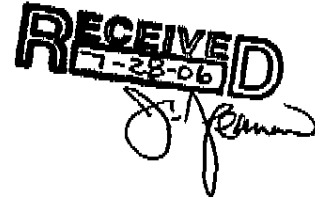


**VERIFIED ELECTION CONTEST STATEMENT**

**TO:** Joe Turnum  
Chairman  
Alabama Democratic Party  
501 Adam Street  
Montgomery, Alabama 36104



**RE:** Contest of Election Results for the July 18, 2006, Jefferson County Primary Runoff Election, District No. 54

**DATE:** July 27, 2006

I, **Mattie Childress**, affiant herein, a resident of Jefferson County, Alabama, a qualified voter, in the Democratic Party Primary runoff election that was held on July 18, 2006.

It is affiant's herein belief that the following is true:

1. Illegal votes were given to Patricia Todd, which if taken from her, will reduce the number of legal votes given to her and result in her actual tally of votes being less than the number of legal votes given to Gaynell Hendricks, a valid ballot candidate for State Representative, District No. 54.
2. The affiant herein contest the July 18, 2006 primary election results on the grounds that the malconduct which occurred was calculated to prevent a fair, free and full exercise of the elective franchise. (See § 17-15-1, Code of Ala.(1975))
3. An improper adjustment to the final voting machines' computations and tabulations were caused by the Chief of Elections and the Jefferson County Election Department; further, such adjustments were ultimately made without notification to Candidate Gaynell Hendricks. Procedures required that Candidate Hendricks should have received notification regarding any adjustment to the final voting machine computations and tabulations prior to the adjustments being made; however, she was not notified until after the election. However, Candidate Todd, through her legal and campaign representatives, were present at the time and while the voting machines computations and tapes were made and changed. (See § 17-22A-8 (a)(2))
4. On July 17, 2006, the day before the runoff primary election, Candidate Todd filed with the Secretary of State her report of contributions and expenditures. Candidate Todd's 10-5 Day Pre-Election Report was due no later than July 14, 2006.

- a. That had the 10-5 Day Pre-Election Report been timely filed by candidate Todd the following important voter information would have come to the attention of voters in District No. 54:
- b. That on July 3, 2006, Candidate Todd received a \$25,000 contribution from the Gay & Lesbian Victory Fund, the Nation's largest gay and lesbian political action committee, who endorsed Candidate Todd. The Gay & Lesbian Victory Fund is a National political organization that provides technical and financial support to openly gay and lesbian candidates.
- c. On June 16, 2006, Candidate Todd made expenditure payments to Charlie L. Williams, Jr., in the amount of \$5,000, and Kamau Africa in the amount of \$5,750, both of whom were candidates in the previous primary election; but, later who endorsed Candidate Todd in the run-off election.

6. Candidate Todd, without authorization or authority, falsely represented to the public and potential voters in District No. 54, that she had received the endorsement of the Jefferson County Citizen Coalition. The Jefferson County Citizen Coalition is one of the strongest democratic organizations in Jefferson County. The Jefferson County Citizen Coalition endorsed Candidate Hendricks in the election.

7. Voter sample ballots were distributed to potential voters in District No. 54 which misled potential voters by indicating that Richard Arrington, former Birmingham Mayor supported Candidate Todd. However, Dr. Arrington did not approve such sample ballots since he supported Candidate Hendricks.

8. The Jefferson County Elections Committee failed to follow proper procedures for securely sealing and unsealing machine tabulations. The failure to follow proper procedure resulted in voting machine tabulation sheets being placed in precinct envelopes that were either improperly sealed, not securely sealed or having clearly broken seals; thereby, voiding the integrity of the machine tabulations that were later counted.

9. The Jefferson County Elections Committee failed to follow proper chain of custody procedures when handling voting machine tabulations, tapes and voting machine memory cards. This failure to follow proper procedure resulted in an invalid and inaccurate final vote tabulation in favor of Candidate Todd.

Each of the mis-calculations, mistakes and misconduct in counting, tallying, handling and other conduct calculated to prevent a fair, free and full exercise of the elective franchise, that are stated above, either taken alone or in conjunction with the giving of the illegal votes or the rejection of legal votes, when everything is corrected,

will reduce the number of legal votes cast for Candidate Todd and will cause Candidate's Todd's votes to be below those of Candidate Hendricks in the District No. 54 Primary Runoff Race.

Date: July 27, 2006

Respectfully submitted by

Mattie Leann Childress  
Name/Signature

3416 7th Ave Sd Apt 813  
Resident Address

3416 7th Ave Sd Apt 813  
Mailing Address

Jefferson  
County of Residence

5409  
Precinct

District 54  
Ballot Box where registered to vote or where voted on July 18, 2006

STATE OF ALABAMA)

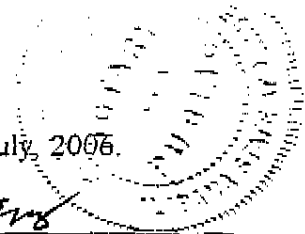
JEFFERSON COUNTY)

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared **Mattie Childress**, affiant herein, who is known to me and who, after having been duly sworn, read the contents of the foregoing Verified Election Contest Statement, and after having done so, stated under oath that the facts and averments contained therein are true and correct.

Mattie Leann Childress  
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME this 27th day of July, 2006.

Patrice S. Williams  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_



NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: MAR 3, 2009  
BONDED THROUGH NOTARY PUBLIC UNDERWRITERS

**CERTIFICATE OF SERVICE**

I hereby certify that the above foregoing document has been forwarded to the all parties stated below by placing a copy of the same in the U. S. Mail, postage prepaid and properly addressed on this 27<sup>th</sup> day of July, 2006 as follows:

Patricia Todd  
1320 58<sup>th</sup> Street South  
Birmingham, Alabama 35222

Edward Still, Esquire  
2112 11<sup>th</sup> Avenue South, Suite 201  
Birmingham, Alabama 35205

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THE ALABAMA DEMOCRATIC PARTY

501 ADAMS AVENUE

MONTGOMERY, ALABAMA 36104

FACSIMILE TRANSMITTAL SHEET

TO: ED STILL FROM: JIM SPEARMAN

COMPANY: \_\_\_\_\_ DATE: 7/28

FAX NUMBER: \_\_\_\_\_ TOTAL NO. OF PAGES INCLUDING COVER: 5

PHONE NUMBER: \_\_\_\_\_ RE: HD 54 Contest

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

NOTES/COMMENTS: