

Nancy L. Worley
Secretary of State

P.O. Box 5616
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STATE OF ALABAMA

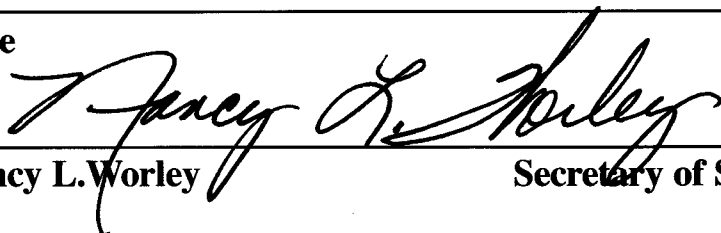
I, Nancy L. Worley, Secretary of State of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that in accordance with the Code of Alabama, 1975, as amended, the attached certification is an amendment to the ballot certifications issued by this office on August 13, 2004, and September 14, 2004, containing the names that have been certified to the Office of the Secretary of State as candidates for the Alabama Democratic Party in the General Election to be held on Tuesday, November 2, 2004. The attached order was issued in the Circuit Court of Montgomery, Alabama, removing Joan Bernadette Singleton from the ballot as a candidate for District Judge, Place 11, for the 10th Judicial Circuit.



In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day.

September 23, 2004

Date


Nancy L. Worley Secretary of State

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

STATE EXECUTIVE COMMITTEE OF
THE DEMOCRATIC PARTY OF
ALABAMA,

Petitioner,

V.

NANCY WORLEY,
in her official capacity as
Secretary of State of the
State of Alabama,

Respondent.

Civil Action No.: CV 04:2524

ORDER

This case is before the Court on a Petition for Writ of Mandamus. Petitioners have asked the Court to order Secretary of State Nancy Worley, in her official capacity, to submit to the Probate Judge of Jefferson County a Certification Amendment to reflect the disqualification of Joan Bernadette Singleton to run as district judge, place 11, for the 10th Judicial Circuit.

The Court held a hearing and received evidence on this matter on September 23, 2004. The Secretary of State's regulations permit an amendment to a certification and specifically state that the deadline for the submission of an amendment to the certification of candidates is for all practical purposes "when the ballots for a particular race have been printed." See Ala. Admin. Code § 820-2-4-.08(2)(d). Section 820-2-4-.08(3) states that amendments shall be permitted "to the full extent permitted by the circumstances or until the applicable ballots are printed, whichever occurs first"

According to the testimony, Joan Bernadette Singleton, who had previously been certified by the Democratic Party as its nominee for District Judge, Place 11, in the Tenth Judicial Circuit in Jefferson County, was disqualified from appearing on the ballot after a verified petition for disqualification against her was filed on September 8 and a duly appointed subcommittee of the State Democratic Executive Committee determined that she was not qualified to serve as the nominee. There has been no appeal from that decision, which was rendered on September 17, 2004.

The Chair of the State Democratic Executive Committee testified that he ordered the

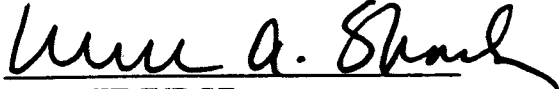
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certification amendment noting the disqualification of Joan Singleton delivered to the Secretary of State immediately after the hearing on the matter on September 17, 2004, the day after a major hurricane. The SDEC Director of Operations Brannon Walden testified that he hand-delivered the certification amendment to the Secretary of State around 5:30 pm on September 17, that the certification amendment had been faxed beforehand, and that he was not told by the Secretary or anyone in her office that she had, or intended, to reject it.

According to the uncontested testimony of Probate Judge Alan King of Jefferson County, no ballots have been printed, absentee or otherwise, in Jefferson County. Probate Judge King further stated that there was no delay as a result of the Democratic Party's amended certification nor would there be any delay if he received the certification amendment prior to the printing of the ballots, particularly if received by September 23, 2004, the day this hearing was held. Probate Judge King testified that he could not certify the ballots to be printed until September 24, 2004 at the earliest, and that changing the certification and ballots to reflect the disqualification of Ms. Singleton would take a matter of five to ten minutes.

The Secretary of State offered no valid justification for its delay in amending the certification to the Probate Judge of Jefferson County. Given that the ballots have not been printed, that time is of the essence, this Court hereby ORDERS the Secretary of State, Nancy Worley, in her official capacity, to deliver to the Probate Judge of Jefferson County an official certification amendment by 5:00 pm September 23, 2004 reflecting the SDEC's disqualification of Joan Bernadette Singleton as nominee for the position of district judge, Place 11, in the Tenth Judicial Circuit, Jefferson County. The said certification may be delivered to the Probate Judge by facsimile with the original to be delivered by overnight delivery or by hand delivery to arrive no later than 10:00 am on September 24, 2004

Done this the 23d day of September, 2004.


CIRCUIT JUDGE

Shannon Holliday
B. Segall
T. Granger
Jant Parks