IN THE CIRCUIT COURT OF CONECUH COUNTY, ALABAMA

Maxwell "Mike" Blackmon,	)	
	)	
Contestant,	)	
	)	
v.	)	**CIVIL ACTION NO.:**
	)	CV-22-06
Randy Brock,	)	
	)	
Contestee.	)	

STATEMENT OF ELECTION CONTEST/COMPLAINT

This action contests the results of the November 8, 2022 election for the office of Sheriff for Conecuh County, as provided by Ala. Code § 17-16-40 and § 17-16-56. Contestant here claims that ballots not due to be counted were included in the declared results, and, as a result of including these illegal votes, Contestant was not named as the winner of the Sheriff election. The certified results included as votes for Contestee more than two ballots not marked for Contestee, and not marked as a "straight party ticket" of the political party that nominated Contestee, in the manner required by Ala. Code § 17-6-35. In addition, legal votes for Contestant were not counted. In particular, ballots properly marked as "straight party ticket" for the political party that nominated Contestant were not counted as votes for Contestant. As result of these errors, Contestant is due to be declared the winner of the election for the office of Sheriff for Conecuh County.

PARTIES

1. Contestant, Maxwell "Mike" Blackmon ("Blackmon"), is a resident and qualified voter of Conecuh County, Alabama and participated in the November 8, 2022 General Election for the State of Alabama ("the November 8 Election").

2. Contestee, Randy Brock ("Brock"), is a resident of Conecuh County, Alabama.

GENERAL ALLEGATIONS

3. For the November 8 Election, Blackmon was listed on the ballot as the nominee of the Alabama Republican Party as a candidate for the office of Sheriff of Conecuh County.

4. For the November 8 Election, Brock was listed on the ballot at the nominee for the Alabama Democratic Party as a candidate for the office of Sheriff of Conecuh County.

5. No other candidates names appeared on the ballot for this office.

6. In the unofficial tabulation of votes cast on November 8 , Brock was reported to have 2,224 votes and Blackmon was reported to have 2,223 votes.

7. Following review of provisional ballots, on November 15, the canvassing board for Conecuh County certified the Sheriff election as tied with each candidate receiving a total of 2,225 votes.

BROCK RECEIVED VOTES FROM BALLOTS NOT MARKED IN THE MANNER PROVIDED BY LAW

8. On November 18, as required by Ala. Code § 17-16-20, there was a recount of all ballots cast in the Sheriff election.

9. During the recount, at least two ballots not previously determined to be votes for Brock were included by hand count in the recount vote totals for Brock.

10. On these two ballots not previously counted in the November 8 tabulation of votes cast was a ballot in which there was no specific mark in the circle adjacent to Brock's name. And, for the part of the ballot allowing "straight party ticket" to be deemed a vote for Brock, under Ala. Code § 17-6-35, there was no mark in the circle adjacent to the name of the Alabama Democratic Party, the political party that nominated Brock.

11. The canvassing board wrongly counted each of these two ballots as a "straight party ticket ballot," and therefore as votes for Democratic nominee Brock, apparently due to defacement of Alabama Democratic Party logo opposite the place where vote marks are required, under § 17-6-35.

12. The canvassing board also refused to include in the recount, and determined by separate review, at least one "straight party ticket" ballot with a partial mark in the circle adjacent to the name of Alabama Republican Party as a vote for Blackmon. This ballot(s) was a lawful vote for Blackmon and due to be included in the results of the recount.

13. The board further stated that there was an absentee ballot marked as a "straight party ticket" for the Democratic Party that was not being recorded by electronic counters for all Democratic candidate nominees, as had other "straight party ticket" absentee ballots marked for the Democratic Party. Thus, by the addition of this one ballot deemed by the canvassing board as due to be counted, Brock was allowed an additional absentee vote so that he was certified as receiving 201 absentee votes by the canvassing board - one more than was recorded for him on initial results.

14. After completing the recount, and relying on the above-described illegal votes deemed to be votes for Brock, the canvassing board announced that, Brock had won the election - by one vote.

15. However, after making this announcement, the canvassing board issued a written statement declaring the results of the election to be 2,228 for Brock and 2,226 for Blackmon - i.e., Brock the winner by two votes.

16. The canvassing board thus certified this two-vote margin for Brock as the results of the election at 1:56 p.m. on November 18.

GROUNDS FOR CONTEST- ALA. CODE § 17-16-40

Count I
Receipt of Illegal Votes For Brock, and Rejection of Legal Votes for Blackmon

17. Blackmon incorporates by reference the allegations in paragraphs 1 through 16.

18. Blackmon was due to receive in his certified vote totals at least two votes from ballots each showing a "straight party ticket" by the placement of a mark left of the name of the Alabama Republican Party at the head of the ticket.

19. Brock was the recipient at least one illegal vote cast by absentee ballot that was included by hand count in the certified totals of the recount..

20. There were more than two illegal votes cast in the race that were included in the tabulation cast in favor of Brock and the number of illegal votes cast in the race, if declared illegal would sufficiently reduce the number of votes cast for Brock that would

result in Blackmon having a sufficient number of votes to have him being declared the winner of the election and Sheriff of Conecuh County, Alabama.

21. That there was a miscalculation, mistake, or misconduct in counting, tallying, certifying, or canvassing which of itself alone or in conjunction with the giving of illegal votes or the rejection of legal votes, or any other ground, would, when everything is corrected, reduce the number of legal votes cast for the declared winner, Brock, down to or below those of Blackmon and as a result Blackmon would have a sufficient number of votes to have him being declared the winner of the election and Sheriff of Conecuh County, Alabama.

DEMAND FOR JUDGMENT

In view of the foregoing, Contestant Mike Blackmon demands a judgment from this Court, as provided by Ala. Code § 17-16-59, declaring him the winner of the November 8 Election for the Sheriff of Conecuh County, and declaring that Randy Brock was not the winner. In the event this Court finds that Blackmon and Brock have an equal number of lawful votes, Blackmon demands that, as provided by Ala. Code § 17-16-59, this Court enter a judgment declaring that the candidates have an equal number of votes, and that this Court enter an order which certifies that fact to the Governor as the officer having authority to fill vacancies in the office of Sheriff.

Blackmon urges this Court to enter such other relief as may be just and proper, and to award him the costs of this action.

Respectfully submitted this 5th day of December, 2022.

/s/ Joel R. Blankenship
Joel R. Blankenship, Esq.
Attorney for the Contestant

Of Counsel:

The Blankenship Law Firm, LLC
1005 Queensbury Rd.
Homewood, AL 35209
(205) 542-3304
JRB@BlankenshipLaw.net

/s/ Albert L. Jordan
Albert L. Jordan, Esq.
Attorney for Contestant

Of Counsel:

Wallace, Jordan, Ratliff & Brandt, LLC
800 Shades Creek Parkway, Suite 400
Birmingham, AL 35209
(205) 870-0555 p
(205) 870-7534 f
BJordan@WallaceJordan.com

STATE OF ALABAMA)
COUNTY OF Conecuh)

VERIFICATION OF CONTESTANT TO

STATEMENT OF ELECTION CONTEST/COMPLAINT

I, Maxwell "Mike" Blackmon, Contestant in this matter, hereby verify that the facts set out in this Statement of Election Contest/Complaint are true and correct to the best of my knowledge, information, and belief.

Maxwell Mike Blackmon
By: Maxwell "Mike" Blackmon

SWORN and SUBSCRIBED before me this 5th day of December, 2022.

Carol A. Odom
Notary Public
My Commission Expires: 1-4-24

STATE OF ALABAMA
COUNTY OF _____)

VERIFICATION/AFFIDAVIT TO

STATEMENT OF OBJECTION/CERTIFICATE

I, Maxwell "Mike" Hagedorn, Contestant in this matter hereby verify that the facts set out in this Statement of Election Contest/Complaint are true and correct to the best of my knowledge, information and belief.

_____
Maxwell "Mike" Hagedorn

SWORN and SUBSCRIBED before me this ____ day of December, 2020.

_____
Notary Public
My Commission Expires: _____