 2018 Alabama return reflects that he had filed an Alabama return in 2017, even though that same return states that he didn't move to Alabama until August of 2018. If Tuberville's purported 2018 tax return allegedly demonstrates residency, why did he file an Alabama tax return in 2017, before he allegedly became an Alabama resident? In addition, Tuberville's supposed 2018 and 2019 Alabama returns state that he reported income on his federal tax returns that is not reported on his Alabama returns.

61. Upon information and belief, some or all of Tuberville's federal tax returns for years after 2017 use his Santa Rosa Beach, Florida residence as his legal address, or at least do not use the address of the Auburn House.

62. Upon information and belief, some or all of Tuberville's federal tax returns for years after 2017 reflect an adjusted gross income significantly greater than that reported on his recently released Alabama returns, possibly in an effort to take advantage of Florida not having an income tax.

63. Since 2020, Tuberville has received a pension from the Retirement Systems of Alabama based on his tenure as the head football coach at Auburn University. Tuberville's financial disclosures from 2020 indicated he was receiving roughly \$57,638 per year from this state pension fund.

64. Individuals domiciled within Alabama are taxable on their entire income, whether earned within or outside Alabama, regardless of their physical presence within Alabama at any time during the taxable year. Individuals domiciled within Alabama are required to file a Resident Individual Income Tax Return each year.³⁶

65. Contemporaneously with this filing of this Complaint, Plaintiffs are requesting that Tuberville produce copies of his 2018-2025 Alabama and Federal tax returns, subject to a protective order and confidentiality protections. If Tuberville should oppose this request, this Court should draw an adverse inference against him.

Travel and Traceable Expenditures

66. During Tuberville's time in the United States Senate, his Senate and campaign expense and travel records point strongly to him spending most of his time at his Santa Rosa Beach residence, rather than the Auburn House.

67. In 2021, Tuberville's first year in the U.S. Senate, the first nine plane flights that Tuberville took and was reimbursed for through his Senate expense account were to airports along

³⁶ Ala. Dept. of Revenue, Administrative Code, Chapter 810-3-2-.01(1).

the Florida Gulf Coast. For the entire first year, there is not a single flight listed on that report that landed in the state of Alabama.

68. Over his time in the U.S. Senate, Tuberville has expensed dozens of flights departing from airports near his Santa Rosa Beach, Florida residence.

69. For his first three years in office (2020-2023), Tuberville's travel records evidence him as either visiting or flying in and out of Destin, Miramar Beach, Panama City, and Fort Walton Beach more frequently than any Alabama city, including Auburn.

70. From 2021 through October 2025, the Senate reimbursed Tuberville nearly \$14,000 for 43 flights to and from the Florida Panhandle. Of the 140 trips reported by Tuberville to the Secretary of the Senate from 2021-25, 60 of them include arrivals, stops and departures from airports and cities close to his Santa Rosa Beach residence. Of those, 41 are exclusively in Florida, without an Alabama component or connection.

71. In April 2025, Tuberville filed for a taxpayer reimbursement of a \$187 flight from Destin, Florida, to Washington, D.C. The Destin airport is less than 25 miles from his Santa Rosa Beach residence. During the same week in April as the taxpayer-funded flight to Destin, Tuberville's Political Action Committee, Coach PAC, paid for a \$400 meal at a Santa Rosa Beach restaurant and paid another \$695 to 30A Taxi and Shuttle Service, a Florida company that exclusively provides airport pickups and drop-offs in the Florida Panhandle. In 2024 alone, Coach PAC paid that same car service nearly \$6,000, with a total of over \$11,000 in car service fees in 2023 and 2024. There are no similar transportation or meal expenses reported by Tuberville or Coach PAC in Alabama.

72. An analysis of Tuberville's Senate expense disclosures reveals more than \$60,000 in spending along the Florida Gulf Coast during his time as a U.S. Senator.

73. That same trend continues when reviewing campaign finances filed with the Federal Election Commission (“FEC”), in which Tuberville’s Senate committee and affiliated PACs spent a combined \$29,835 across the Florida Gulf Coast. Another \$3,600 was spent in the area out of Tuberville’s Alabama gubernatorial campaign account in recent months. Those same FEC filings show Tuberville spent \$2,200 at Cafe Thirty-A, an upscale restaurant in Santa Rosa Beach, during six visits between 2023-2024. Total travel and dining expenses statewide in Florida from Tuberville’s FEC filings total \$118,000.

74. A substantial volume of these reported campaign expenses are to a single Panama City, Florida company—30A Taxi and Shuttle—a car service serving all four of the Florida Gulf Coast’s airports close to Tuberville’s Santa Rosa Beach residence. 30A Taxi and Shuttle has been paid 37 times since late 2022 for a total of almost \$16,000. Another \$8,500 was spent from Tuberville’s campaign and PAC funds on 25 meals at local Santa Rosa Beach restaurants, with an additional \$9,400 spent on 17 airport charges and parking fees at those Florida Gulf Coast airports.

75. Records from 2021, 2022 and 2023 show Tuberville ended each August break in Panama City Beach or Fort Walton Beach immediately before returning to Washington to rejoin Congress. There are no records reflecting stops in Auburn.

76. Election ethics experts have noted that, while Senators are routinely reimbursed for travel and related expenses for returning to their homes during Senate breaks, it would be improper and likely illegal for a Senator to seek and receive reimbursement for travel to an out-of-state “vacation” house.

77. On January 27, 2026, an intraparty challenge to Tuberville’s residency was filed by one of Tuberville’s primary opponents, but the Alabama Republican Executive Committee voted

to dismiss the challenge without hearing evidence. That same opponent filed a pre-primary legal action in Covington County Circuit Court that was dismissed without the court receiving evidence.

78. On May 19, 2026, Tuberville was nominated as the Republican candidate for Governor by winning the Republican primary election.

79. On May 27, 2026, the Alabama Republican Party certified Tuberville to the Secretary of State as the party's official nominee for the office of Governor.

80. Tuberville's primary opponent filed a post-primary election contest, which was heard in a closed-door hearing before a committee of the Alabama Republican Executive Committee on June 14, 2026. That hearing failed to comply with internal party rules regarding depositions and document subpoenas and was essentially a show trial with a foregone finding in Tuberville's favor. Shortly after the conclusion of the hearing, the Alabama Republican Executive Committee announced that Tuberville would continue to be the Republican nominee.

81. Tuberville does not meet the Constitutional eligibility requirement to be certified as the Republican nominee or to be elected as Governor.

COUNT I — QUO WARRANTO

82. Plaintiffs repeat and re-allege the foregoing paragraphs as if fully set out herein.

83. As the certified Republican nominee for the office of Governor, Tuberville is a quasi-officer subject to quo warranto challenge. *See Bridges v. McCorvey*, 49 So. 2d 546, 548 (Ala. 1950).

84. Tuberville does not meet the Constitutional eligibility requirements for the office of Governor. Namely, he has failed to be a resident citizen of the State of Alabama for the seven years next preceding the November 3, 2026 general election.

85. Tuberville has usurped and intruded into the public office of nominee for Governor through his certified nomination as a candidate despite not satisfying the constitutional eligibility

requirements for the office. *See Talton v. Dickinson*, 72 So. 2d 723, 726 (Ala. 1954) (holding that quo warranto action is the exclusive remedy to contest a candidate's eligibility for office).

86. The issuance of a writ of quo warranto would serve the public good. The public has an interest in ensuring that its major party nominees and elected officials meet the Constitutional eligibility requirements for office.

87. Plaintiffs hereby give security for costs of this action pursuant to Alabama Code § 6-6-591(b) in the amount of \$1,500.00, subject to the approval of the Clerk of Court.

88. **Plaintiffs hereby demand a trial by jury, as provided in 6-6-593(b).**

Wherefore, Plaintiffs respectfully request that this Court issue a writ of quo warranto finding that Tuberville is not lawfully eligible to be the certified nominee or to hold the office of Governor, award Plaintiffs their costs and attorney's fees, and grant such other, further, or different relief that this Court deems proper.

COUNT II—DECLARATORY AND INJUNCTIVE RELIEF

89. Plaintiffs repeat and re-allege the foregoing paragraphs as if fully set out herein.

90. As set forth above, Tuberville does not satisfy the Constitutional requirements for the office of Governor. Namely, he has failed to be a resident citizen of the State of Alabama for the seven years next preceding the November 3, 2026 general election.

91. There is a real and bona fide controversy among the parties to this matter as to whether Tuberville qualifies for the office of Governor and whether Defendant Allen may direct Tuberville's name to be printed on the general election ballot.

92. Plaintiffs seek a declaratory judgment pursuant to Alabama Code § 6-6-222 and request that this Court enter a declaratory judgment finding that Tuberville does not meet the

Constitutional eligibility requirements for the office of Governor and that Defendant Allen thus cannot direct that Tuberville's name be printed on the general election ballot.

93. Plaintiffs also seek a permanent injunction prohibiting Defendant Allen from directing or ordering Tuberville's name to be printed on the general election ballot. *See Bostwick v. Harris*, 421 So. 2d 492, 493 (Ala. 1982) (enjoining Secretary of State and probate judges from placing name of individual on ballot).

94. Plaintiffs will be irreparably injured unless this relief is granted.

95. Plaintiffs have no adequate remedy at law.

96. Plaintiffs are likely to succeed on the merits of their claim. Tuberville has the burden of proving that he changed his domicile from Florida to Alabama prior to November 3, 2019, and the evidence overwhelmingly establishes that he did not do so. Because Tuberville does not satisfy the Constitutional eligibility requirement set forth in Section 117 of Article V of the Constitution of Alabama of 2022, Alabama Code § 17-9-3(b) prohibits Defendant Allen from ordering Tuberville's name to be printed on the general election ballot.

97. The hardship imposed on Defendant Allen by the requested injunction would not outweigh the benefit to Plaintiffs and the general public in receiving the requested injunction, as the injunction would only require Allen to comply with Alabama law.

Wherefore, Plaintiffs respectfully request that this Court enter a declaratory judgment finding that Tuberville does not meet the Constitutional eligibility requirements for the office of Governor and that Defendant Allen is prohibited from directing or ordering that Tuberville's name be printed on the general election ballot, and enter a preliminary and permanent injunction restraining Defendant Allen from directing or ordering Tuberville's name be printed on the general election ballot.

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