Before the Executive Committee
of the Alabama Democratic Party

IN RE NOMINATION OF DEMOCRATIC CANDIDATE TO THE ALABAMA HOUSE OF REPRESENTATIVES, DISTRICT 54 MATTIE CHILDRESS, Contestant GAYNELL HENDRICKS, Real party in interest PATRICIA TODD, Contestee	

Answer and Defenses of Patricia Todd

Patricia Todd, the winner of the popular vote in the 18 July 2006 runoff election for House District 54, answers the statement of contest filed by Mattie Childress as follows:

1. Patricia Todd denies the allegations made in paragraph 1 of the statement of contest.

2. Patricia Todd denies the allegations made in paragraph 2 of the statement of contest.

3. Patricia Todd denies the allegations made in paragraph 3 of the statement of contest.

4. Patricia Todd admits the allegations made in paragraph 4 (except for paragraph a) of the statement of contest. Patricia Todd denies the allegations made in paragraph 4(a) of the statement of contest.

5. There is no paragraph 5 in the statement of contest.

6. Patricia Todd admits that she represented to others that she had been endorsed by the Jefferson County Citizens Coalition because Eric Major,

the president of the Coalition, told her that she had been endorsed and because she saw the Coalition's sample ballots; she denies all other allegations made in paragraph 6 of the statement of contest.

7. Patricia Todd admits that the Jefferson County Citizens Coalition sample ballots contain a picture of the Coalition's founder, Dr. Richard Arrington, but denies that the sample ballot represents a personal endorsement by Dr. Arrington; she denies all other allegations made in paragraph 7 of the statement of contest.

8. Patricia Todd denies the allegations made in paragraph 8 of the statement of contest.

9. Patricia Todd denies the allegations made in paragraph 9 of the statement of contest.

10. Patricia Todd denies the allegations made in the final unnumbered paragraph of the statement of contest.

Other Defenses

11. Ala. Code § 17-16-78 requires, among other things, that the statement of contest include that the party contesting the primary participated in the primary. The contesting party has failed to state that she participated in the Democratic primary runoff election held in District 54 on 18 July 2006. For that reason, the contestant has not properly invoked the jurisdiction of this committee to hear an election contest.

12. The allegations made in paragraph 4 of the statement of contest are not grounds for denying a certificate of nomination to Patricia

Todd under Ala. Code § 17-22A-21, as interpreted by the Alabama Supreme Court in *Davis v. Reynolds,* 592 So.2d 546 (Ala. 1991).

13. The allegations made in paragraphs 6 and 7 of the statement of contest – even if they are true – are not grounds for setting aside the results of a primary under Ala. Code § 17-16-71.

Answer and Defenses to "Supplemental" Contest Statement

14. The Supplemental Contest Statement was filed more than 24 hours (weekends excepted) after the certification of the vote for House District 54. For this reason, the Supplemental Contest should be denied.

15. Patricia Todd answers the allegations of the Supplemental Contest as follows: The facts are admitted, but legally irrelevant. The Democratic Party bylaw referenced by the Contestant has been superseded by the Fair Campaign Practices Act.

16. If the bylaw is held to be still effective, then Gaynell Hendricks cannot be certified as the nominee because she failed to file a verified list of all her contributors with the Chairman of the State Democratic Executive Committee.

Submitted by,

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CERTIFICATE OF SERVICE

I hereby certify that on _____,

- the original of the foregoing was filed with
  Alabama Democratic Party
  501 Adams Ave.
  Montgomery, AL 36104

- a copy of the foregoing was delivered by facsimile, email, and/or first class mail to the following:

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