

Whether City Limits Include a Candidate's Residence

Naramore v. Posey
(*L. Scott Coogler, N.D. Ala. 6:12-cv-2584*)

A would-be candidate for mayor filed a federal complaint challenging his disqualification for residing in unincorporated territory. An interlocutory consent order resolved the immediate issue in the plaintiff's favor after three telephone conferences with the judge and the parties.

Subject: Getting on the ballot. *Topic:* Getting on the ballot.

On July 30, 2012, a would-be candidate for mayor of Jasper, Alabama, in an August 28 election, filed a federal complaint in the Northern District of Alabama alleging wrongful disqualification of his candidacy on the grounds that his residence was in unincorporated territory.¹ With his complaint, the plaintiff filed a motion for an emergency hearing on his request for a preliminary injunction.²

Judge L. Scott Coogler held a telephone conference with the parties on August 1³ and sought evidence on whether the plaintiff's residence was within annexed territory of Jasper.⁴

Following additional telephone conferences on August 2 and 7,⁵ the plaintiff's candidacy was resolved in the plaintiff's favor by an interlocutory consent order issued on August 16.⁶ That same day, however, the plaintiff filed a motion for an immediate evidentiary hearing, alleging bad faith on the part of the defendants in complying with the consent order.⁷ Judge Coogler held another telephone conference on August 17.⁸

On August 28, the incumbent mayor received 1,975 votes, or 57%.⁹ The plaintiff received 170 votes.¹⁰

Judge Coogler dismissed the case as settled on November 18, 2013.¹¹

1. Complaint, *Naramore v. Posey*, No. 6:12-cv-2584 (N.D. Ala. July 30, 2012), D.E. 1; see Daniel Gaddy, *Naramore Files Suit Against City Officials*, Jasper Daily Mountain Eagle, Aug. 1, 2012.

2. Motion, *Naramore*, No. 6:12-cv-2584 (N.D. Ala. July 30, 2012), D.E. 2.

3. Docket Sheet, *id.* (July 30, 2012).

4. See Plaintiff's Brief, *id.* (Aug. 2, 2012), D.E. 4.

5. Docket Sheet, *supra* note 3.

6. Consent Order, *Naramore*, No. 6:12-cv-2584 (N.D. Ala. Aug. 16, 2012), D.E. 5.

7. Motion, *id.* (Aug. 16, 2012), D.E. 6.

8. Docket Sheet, *supra* note 3.

9. See James Phillips, *Posey Wins Third Term as Jasper Mayor*, Jasper Daily Mountain Eagle, Aug. 29, 2012.

10. See *id.*

11. Order, *Naramore*, No. 6:12-cv-2584 (N.D. Ala. Nov. 18, 2013), D.E. 165; see Stipulation, *id.* (Nov. 14, 2013), D.E. 15; Order, *id.* (Sept. 25, 2013), D.E. 14 (dismissing the action without prejudice on advice that a settlement was being finalized).