

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

JAMES HALL and)
N.C. "CLINT" MOSER, JR.,)
)
Plaintiffs,)
)
v.)
)
JOHN MERRILL, Alabama)
Secretary of State,)
in his official capacity,)
)
Defendant.)

CIVIL ACTION NO.
2:13cv663-MHT
(WO)

JUDGMENT

In accordance with the memorandum opinion entered today, it is the ORDER, JUDGMENT, and DECREE of the court that:

(1) Plaintiff N.C. "Clint" Moser, Jr.'s claims are dismissed as moot.

(2) Defendant Secretary John Merrill's motion for summary judgment (doc. no. 23) is (a) denied on plaintiff James Hall's First and Fourteenth Amendment claim and (2) granted in all other remaining respects.

(3) Plaintiffs Hall and Moser's motion for summary judgment (doc. no. 63) is (a) granted on plaintiff Hall's

First and Fourteenth Amendment claim and (b) denied in all other remaining respects.

(4) Judgment is entered in favor of plaintiff Hall and against defendant Merrill on plaintiff Hall's First and Fourteenth Amendment claim.

(5) It is DECLARED that the enforcement of the 3 % signature requirement set forth in 1975 Ala. Code § 17-9-3-(a) (3) is unconstitutional during any off-season special election for which: (a) the vacancy is announced less than 124 days prior to the petition deadline and (b) the date of the special election is announced less than 57 days prior to the petition deadline.

It is further ORDERED that costs are taxed defendant Merrill, for which execution may issue.

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

This case is closed.

DONE, this the 30th day of September, 2016.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE