

BEFORE THE STATE EXECUTIVE COMMITTEE
OF THE ALABAMA REPUBLICAN PARTY

KEN MCFEETERS,

Contestant,

V.

TOMMY TUBERVILLE,

Contestee.

TOMMY TUBERVILLE RESIDENCY HEARING

Balch & Bingham, LLP

1901 6th Avenue North, Suite 1500

Birmingham, Alabama 35203

June 14, 2026

REPORTED BY:

Gail B. Pritchett

Certified Realtime Reporter,

Registered Professional

Reporter and Notary Public

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A P P E A R A N C E S

FOR THE CONTESTANT:

Mr. Jerry D. Roberson
Attorney at Law
306 Dickson Street
Tuscumbia, Alabama 35674
256.275.2889
jerry@jdrlaw.org

FOR THE CONTESTEE:

Messrs. Albert L. Jordan
and Stephen W. Shaw
Attorneys at Law
Wallace, Jordan, Ratliff &
Brandt, LLC
800 Shades Creek Parkway, Suite 400
Birmingham, Alabama 35253
205.871.7534
bjordan@wallacejordan.com
sshaw@wallacejordan.com

1 A P P E A R A N C E S (continuing)

2

3 THE HEARING OFFICER:

4 Mr. Scott Stadthagen, Chairman of the
5 Alabama Republican Party

6

7 ALSO PRESENT:

8 Messrs. David Bowsher and Allen Estes
9 Balch & Bingham, LLP
10 1901 6th Avenue North, Suite 1500
11 Birmingham, Alabama 35203

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TOMMY TUBERVILLE

EXAMINATION BY MR. ROBERSON

11

1 June 14, 2026 2:13 P.M.

2 P R O C E E D I N G S

3

4 MR. STADTHAGEN: I would like to
5 call to order this hearing of the primary
6 election contest brought by Ken McFeeters
7 challenging the primary election victory of
8 Senator Tommy Tuberville. Under Alabama law
9 political parties are responsible for choosing
10 their nominees, and when there is a dispute
11 about that choice under Alabama law, it is
12 political parties that resolve that dispute.

13 The Republican Party takes its
14 responsibility seriously. It is an utmost
15 sacred obligation. The Republican Party is the
16 party of law and order, of the rule of law, and
17 we have conducted this contest pursuant to
18 applicable law and the rules governing contests
19 of primary elections adopted four years ago
20 when the first primary election contests in
21 many years were brought. This hearing will be
22 conducted the same way.

23 I am Scott Stadthagen, chairman of

1 the Alabama Republican Party, and pursuant to
2 the rules, I am also the hearing officer. I am
3 effectively the judge for this contest,
4 including this hearing.

5 At this hearing, as with the
6 contest up until this point, I am being
7 assisted by David Bowsher, a partner at Balch &
8 Bingham and state legal counsel to the party.
9 He has several colleagues from Balch with him
10 today, including Allen Estes. If one of them
11 says something, they are saying it in my voice
12 on my behalf. And if that is ever not the
13 case, then I will say so.

14 The candidate committee of the
15 party, minus me, is sitting over there in what
16 looks like a jury box. That is on purpose.
17 The committee is the one that will ultimately
18 decide whether this contest is successful and
19 Coach is removed as our nominee for governor or
20 whether this contest is unsuccessful and Coach
21 will remain our nominee for governor.

22 Pursuant to the rules, each party
23 may be represented by legal counsel properly

1 barred and in a good standing in the state of
2 Alabama. Only the parties themselves and their
3 legal counsel may address the hearing officers,
4 the committee, and the witnesses, present
5 evidence and otherwise argue their case.

6 As the rules provide, there will
7 be no opening statements. Those were submitted
8 by the parties four days before the hearing and
9 we have already reviewed those. Mr. McFeeters
10 will go first today and will have forty-five
11 minutes to present his case and answer
12 questions from me and the committee and can
13 reserve up to fifteen minutes for rebuttal.
14 Then, Senator Tuberville will have forty-five
15 minutes to present his case and answer
16 questions for me and the committee. At that
17 point, the parties will have fifteen minutes
18 each for their closing arguments. Mr.
19 McFeeters will go first and can reserve up to
20 five minutes for rebuttal. Then, Senator
21 Tuberville will present his closing argument.
22 Once closing arguments are complete, the
23 committee will retire to a separate room to

1 deliberate. The parties are welcome to remain
2 in the courtroom while awaiting our decision or
3 they can wait in their breakout/witness rooms
4 or they can leave. Your presence or absence
5 will not impact our decision.

6 You will see that we have a court
7 reporter here to transcribe the hearing. Each
8 party is welcome to make arrangements with her
9 to obtain a copy of the transcript, as are
10 members of the press. Also, just as a
11 reminder, that she can only take down one
12 person speaking at a time, so please don't talk
13 over each other and wait to be recognized if
14 you don't currently have the floor. Committee
15 members, if you have a question, please state
16 your name prior to the question.

17 Also, going to refer to the cell
18 phone rules. Hopefully none of y'all tried to
19 pull one fast on us. Surrender the cell phones
20 and any other connected devices if you have
21 them with you. No recording devices of any
22 kind will be permitted. Any person found will
23 be asked to leave the building.

1 Mr. McFeeters, you may recall that
2 this is not the first time you have raised
3 these issues. You brought a candidate
4 challenge shortly after qualifying ended. When
5 that was unsuccessful, you sued the party and
6 Senator Tuberville and a judge dismissed that
7 lawsuit. All of that is water under the bridge
8 and will have no bearing on today's hearing for
9 the contest more broadly.

10 Mr. McFeeters, you have exercised
11 your rights under Alabama law, and the rules
12 commence this contest. You may have heard
13 people lamenting this contest saying you should
14 not have brought it, but it was absolutely your
15 right to do so. And the committee concluded
16 that the statement of the contest that you
17 filed was basically valid, which is why we are
18 having this hearing.

19 Mr. McFeeters, as a party bringing
20 this matter, just as in court, you have the
21 burden of providing your case -- proving your
22 case. But that also gives you the opportunity
23 to go first in this hearing.

1 Mr. McFeeters, the floor is yours.
2 Please let us know if you would like to reserve
3 some of your forty-five minutes for rebuttal or
4 if you would like to decide later. If you
5 choose to decide later, then we will simply set
6 back the clock for forty-five minutes, so it
7 will be up to you to end your presentation
8 early.

9 MR. ROBERSON: I am Jerry
10 Roberson. I would like to -- I represent Mr.
11 McFeeters, and I would like to reserve five
12 minutes. And y'all took my phone, so I don't
13 have a way to track time, so if you would give
14 me some kind of warning.

15 MR. BOWSHER: We will give you the
16 high five.

17 MR. ROBERSON: All right. Thank
18 you. We call -- do you prefer Coach or
19 Senator?

20 THE WITNESS: Coach.

21 MR. ROBERSON: Coach. We call
22 Coach.

23 MR. BOWSHER: Counsel, they can't

1 hear you over there.

2 MR. ROBERSON: They can't? Okay,
3 I'm sorry. I learned to whisper. I can't
4 believe you can't hear me.

5

6 TOMMY TUBERVILLE,
7 having been first duly sworn, was examined and
8 testified as follows:

9

10 THE WITNESS: Is this on?

11 MR. BOWSHER: It is not, but you
12 can make it on if you want. There you go.

13

14 EXAMINATION BY MR. ROBERSON:

15 Q. Good afternoon, Coach.

16 A. Yes, sir.

17 Q. I want to take this opportunity to
18 have a civil discussion with you about where
19 you have lived for the last seven years, okay?
20 And I think that the citizens of Alabama are
21 owed that discussion, okay? And the way I view
22 our politics today, we are much too divided as
23 a country and I think we need to come back

1 together. Is that what you would think?

2 A. I deal with that every day, yes,
3 sir.

4 Q. Now, Coach, I don't know that much
5 about you personally, but weren't you born in
6 Arkansas?

7 A. 1954.

8 Q. Where in Arkansas?

9 A. Camden, Ouachita County.

10 Q. And did you go to high school
11 there?

12 A. I did, Harmony Grove High School.

13 Q. When you graduated, did you go to
14 college?

15 A. Yes.

16 Q. Where?

17 A. Southern Arkansas University.

18 Q. Okay. Did you play football?

19 A. Yes, sir.

20 Q. How much did you weigh?

21 A. About 170. Not big enough.

22 Q. Were you a defensive back or end
23 or --

1 A. Yes, sir, defensive back.

2 Q. You must have been like Barney
3 Fife and wiry?

4 A. Yeah. Yeah.

5 Q. And, then, Judge -- I mean Coach,
6 you are married?

7 A. Yes.

8 Q. Your wife is Suzanne?

9 A. Suzanne, uh-huh.

10 Q. Okay. And is she here today?

11 A. No.

12 Q. Why not?

13 A. She wasn't asked to come, I don't
14 think.

15 Q. You didn't ask her?

16 A. No.

17 Q. Okay.

18 A. She is with the grandkids, yeah.

19 Q. In Auburn?

20 A. Here in Birmingham.

21 Q. Oh, okay. So you have two sons,
22 right?

23 A. Tucker and Troy.

1 Q. Tucker and Troy. Who lives in
2 Birmingham?

3 A. Tucker lives in Birmingham. Troy
4 lives in Huntsville.

5 Q. Did either one of them ever live
6 in Auburn?

7 A. Did they ever live in Auburn?

8 Q. Yes, sir.

9 A. All their lives almost, yes. Both
10 went to Auburn, graduated Auburn.

11 Q. And what's the time frame that you
12 were the head coach -- football coach at
13 Auburn?

14 A. December the 1st, 1998. First
15 season was '99, and I was relieved of duty in
16 2008, about December the 15th.

17 Q. And you're one of the only Auburn
18 coaches that has a winning record against
19 Alabama, aren't you?

20 A. And Nick Saban, thank you very
21 much.

22 Q. What were you, seven to three?

23 A. Pardon?

1 Q. What were you, seven to three?

2 A. Seven to three.

3 Q. So you are going to want to become
4 the governor of this state and be the most
5 powerful person in the state, right? That's
6 your desire?

7 A. (Nodding head affirmatively.)

8 Q. You have to answer out, sir.

9 A. Yes, sir.

10 Q. So she can take it down.

11 A. Yes, sir.

12 Q. More powerful than Nick Saban,
13 right?

14 A. I don't know about that.

15 Q. And so after 2008, you went to
16 Texas Tech next or where?

17 A. No, sir. I stayed in Auburn for
18 another year until January, and that's when I
19 went to Texas Tech. I worked for ESPN in the
20 2009 season.

21 Q. As a commentator?

22 A. Yes, sir.

23 Q. And then Texas Tech as head coach

1 there?

2 A. Yes.

3 Q. From what year to what year?

4 A. Next three years, whatever that
5 was.

6 Q. 2009 to 2012, maybe?

7 A. Yes, sir.

8 Q. And then Cincinnati after that?

9 A. Cincinnati, yes, sir.

10 Q. 2013 or --

11 A. Four years.

12 Q. Okay. Four years. You say up to
13 about 2016?

14 A. '16. I retired December 2016.

15 Q. Were you ever paid not to coach?
16 Did you ever get a buyout or --

17 A. Oh, I was paid when I got fired,
18 yeah. Yeah.

19 Q. Okay. And, then, when did you buy
20 this home in Santa Rosa, Florida, what year?
21 Do you know when that was?

22 A. Well, first thing we did, we had a
23 timeshare with three other people from Auburn.

1 And then my wife said let's get one of our own.

2 This was around 2002, 2003.

3 Q. The home that you now own in Santa

4 Rosa --

5 A. Yeah.

6 Q. -- do you know when it was

7 purchased?

8 A. I am going to say 2003, '04,

9 somewhere in there.

10 Q. Okay. And so you were at Auburn

11 when it was purchased? You were head coach at

12 Auburn?

13 A. I was. I was.

14 Q. Now, when you were at Auburn as

15 head coach, where did y'all live? Where was

16 your primary residence then?

17 A. When we first went there, we lived

18 in Grove Hill. I don't know the address.

19 That's the first house we purchased. And then

20 after a couple of years, two or three years, we

21 built a home in White Oak.

22 Q. Where is that? Is that --

23 A. That's over -- it's by

1 Saugahatchee Country Club, right on the border
2 of Opelika/Auburn. It's in Auburn.

3 Q. Were you a member of the country
4 club then?

5 A. I think so, yeah. I am a big
6 golfer.

7 Q. Are you still a member?

8 A. No.

9 Q. And then did you own a home at the
10 lake?

11 A. I did.

12 Q. Where was that?

13 A. I think 2001, built a home, Lake
14 Martin, Marina Marin.

15 Q. Was that ever your primary
16 residence, or was that just a vacation home?

17 A. I don't know. I just --

18 Q. You don't know?

19 A. I just knew it was one of our
20 homes. We had several.

21 Q. Well, I mean, when you were
22 coaching, you wouldn't have been staying there?

23 A. No. We would go there on

1 weekends.

2 Q. All right. Now, did you ever
3 declare that Santa Rosa home -- I am going to
4 call it your beach house now. Did you ever
5 declare that on any mortgage document as your
6 primary residence?

7 A. I don't know. Because we -- we
8 did have a small mortgage on it, but I don't
9 know if we ever -- if we ever did that.
10 Because we had homes in Auburn, I wouldn't
11 think so.

12 Q. Well, I remember, I recall, you
13 may, after -- at some point after you left
14 coaching finally, you started working again at
15 ESPN, right?

16 A. Yeah, I worked one year, 2017.

17 Q. Okay. And you did a promotional
18 for ESPN at your beach house in Santa Rosa,
19 correct?

20 A. Beach house in Santa Rosa, I can't
21 remember that. Possibly, but I can't remember
22 that.

23 Q. Well, you talked about the white

1 sand and the beautiful sea?

2 A. It is white. Yeah, it's nice.

3 Q. And you said you were living in
4 Florida. Were you? When you made that
5 promotional?

6 A. What year was that?

7 Q. 2017. Was that your primary
8 residence?

9 A. 2017, yes.

10 Q. And did you have vehicles at that
11 home in 2017?

12 A. I'm sure I did.

13 Q. Do you still have them at that
14 home, any vehicles?

15 A. Vehicles? No.

16 Q. No?

17 A. Uh-uh.

18 Q. Y'all don't ever have any cars,
19 trucks that you own at that house?

20 A. Well, they are down there, but at
21 that time, you know, we were living down there,
22 I would consider that a -- you know, in
23 Florida.

1 Q. It is?

2 A. Yeah, it is. But I'm not saying
3 -- I don't know whether I had a license or
4 whatever. I did have a driver's license.

5 Q. Florida driver's license?

6 A. Yes.

7 Q. Okay. Well, and in Florida they
8 don't have a state income tax, do they?

9 A. No, uh-uh.

10 Q. That's a good thing, isn't it?

11 A. It's a great thing. Trying to get
12 it done here.

13 Q. Well, I mean, did you make -- I
14 don't want to ask your salary, but did you make
15 pretty good money at ESPN?

16 A. No.

17 Q. No?

18 A. No. They don't pay anything. I
19 think I made like -- I am guessing, three
20 thousand dollars a weekend. I mean, I finally
21 told my wife I might as well stay at home. I
22 got out and quit traveling and I'm back on the
23 road traveling again. You don't make any money

1 doing that, no.

2 Q. I thought they even paid the
3 roadies more than that.

4 A. I know, yeah. But I didn't do it
5 for the money. I did it to stay involved in
6 football.

7 Q. Okay. Well, at the time that you
8 got out and retired, was that your only source
9 of income was ESPN, or were you getting paid
10 from the school still?

11 A. It was the only source. I think I
12 -- I am in Alabama retirement. I can't think
13 of whether I was getting money from Alabama
14 retirement or not.

15 Q. Is that from coaching at Auburn?

16 A. Auburn, yeah. Eleven years at
17 Auburn. Because I was there one year without
18 coaching.

19 Q. And so that's considered Alabama
20 income, derived from the State of Alabama,
21 right --

22 A. Yes, sir.

23 Q. -- your retirement?

1 A. Yes, sir.

2 Q. And do you report any other income
3 in the state of Alabama, other than your
4 retirement income?

5 A. Report any?

6 Q. Yeah.

7 A. Did I have any side jobs? No. I
8 had a -- I had a farm, a two-hundred-acre farm,
9 high fenced. I didn't make any money. I lost
10 money, if that's considered money. But I had a
11 two-hundred-acre farm in Tallapoosa, in Macon
12 County, for sixteen years, up until 2021.

13 Q. Was that a deer and livestock,
14 game or whatever?

15 A. Yeah. It was high fence. It was
16 high fence.

17 Q. And you charged people to come
18 hunt?

19 A. No, I didn't charge them anything.
20 I took kids in there that -- little kids
21 hunting.

22 Q. It sounds like it was just a
23 straight-up write-off. Is that what it was?

1 A. It wasn't much of a write-off
2 either.

3 Q. Oh, okay. Now, you are a pretty
4 avid golfer, correct?

5 A. Yes, sir.

6 Q. What is your handicap?

7 A. Around ten. I don't play much --
8 I haven't played much since I went to D.C. My
9 golf days are travel days now instead of being
10 at home.

11 Q. Are you a member presently of any
12 country clubs?

13 A. Not a -- I have had honorary
14 memberships everywhere, but no paying member.

15 Q. You don't belong at Regatta Bay?

16 A. No.

17 Q. Did you at one time?

18 A. No.

19 Q. And where do you play in Auburn?
20 Do you play at Robert Trent Jones, or where all
21 do you play?

22 A. In Auburn?

23 Q. Yes, sir.

1 A. If I play, I played a few times
2 out at the University Club, but I don't play
3 much when I am home. Wife frowns on it.

4 Q. Where is -- you are a state
5 Senator, one of two, in Alabama. Where is your
6 office for your services? You know, where is
7 your staff in Alabama?

8 A. We have them all over the state.

9 Q. Where are your offices located?
10 Just give me --

11 A. I couldn't -- we have Birmingham.
12 We have Mobile. We have Montgomery. We have
13 Huntsville. We have Dothan.

14 Q. Do you have one in Auburn?

15 A. No. Dothan covers Auburn. And
16 you only get so many. And so you look for
17 people where they live and so they have their
18 office there, but you give them an area to
19 cover.

20 Q. So you have a staff in Washington,
21 a Senate staff, right?

22 A. About twenty to twenty-five.

23 Q. And they track things like your

1 travel, expenses and stuff, right?

2 A. They do it all.

3 Q. Okay. Do you get reports about
4 that?

5 A. I don't get reports, but, you
6 know, they -- it goes to an accounting --
7 accountant in D.C. What they do is they give
8 you money per -- a Senator gets so much money
9 to run their office and their offices in the
10 state and it all comes out of there.

11 Q. All right. Well, you spend -- in
12 a typical week, you would spend from say Monday
13 through Thursday in Washington?

14 A. Yeah.

15 Q. And then --

16 A. Most of the time I go back on
17 Sunday. But we don't do anything until after
18 lunch on Monday, but I go to do extra meetings
19 early on Monday so I am not -- so I am caught
20 up.

21 Q. But y'all don't normally work on
22 Fridays?

23 A. Probably one Friday of every month

1 we will stay a Friday. Sometimes we go through
2 the weekend. But a normal week is Monday
3 through late Thursday night.

4 Q. And you live Monday -- just on an
5 average basis, you live Monday through Thursday
6 in Washington, right?

7 A. Yes, sir.

8 Q. Do you live with other Senators or
9 with other people, or do you have your own
10 apartment or --

11 A. I bought my own house.

12 Q. Okay. But your wife doesn't stay
13 in Washington, does she?

14 A. She comes maybe once every month
15 or so, yeah. There is nothing to do up there
16 for wives.

17 Q. I am not implying that y'all don't
18 get along or anything; I am just saying she
19 doesn't spend a lot of time in Washington,
20 correct?

21 A. Yeah. She has spent more time
22 since President Trump was elected because it is
23 a lot safer up there now.

1 Q. Well, does your wife work outside
2 the home?

3 A. No.

4 Q. Has she at any time while you have
5 been a Senator?

6 A. Work outside the home?

7 Q. Yes, sir.

8 A. She did a few things, but not
9 anything substantial.

10 Q. Well, she was a realtor, wasn't
11 she, in Florida?

12 A. She registered and got her
13 license, never sold a thing. That's typical.
14 I paid all of that money for a license and
15 never got my money back.

16 Q. Well, all the property you sold,
17 she ain't even done those?

18 A. Well, that's what I'm saying.

19 Q. In those -- in the parcels that
20 you sold in the state, she hasn't been the real
21 estate agent?

22 A. No, she never got any money out of
23 that, no. She was just, you know -- yeah.

1 Q. Have you flown privately from
2 Washington, D.C. to Destin?

3 A. Yes, sir.

4 Q. And what -- is there a -- what
5 kind of plane is it that you fly on?

6 A. It's a small Citation.

7 Q. Is that a jet?

8 A. Yes, sir.

9 Q. Twin turbo?

10 A. I have flown on a turbo before,
11 yeah, but it's a jet.

12 Q. Okay. And do you get reimbursed
13 for that?

14 A. You will have to ask finance
15 people that. I'm sure we do.

16 Q. And there will be reports about
17 how many times you traveled from Washington,
18 D.C. into the airport at -- was it --

19 A. Sure.

20 Q. What is the name of the airport
21 there in Destin?

22 A. Destin Executive.

23 Q. Is that your preferred way of

1 traveling from Washington to Florida?

2 A. First four years I traveled most
3 of the time commercial. And then it got so bad
4 in the airports, running late -- you have got
5 to be there on a certain time. And so I had a
6 few instances where -- you know, death threats,
7 and so the United States Senate basically
8 passed to give money to people to get back and
9 forth the safest way possible. And so that's
10 what I did.

11 Q. And have they filed reports, your
12 staff?

13 A. You would have to ask them. I am
14 sure they did. You would have to ask them.

15 Q. Well --

16 A. I don't -- I tell them when I want
17 to leave and when I want to come back.

18 Q. Do you think there is a list of
19 how many trips you made from Washington, D.C.
20 to that airport in Destin?

21 A. Well, I'm sure there is.

22 Q. Do you want to hazard a guess how
23 many times you made a trip in the six years you

1 have been in the Senate?

2 A. No reason to guess. I'm sure you
3 already know.

4 Q. I don't know. We have got a
5 shoestring budget over here. He is tighter
6 than -- he throws nickels around like it's
7 manhole covers, I'm telling you.

8 Now, when did -- was the house on
9 Cherry Street purchased?

10 A. I would have to look that up. Can
11 I look it up?

12 Q. Absolutely.

13 A. I have all kinds of stuff.
14 Pictures aren't very good. Bert, is that in
15 here somewhere? Could you tell me, so we won't
16 have to waste time?

17 MR. JORDAN: 25.

18 A. Pardon?

19 MR. JORDAN: 25, Exhibit 25.

20 A. What did you say, 2019?

21 MR. JORDAN: 25, Exhibit 25.

22 A. That we bought the house in
23 Auburn?

1 Q. (BY MR. ROBERSON:) Yes, sir,
2 Cherry Street house.

3 MR. JORDAN: You asked what
4 exhibit, and I said it's 25.

5 A. Oh, it's 25. I thought you said
6 we bought it in 2025. Hell, I know better than
7 that.

8 MR. JORDAN: It's also in your
9 exhibits but --

10 A. You are saying look under 25?

11 MR. JORDAN: Right.

12 A. I'm not good at reading this as I
13 should be. Date signed 3/30/17, does that
14 sound right, Bert?

15 Q. (BY MR. ROBERSON:) And who bought
16 it? Was it Suzanne and your son?

17 A. Yeah. I paid for it, I just
18 wasn't there to sign for it. I know what
19 you're coming at. I paid for it, but they were
20 there to sign the deed.

21 Q. And the deed was made out to them,
22 correct? Did your son actually live in the
23 property, in the house?

1 A. Now?

2 Q. Did he in 2017?

3 A. He might have been there a month
4 or two.

5 Q. For what?

6 A. He was working in Auburn. That
7 was after he -- he graduated in '16 and then he
8 came to work for me at Cincinnati. Decided he
9 didn't want to coach and came back to Auburn
10 and went to work for a finance group.

11 Q. Well, he and your wife are listed
12 on the deed and you are not, correct?

13 A. I wasn't there.

14 Q. Okay.

15 A. Yeah.

16 Q. You are not listed on that
17 property until 2024, correct?

18 A. I will have to -- where is that
19 at, Bert?

20 MR. JORDAN: I think it's one of
21 their documents. It's -- Jerry, it's your
22 document.

23 Q. (BY MR. ROBERSON:) This property

1 was put in a revocable trust, correct, in 2025?

2 A. Yeah.

3 Q. That's the first time you appeared
4 on the deed?

5 A. Yeah. I don't know what that is
6 but -- Bert, did you find it?

7 MR. JORDAN: Here is a document in
8 2025 where you --

9 MR. ROBERSON: May I approach?

10 MR. BOWSHER: Please.

11 Q. (BY MR. ROBERSON:) I'll show you
12 what we marked as Exhibit 1, our special
13 warranty deed. You are Thomas Hawley?

14 A. Yes.

15 Q. And Suzanne is your wife, correct?

16 A. Correct.

17 Q. Property at Cherry Street, Deed
18 Book, the date is 9/9/25, is that correct?
19 Right there.

20 A. That was just last year.

21 Q. It is.

22 A. Yeah.

23 Q. That's when you put it in a

1 revocable trust. You weren't on the deed until
2 then, correct?

3 MR. JORDAN: Objection.

4 MR. ROBERSON: For what?

5 MR. JORDAN: You haven't
6 established when he went on it. You
7 established that he transferred property.

8 Q. (BY MR. ROBERSON:) You were on
9 the deed in 2024, that's the first time.

10 Now, are you saying that that
11 property in Auburn has been your primary
12 residence since 2018?

13 A. Yes, sir.

14 Q. When did it become your primary
15 residence, what month in 2018?

16 A. I would say late 2018. I don't
17 know what month it was.

18 Q. Just a month or two after you
19 voted for Matt Gaetz in the Florida election?

20 MR. JORDAN: Objection.

21 Q. (BY MR. ROBERSON:) Didn't you
22 vote for Matt Gaetz in the --

23 MR. JORDAN: There's no foundation

1 for that.

2 MR. ROBERSON: Foundation?

3 MR. JORDAN: You are asking him
4 who he voted for too.

5 MR. ROBERSON: So? That's
6 evidence of residence.

7 MR. JORDAN: But I am asking you
8 to prove that he, in fact, voted for Gaetz.

9 MR. UNDERWOOD: Just ask him if he
10 voted --

11 Q. (BY MR. ROBERSON:) Did you vote
12 for Matt Gaetz?

13 MR. UNDERWOOD: -- in the general
14 election.

15 A. Hell, I can't remember that far
16 back. I voted, but I can't remember that far
17 back.

18 Q. (BY MR. ROBERSON:) You voted in
19 Florida in 2018?

20 A. Yes.

21 Q. Matt Gaetz ran in 2018, didn't he?

22 A. Oh, I don't know. I'd say if I
23 knew that far back -- I think DeSantis was on

1 the ballot, I'm not for sure, if I'm not
2 mistaken. I think that's the reason I voted --

3 Q. Okay. Well, the election would
4 have been in November of 2018, correct?

5 A. That's correct.

6 Q. Do you not have to be a resident
7 of Florida to vote in a Florida election?

8 A. Voter -- I did a mail-in ballot.
9 I voted early. When was the ballot --

10 Q. So?

11 A. When was it addressed?

12 Q. You are saying it wasn't November,
13 it was October that you voted?

14 A. I don't know when it was. I am
15 just telling you they sent me a ballot, I
16 marked it, put it back in the mail. But it
17 wasn't on election day.

18 Q. Okay. It was before election day?

19 A. (Nodding head affirmatively.)

20 Q. Is that a yes?

21 A. Yes.

22 Q. And you agree with me that you --
23 if a person votes in a Florida election and

1 they are not a resident of Florida, that's
2 voter fraud, a felony, right?

3 A. You know the law more than I do.

4 Q. I hope so. Well, do you think --
5 you are the one -- aren't you one of the people
6 trying to push through that SAVE Act?

7 A. A hundred percent.

8 Q. Okay. You don't want people to
9 vote where they are not a resident, do you?

10 A. Exactly.

11 Q. That's -- but you may have, right?

12 A. I don't think so.

13 Q. Okay. Well, you said you moved --
14 you moved to Alabama and became a --

15 A. In late -- in late '18.

16 Q. You just don't know the date?

17 A. Well, you can probably look at the
18 tax stubs, because I paid state income tax in
19 both states. Well, I paid state income tax in
20 Alabama.

21 Q. You paid state income tax. But
22 you don't pay on time, do you, in April, like
23 most people. You pay in, what, October?

1 A. Whenever the accountant gets it
2 done, because I usually have -- I have a few
3 things on there.

4 Q. You would have been making how
5 much as a United States Senator?

6 A. I think we make a hundred and
7 seventy-four thousand dollars.

8 Q. And you pay -- if you are an
9 Alabama State Senator, is that considered
10 Alabama state income?

11 A. Yes.

12 Q. So you have to pay five percent on
13 that money, right?

14 A. Yes.

15 Q. Now, did you have any other source
16 of income in the last seven years other than
17 your salary as a Senator?

18 A. Social Security.

19 Q. Social Security?

20 A. Retirement.

21 Q. From the Alabama --

22 A. Yes.

23 Q. Auburn?

1 A. Yes.

2 Q. Social Security. Anything else?

3 MR. JORDAN: Objection, Your
4 Honor. I don't understand what -- potential
5 source of income, that would be irrelevant.

6 MR. ROBERSON: But as it --

7 MR. JORDAN: It's undisputed he
8 filed Alabama income tax returns and he listed
9 Cherry Street as his residence for years 2018
10 to --

11 MR. ROBERSON: Provided redacted
12 income tax returns.

13 MR. JORDAN: And the exact amount
14 of income is not relevant to his residence.

15 MR. ROBERSON: It is if he -- if
16 he declared income in Florida that he didn't
17 pay Alabama state income tax on it, it makes it
18 relevant.

19 MR. JORDAN: There is no evidence
20 of Florida returns --

21 (Reporter interruption.)

22 MR. JORDAN: There is no evidence
23 of income tax returns being filed in Florida.

1 Q. (BY MR. ROBERSON:) Have you ever
2 filed income tax returns other than in Alabama?

3 A. One more time.

4 Q. Have you ever filed income tax
5 returns other than in Alabama?

6 A. Sure. I lived in Texas. I lived
7 in Ohio.

8 Q. In the last seven years?

9 A. I can't answer that, no.

10 Q. Well, who could?

11 A. Coaches move a lot.

12 Q. If you can't answer it, who could
13 answer it?

14 A. Accountant.

15 Q. Okay. So you don't -- you just
16 sign them, you don't -- you are not responsible
17 for them? Is that basically your position?

18 A. I pay people to do it.

19 Q. Okay. Do you have -- in your
20 Florida home, do you have a studio where you
21 give interviews?

22 A. No.

23 Q. Do you have -- have you given

1 interviews, media interviews --

2 A. Yes.

3 Q. -- at your Florida home?

4 A. Uh-huh.

5 Q. Is that a yes?

6 A. Yes.

7 Q. Have you given over three hundred
8 media interviews at that home?

9 A. I haven't given over three hundred
10 since I have been in D.C. for six years, no.

11 Q. Well, do you have -- do you give
12 interviews at your Auburn home?

13 A. Yes.

14 Q. How many have you given there?

15 A. Usually -- I would say three or
16 four a month.

17 Q. Three or four a month?

18 A. Uh-huh. That's when I am home on
19 weekends, if they do a weekend show.

20 MR. BOWSHER: You have ten minutes
21 left.

22 A. That's when I do a weekend show.

23 Q. (BY MR. ROBERSON:) For who?

1 A. Fox, CNN, whoever calls.

2 Q. Coach, how many days in 2025 --
3 would your staff be aware of how many days you
4 spent at the Auburn home?

5 A. I mean, I -- you can ask them. It
6 would be hard because in our business, you are
7 raising money constantly. You are going and
8 speaking constantly, whether it's farmers,
9 whether it's home builders. I take it very --
10 I take being a United States Senator very
11 seriously, and I travel everywhere.

12 Q. Yes, sir. I am asking you a
13 simple question. How many nights have you
14 spent at that Auburn home on Cherry Street in
15 Auburn in 2025?

16 A. If you counted weekends, say two
17 weekends a month for fifty-two weeks -- two
18 days a month fifty-two weeks -- two days a week
19 fifty-two weeks, whatever that is.

20 Q. So every weekend you go to Auburn?

21 A. Uh-uh.

22 Q. About half the time?

23 A. Yeah, about half the time.

1 Q. And then the rest of the time do
2 you spend your weekends in Florida?

3 A. Probably fifteen, twenty percent
4 of weekends I go to Florida.

5 Q. Fifteen or twenty percent of the
6 weekends?

7 A. Yeah, of the year.

8 Q. Do you have a car service --

9 A. Yes.

10 Q. -- in Auburn?

11 A. No. Do I have car service?

12 Q. Yeah.

13 A. No. I have got a car to drive.

14 Q. What kind of car?

15 A. Well, I trade them all the time.

16 I think this one I have now is a Tahoe.

17 Q. And who provides it?

18 A. I do.

19 Q. You said you own it?

20 A. Yeah.

21 Q. Got a tag?

22 A. Yeah.

23 Q. Lee County?

1 A. Alabama license plate.

2 Q. Okay. But no vehicles in Florida?

3 A. No, uh-uh.

4 Q. Use a car service over there?

5 A. Sometimes I use a car service
6 going to the airport because I don't have a car
7 down there.

8 Q. If you want to go get groceries in
9 Florida, what do you do?

10 A. Call them.

11 Q. Car service or call the Walmart
12 delivery?

13 A. Amazon and Walmart. They're
14 stacked up at the house every time I go down
15 there.

16 Q. Do you have a Post Office Box in
17 Florida?

18 A. Yeah.

19 Q. What's the box?

20 A. It's whatever the address is, and
21 the box number is 50. It's a community that I
22 live in and everybody has a box. It doesn't
23 have the -- but my box number is 50.

1 Q. You just don't -- they deliver
2 your mail at your community -- it's not a Post
3 Office Box?

4 A. No. Postman goes there and spends
5 about an hour delivering everybody's mail.

6 Q. Do you have a white truck, an
7 F-150?

8 A. I have had several of those, yes,
9 sir.

10 Q. Do you have one now?

11 A. I don't think I have one now. The
12 last one I had was a gray one, I sold it to my
13 son.

14 Q. Did your son pay more than one
15 year of property taxes at that Cherry Street
16 home?

17 A. My son has never paid taxes on
18 anything.

19 Q. Well, I am going to show you --

20 A. He might have paid with my money.

21 MR. ROBERSON: Referring to
22 Exhibit 8, if I may.

23 MR. BOWSER: Exhibit 8?

1 MR. ROBERSON: Yes, sir.

2 Q. (BY MR. ROBERSON:) Coach, I'm
3 going to show you --

4 MR. JORDAN: Your Exhibit 8?

5 MR. ROBERSON: My Exhibit 8.

6 MR. JORDAN: We object to that.

7 We don't even know what it is. We object to --

8 (Reporter interruption.)

9 MR. JORDAN: It was not identified
10 in accordance with the pretrial order. It's
11 just generic listing of documents. We can't
12 even tell what it really is.

13 MR. ROBERSON: It's a Lee County
14 probate --

15 MR. BOWSHER: Let's see what he
16 would like to do with it.

17 MR. ROBERSON: It's a Lee County
18 probate form. It's business record of Lee
19 County.

20 MR. JORDAN: That's our point, Mr
21 Roberson, is that we can't identify it as a
22 genuine probate record from Lee County.

23 MR. ROBERSON: Well, you ought to

1 be able to because it says the owner's name,
2 Suzanne Marie --

3 MR. JORDAN: I am just telling you
4 that the papers that we were submitted do not
5 indicate to us authenticity of the document and
6 it hasn't been proven to us that that is the
7 case.

8 MR. ROBERSON: Aren't we following
9 the Alabama Rules of Evidence? It's a business
10 record.

11 MR. JORDAN: You are saying it is
12 a business record. You don't have a witness
13 that says it's a business record.

14 MR. ROBERSON: You don't have to
15 have a witness to say it's a business record if
16 it's a business record, except authenticate it.

17 MR. JORDAN: Doesn't have a
18 certification either.

19 MR. BOWSHER: We are going to
20 allow it for these purposes.

21 Q. (BY MR. ROBERSON:) Thomas Tucker,
22 is that your son?

23 A. Yes, sir.

1 Q. Suzanne Marie, is that your wife?

2 A. Yes, sir.

3 Q. And does it show who paid the
4 taxes on that property in various years?

5 MR. JORDAN: Objection. Same
6 objection, Your Honor. Can we have a standing
7 objection?

8 A. Has his name on there --

9 MR. BOWSHER: Noted.

10 A. -- but he didn't pay the taxes on
11 it.

12 Q. (BY MR. ROBERSON:) Did y'all buy
13 the property from Jonathon and Pamela Hull?

14 A. Hull, H-u-l-l, yeah.

15 Q. Okay. Looks like you bought it
16 around 2015, is that correct?

17 A. That's what it says.

18 Q. Paid by Thomas Tuberville?

19 A. Thomas H., that's me.

20 Q. Thomas Tucker and Suzanne Marie,
21 paid by owner?

22 A. That's when his name was on it.

23 Q. Okay.

1 A. Suzanne paid it.

2 Q. Is that what you paid?

3 A. I don't --

4 Q. Twelve hundred fifty-eight dollars
5 in '25?

6 A. I don't know how much tax is.

7 MR. BOWSHER: Jerry, you have five
8 minutes left.

9 MR. ROBERSON: Forty-five or
10 forty?

11 MR. BOWSHER: Forty.

12 Q. (BY MR. ROBERSON:) Do you have
13 a -- you are on the Armed Forces committee,
14 right?

15 A. Yes, sir.

16 Q. And Eglin Air Force Base is in
17 Destin, nearby Destin, right?

18 A. Eglin is in Fort Walton.

19 Q. Fort Walton.

20 A. Yes.

21 Q. Okay. Fort Walton and Destin are
22 pretty close. Do you periodically as part of
23 your duties go to that Air Force Base?

1 A. I went a couple of times when the
2 kid was killed at the gate. He was an Auburn
3 kid. I went over there, yes, sir.

4 Q. And when you fly in there, do they
5 know you at the airport?

6 A. At the Air Force Base?

7 Q. Yeah, yeah, at the -- no, at the
8 airport where you fly in and out privately.

9 A. Do they know who I am?

10 Q. Yeah.

11 A. I --

12 Q. Do you use the same service every
13 time?

14 A. Yeah. I don't --

15 Q. Do you know the name of it?

16 A. Name of what service?

17 Q. The airport service that you use.
18 The plane that you lease.

19 A. It's an FBO. You know, it's a
20 place you -- private planes fly into.

21 Q. I understand, but do you use the
22 same group --

23 A. Yes.

1 Q. -- every time?

2 A. Yeah.

3 Q. Do you know their name?

4 A. I would be guessing.

5 Q. Or cooperating, one of the two.

6 A. I would be guessing. There is
7 only one there, so you could figure it out.

8 MR. BOWSHER: Counsel, that's
9 forty minutes.

10 MR. ROBERSON: Okay. Thank you.

11 MR. JORDAN: We don't have any
12 questions.

13 MR. BOWSHER: Are y'all good to
14 continue? Do you need a break?

15 MR. JORDAN: It's our turn?

16 MR. BOWSHER: It's yours.

17 MR. JORDAN: We offer no
18 witnesses.

19 MR. STADTHAGEN: Very good.
20 Counsel, five minutes to you.

21 MR. ROBERSON: We call Tim
22 McPhail. I am not sure where y'all stashed
23 him.

1 MR. STADTHAGEN: Sure.

2 MR. JORDAN: This is his
3 reservation of rebuttal?

4 MR. STADTHAGEN: Yes.

5 MR. JORDAN: We didn't offer any
6 additional evidence.

7 MR. BOWSHER: Yes, so there should
8 be no rebuttal --

9 MR. JORDAN: It would not be
10 rebuttal.

11 MR. BOWSHER: Right.

12 MR. ROBERSON: That's what I
13 asked.

14 MR. STADTHAGEN: Apologies. I
15 didn't understand the question.

16 MR. BOWSHER: The five minutes is
17 for rebuttal. Since no case was offered by
18 Coach's folks, there is no rebuttal to what
19 they didn't say, since they didn't say
20 anything.

21 Okay. Then, closing arguments.
22 Fifteen minutes. You can reserve up to five
23 for rebuttal if you would like.

1 MR. ROBERSON: Can't I just wait
2 and hear what they've got to say based on what
3 they put on?

4 MR. BOWSHER: Well, you are
5 welcome to reserve five minutes for rebuttal,
6 but you cannot reserve more than five minutes.
7 It's per the rules. The rules say you have
8 fifteen minutes and you can reserve five.

9 MR. ROBERSON: I'll reserve five.

10 MR. MCFEETERS: The rules say also
11 we can have five subpoenaed witnesses that you
12 --

13 MR. BOWSHER: Mr. McFeeters, only
14 one of you can speak at a time. It's you or
15 counsel.

16 MR. ROBERSON: Well, this is my
17 closing argument.

18 As you can see, we have run into a
19 few obstacles trying to enlighten you as to
20 where Coach lives and has lived. I don't know
21 how many of y'all, if any of y'all, were on the
22 committee, Republican committee, that confirmed
23 Mr. Cole a few years ago, the state Senator who

1 was leasing space in somebody else's home
2 because they changed his legislative district.
3 The GOP certified him as eligible to hold that
4 position. And he not only later lost that
5 position, he went to jail. So these what seem
6 like minor matters can become very important.
7 And I don't think y'all have heard all you need
8 to hear about Coach's -- where he stays, where
9 he habitates. Does he have an Alabama driver's
10 license? Yeah. He has also got a Florida one.
11 Does he have property in Alabama? Yeah. He
12 has got a two hundred and seventy thousand
13 dollar house. He has got a five million dollar
14 one in Florida. Does he travel to both places?
15 Says he does. There sure seems to be a lot
16 more evidence that he travels to Florida than
17 he does to Alabama, a lot more.

18 So ask yourself, do you want your
19 governor, the governor of your state, to
20 actually reside here? You know, that's a
21 pretty important question.

22 Now, I don't have any personal axe
23 to grind against Coach. I don't agree with all

1 of his political positions, but, hell, I am a
2 Yellow Dog Democrat and I am lucky to be in the
3 bowels of the beast here today. I am just a
4 knock-around street lawyer. I'm wearing
5 Sketchers; these folks over here are wearing
6 Guccis.

7 Coach Tuberville is a fair person,
8 but he is a Florida resident. You vote in
9 Florida. You primarily live in Florida. You
10 do all of your interviews -- almost all of your
11 interviews in Florida. Don't have many
12 contacts here in Alabama. And they have
13 stiff-armed us at every -- this wasn't a --
14 this wasn't a fair opportunity. We were
15 supposed to have five depositions. We didn't
16 have any. That was our deposition right there.

17 I don't think today your decision
18 is going to be the end of this, because I don't
19 think Ken McFeeters has gotten due process in
20 this process. So I would just caution you to
21 give -- there is going to be some repercussions
22 about your decision, and it may not be the
23 final one. That's all I have to say.

1 MR. JORDAN: Can I use the podium?

2 MR. BOWSHER: Sure.

3 MR. JORDAN: One thing I want to
4 say on behalf of Coach Tuberville is that we
5 want to go through the records and material
6 that you have been given and that we spent a
7 lot of time working up so that this would be
8 quicker and more efficient for everybody's
9 time, and none of it means that you couldn't
10 decide you wanted it to be longer. Nothing
11 stopped Ken McFeeters from making a proper
12 request and offering a reason for it to be
13 longer. You have heard him say something about
14 they have five depositions. That's not right.
15 They have the right to ask and explain why they
16 need them. So, you know, I want to start by
17 talking a little bit about this process.


18 We put in something like forty
19 exhibits to you and we also provided a written
20 opening statement that sort of outlined what is
21 really at stake. I hope you had a chance to
22 look at it. And then -- the opening statement
23 especially, because it talks about this notion

1 that we have to have a governor who has been a
2 resident citizen of this state for seven years
3 next before their election. And we believe
4 that the materials that you have been provided
5 are just crystal clear about that. As a matter
6 of fact, we think that there is no doubt about
7 his residency being established at Cherry
8 Street at least by March of 2019 which is over
9 seven and a half years before the date of the
10 election, which is what Section 117 calls for.

11 So let me walk you through some of
12 that. I put up two easels here on the board
13 that I think outlines what it is that is --
14 these materials show to you, these materials we
15 have given to you, what they show. And I am
16 going to come to them in just a second.

17 I want to say before I get there
18 that as election contests go, this one is
19 unusual. Most of the time they are about
20 counting votes and we are in here trying to
21 figure out who is -- who was an improper voter
22 or who was a proper voter and didn't get
23 allowed to vote. And usually if there is a

1 residency issue, that is resolved before the
2 voting. And that's what happened here.

3 Now, as a formal matter, Mr.
4 McFeeters is free to revisit that question,
5 even though he got to bring it up once before.
6 And what happened once before was that, in
7 fact, the papers submitted didn't justify
8 having any kind of special hearing, and the
9 simple reason was that from March of 2019 Coach
10 had listed his residence address as  Cherry
11 Street in Auburn. And I believe I submitted a
12 paper to you that said that and I said that his
13 driver's license said that and his voter
14 registration said that as well. But we are
15 back. We get to show you one more time. And
16 if I sound a little frustrated in my voice
17 because we have to be back, then I am.

18 But I think if you look at the
19 statement of election contests, there are
20 probably two things that make you possibly want
21 to be -- you know, hear a little bit more. And
22 those two things in the statement of election
23 contests were the implication that this Florida


1 beach house at Santa Rosa was something he had
2 been declared a homestead exemption on. And
3 you didn't hear anything about that. They
4 haven't even claimed that. And the reason they
5 haven't claimed it is because the hint in the
6 contest is not true. He hasn't claimed
7 homestead exemption on the beach house for --
8 since 2018, and that's in the documents in your
9 little booklet that you have and it's numbers
10 15 through 24 that show the history of his --
11 the claim of exemption on that beach house,
12 that is an exemption for homestead. And
13 instead what happened, there was no claim of
14 exemption.


15 And so to the extent there is a
16 hint in the contest that that's why we are
17 here, you need to be disabused of the notion
18 that there is any evidence to support the
19 notion that he has some continuing claim of
20 homestead exemption in Florida. It is possible
21 that they backed off of that and I didn't --
22 you know, I've perhaps maybe given it more
23 credit than I should.

1 One of the other things that
2 struck me about the statement of election
3 contest filed this time by Mr. McFeeters was
4 that he said that in 2023, Coach listed as his
5 primary residence his Santa Rosa beach house in
6 connection with the purchase of some other real
7 estate in Florida. And there has been no
8 evidence of that. There is nothing that's
9 produced said that. And it's -- so for all the
10 reasons that you had to come here today, they
11 didn't put anything into evidence to back that
12 up. We are left with what we started with.

13 MR. MCFEETERS: Can I make an
14 objection to that?

15 MR. BOWSHER: No, you may not.

16 MR. JORDAN: We are left with what
17 we started with. The documents that are in
18 front of you in your booklet show that for over
19 seven years Coach has had a driver's license
20 that lists  Cherry Street as his residence;
21 one issued in March of 2019, one issued in
22 April of 2021, and one issued in March of 2025.
23 Cherry Street is on every single one of them.

1 For over seven years his voting
2 address is  Cherry Street. And that is part
3 of the record. That is Exhibit 40, and it was
4 sitting in your chairs because it -- the
5 certification of that came in late from
6 Secretary of State Wes Allen. But it's Exhibit
7 40. Actually, it was sitting in the chair
8 separated. And it lists Cherry Street as his
9 registered voting address, the date of
10 registration is March 2019, and the list of
11 times he has voted from that address.

12 And you also have in front of you
13 the listing as Cherry Street -- his property at
14 Cherry Street over seven years of Alabama
15 income tax Form 45 with the Alabama Department
16 of Revenue. And those are Exhibits 5 through
17 11. Those are redacted. They are completely
18 redacted, even the part that doesn't have
19 numbers has redactions because there is some
20 question about how you can access that without
21 seeing the numbers. So, anyway, what you have
22 before you in the booklet is completely
23 redacted. But from all three of those sets of

1 documents that are in front of you say for over
2 seven years that he is a resident of Cherry
3 Street in Auburn.

4 MR. BOWSHER: Counsel, five.

5 MR. JORDAN: Five more minutes?

6 Okay. I want to talk a little bit about this
7 evidence of travel. It's really -- Coach has
8 acknowledged that he goes to Florida when he
9 leaves Washington, D.C. And that travel is --
10 he also comes to Alabama. He says he comes to
11 Alabama more than he goes to Florida. And the
12 truth is, as he testified to, his home is
13 basically here. His family is here. His
14 grandbaby is here. Grandbaby in Birmingham.
15 He is connected here.

16 And, you know, to the extent you
17 want to try to make something of the travel,
18 that's way overdone. It doesn't disabuse the
19 truth or it doesn't dispute -- do away with the
20 truth of all of the other materials. One of
21 the things you should be really aware of, and,
22 honestly, nobody really wants to talk about
23 this, not only does Alabama's Constitution have

1 a provision that says seven years next, it has
2 a provision that says temporary absence from
3 the state does not cause a forfeiture of
4 residence once obtained. Guess what that
5 means? That means when he goes to work for us
6 in Washington and he is absent from the state,
7 that doesn't forfeit any residence. And in
8 other words, he keeps his Cherry Street
9 residence. So that applies not only to trips
10 to D.C. and back from D.C. to Alabama but trips
11 to Florida.

12 I am saying to you if all the talk
13 about seven years next before, the absences
14 from the state don't count against him, if he
15 is not intended to lose his Alabama residence,
16 and the documents say he is not. And so these
17 once-a-month visits to Florida are really, in
18 our view, inconsequential.

19 Mr. McFeeters would have you
20 believe some very unlikely facts, that his
21 driver's license in Alabama since March of '19
22 really means nothing. It really doesn't -- it
23 just means it's just fake. It is just a fake

1 ID. And that his voting registration in
2 March -- in the history from March '19 forward
3 really doesn't mean anything, he is not really
4 a citizen here. It's all fake.

5 And then they have the -- they
6 have the gall to imply this has anything to do
7 with a guy named David Cole who moved his --
8 who voted -- I mean, you don't -- the record
9 doesn't tell me what he did, but you may know
10 from the story, but he votes once from a new
11 residence, once from a new residency, abandons
12 his other residence. That's what he does, he
13 abandons his other residence. He doesn't have
14 anything like the history that Coach has.

15 And they also want you to believe
16 that his income tax filings amount to nothing.
17 The only fair conclusion is that Coach meets
18 the qualifications to be governor. He has been
19 a resident citizen for seven years next before
20 the election. They have not carried their
21 burden of proving that -- they have not said
22 anything to cause you to doubt the judgment of
23 four hundred and twenty-two thousand Alabama

1 voters. Your trustees are the party. The
2 voters believe he is due to be our nominee.
3 This has been debated in public already. And,
4 in my opinion, there is no sense in walking
5 away from it. Thank you.

6 MR. BOWSHER: Counsel, you will
7 have your five when you are ready.

8 MR. ROBERSON: You know, I
9 wouldn't know what to do in a fair fight.
10 Never have been in one. These folks have
11 limited us, have stiff-armed us, have
12 shortchanged us, and have treated us like
13 stepchildren in this process. Ask yourself, if
14 Suzanne Tuberville lives in Alabama, why isn't
15 she here telling you that she does, telling you
16 how much time she spends in Auburn, Alabama?
17 Ask yourself, where are his neighbors that see
18 him every week in Auburn? I haven't seen any
19 of them testify. Have you? Decide this case
20 not just on what you heard but what you didn't
21 hear. I didn't hear anybody but Coach say he
22 ever spent any time in Auburn. His records
23 that he -- his Senate records show he travels

1 to Destin more than he travels to Auburn. He
2 didn't even get on the deed at Cherry Street
3 until 2024. He kept a Florida license. Why?
4 He just got elected to the Hall of Fame and in
5 the interview said he goes to about three or
6 four Auburn games a year. He said oh, I
7 forgot, that's where I live. Come on, folks,
8 let's get real. Thank you.

9 MR. BOWSHER: All right. Thanks
10 everybody for taking the time and taking it
11 seriously. We are going to retire. The
12 committee will deliberate. Y'all are welcome
13 to remain in here. Y'all are welcome to go to
14 your breakout rooms. And we will reconvene as
15 soon as the committee has reached a decision
16 and we are ready to announce it.

17 (Whereupon, a break was had from
18 3:21 p.m. until 4:33 p.m.)

19 MR. BOWSHER: We are reconvening
20 at 4:33. The Chairman asked me to read the
21 following --

22 (Off-the-record.)

23 MR. BOWSHER: The Chairman asked

1 me to announce the final decision from here and
2 read it to you. As I am sure you may have
3 seen, there is a press conference at
4 headquarters, so he is on his way there to
5 announce the same from there. But y'all
6 deserve to hear it first. Y'all are the
7 parties.

8 The final decision of the Alabama
9 Republican Party candidate committee. Contest
10 of Ken McFeeters v. Tommy Tuberville.

11 Section 117 of the Alabama
12 Constitution requires the governor and
13 lieutenant governor to have been citizens of
14 the United States ten years and residents of
15 this state at least seven years next before
16 their date of election.

17 Mr. Ken McFeeters commenced this
18 primary contest to challenge whether Senator
19 Tommy Tuberville meets that requirement. After
20 examining the evidence and the arguments
21 presented by Mr. McFeeters and Senator
22 Tuberville and considering applicable Alabama
23 law, we conclude that Tuberville meets the

1 requirements of Section 117. Accordingly, we
2 deny and dismiss the contest.

3 Under Alabama law, the term
4 "resident," when used in the context of
5 political rights and office eligibility, is
6 legally synonymous with domicile. You can see
7 Alabama Supreme Court case Mitchell v. Kinney
8 from 1942. This rule has been affirmed by the
9 Alabama Supreme Court as recently as 2015,
10 Horwitz v. Kirby.

11 Domicile is defined as residence
12 of a particular place accompanied by an
13 intention to remain there permanently or for an
14 indefinite length of time. Alabama courts have
15 consolidated this principle to two distinct
16 elements for determining one's domicile:
17 First, one's physical presence in the chosen
18 place of residence, and, second, an
19 accompanying intent to remain there, either
20 permanently or for an indefinite length of
21 time. See Rabren v. Mudd, Alabama Supreme
22 Court case 1970. The intent to remain
23 permanently may be inferred from the intent to

1 remain for an unlimited time.

2 Alabama law establishes several
3 important presumptions governing questions
4 regarding one's domicile. First, a domicile,
5 once acquired, is presumed until a new one has
6 been gained. Second, the fact that a person
7 lives in a particular place creates a prima
8 facie presumption that such place is his or her
9 domicile, which is rebuttable by facts to the
10 contrary. Third, where the facts as to one's
11 domicile are conflicting, the presumption is
12 strongly in favor of the original or former
13 domicile, as against an acquired one.

14 Determining one's domicile in the
15 context of state elections is a mixed question
16 of law and fact dependent upon the intention
17 and acts of the individual. Determining an
18 individual's domicile, which is the
19 consideration for determining whether a
20 political candidate meets the resident citizen
21 requirement, is based on a range of factors,
22 and refer y'all to Harris v. McKenzie, Supreme
23 Court case of 1997. The Alabama Supreme Court

1 has identified the following factors as
2 relevant to determining the domicile in this
3 case of a city council candidate whose
4 residency was contested: Voter registration,
5 physical habitation, where the candidate's
6 family lives, where the candidate's children
7 attend school, employment location, community
8 involvement. The Court noted in particular
9 that registration to vote is a potent
10 consideration for a court to take into account
11 when determining one's domicile, as voting is
12 indicative of intention with respect to the
13 question of domicile and is regarded as
14 importantly bearing upon the place of domicile.

15 Alabama law also recognizes the
16 temporary absence from one's domicile does not
17 forfeit residency for political purposes,
18 provided the individual has not exhibited an
19 intent to abandon former domicile and acquired
20 a new one elsewhere. Section 31 of the Alabama
21 Constitution says, quote, that temporary
22 absence from the state shall not cause a
23 forfeiture of residence once obtained.

1 Although the Alabama Supreme Court in the
2 Jacobs case does not explicitly address the
3 consequence of temporary absence for purpose of
4 running for statewide office, the Alabama
5 Supreme Court did state that temporary absence
6 from one's residence for purpose of his
7 employment and the like, without the intent to
8 abandon the home town and acquire a domicile
9 elsewhere permanently, or for an indefinite
10 time, does not forfeit his right to vote.

11 Mr. McFeeters, you commenced this
12 contest, so the burden is on you to prove that
13 Tuberville does not meet the legal requirements
14 to be governor. You presented evidence as to
15 the ownership and property taxes on
16 Tuberville's home in Alabama and his property
17 in Florida. You also --

18 MR. MCFEETERS: Open --

19 MR. BOWSER: You also examined
20 Tuberville on the witness stand about his
21 background, his time coaching, both at Auburn
22 and elsewhere, and his time after coaching and
23 his time as a U.S. Senator, as well as how much

1 time he spends in Auburn and Florida and the
2 District of Columbia, together with the details
3 of travel back and forth.

4 The evidence presented is not
5 sufficient to prove that Tuberville fails to
6 meet the legal requirements of Section 117. To
7 accomplish this, you would have had to prove
8 that Tuberville was not physically present in
9 Alabama or that he did not intend to remain
10 there. Owning property in another state does
11 not prove that, nor does spending time in
12 another state.

13 Mr. McFeeters has complained of
14 not being able to present all of the evidence
15 that he wanted to in this contest. If that is
16 the case, then he has no one to blame but
17 himself. Mr. McFeeters has been trying to get
18 Tuberville disqualified for months. Shortly
19 after qualifying period ended in late January,
20 McFeeters filed a candidate challenge with the
21 Alabama Republican Party questioning whether
22 Tuberville met the legal requirements to be
23 governor and encouraging the party to

1 investigate. The candidate committee
2 considered his challenge and dismissed it
3 without a hearing on February 1st.

4 On March 24th, McFeeters sued
5 Tuberville and the Alabama Republican Party in
6 Covington County court, seeking to have the
7 Court determine that Tuberville was ineligible.

8 On May 18th, and without McFeeters
9 ever having served his complaint on Tuberville,
10 the Court dismissed the case due to lack of
11 jurisdiction. All of which brings us to this
12 contest.

13 This contest has proceeded
14 pursuant to the rules governing contests of
15 primary elections and we provided McFeeters a
16 contest -- a copy of those rules on May 21, six
17 days before he began this contest. According
18 to his Facebook post on May 24th, McFeeters was
19 reviewing the rules. He commenced this contest
20 on May 27th, presumably having already thought
21 through how he would prosecute this contest
22 differently from his two previous unsuccessful
23 attempts at disqualifying Tuberville, including

1 by conducting discovery, taking depositions,
2 subpoenaing documents, et cetera, pursuant to
3 the rules. Nevertheless, he waited until June
4 3rd to retain counsel to assist him with this
5 contest, and he waited until June 8, two days
6 before the rules required both parties to
7 submit all of their evidence for the hearing,
8 including the transcript for any deposition
9 taken, to serve a Notice of Deposition. To our
10 knowledge, he has not noticed any other
11 deposition, nor has he served any request for
12 documents, requests for admissions,
13 interrogatories, or any other discovery in this
14 contest, all of which are permitted by the
15 rules.

16 It was Mr. McFeeters's right to
17 commence this contest. It was also his right
18 to conduct discovery pursuant to the rules.
19 Just as it was his right not to conduct any
20 discovery except a single noticed deposition,
21 and it was his right not to serve that notice
22 until two days before the rules required him to
23 submit evidence.

1 But it is not his right to
2 complain about being unfairly denied the
3 opportunity to present the evidence that he
4 wants. The rules made clear how he could
5 present whatever evidence he wanted. And he
6 had months to consider what the best evidence
7 of Tuberville's ineligibility would be and how
8 best to obtain that evidence. Instead,
9 McFeeters chose to ignore the rules and the
10 discovery rights they provided to him until it
11 was too late to do what he wanted. This is not
12 our fault or the fault of the rules. If there
13 is any blame for this, it lies squarely on
14 McFeeters.

15 The evidence presented by
16 Tuberville is conclusive as to his being a
17 resident citizen of Alabama since prior to
18 November 2019, i.e., during the seven-year
19 period required by Section 117. Among other
20 things, this evidence proves: Tuberville
21 resided in Florida prior to 2018. Tuberville
22 purchased his Auburn house in October 2018.
23 Tuberville subsequently moved to Alabama.

1 Tuberville filed a 2018 Alabama tax return
2 indicating split residency that year, part in
3 Florida, part in Alabama. Tuberville
4 registered to vote in Alabama and obtained an
5 Alabama driver's license in March 2019 listing
6 the Auburn house as his residence. Tuberville
7 filed Alabama tax returns for 2019 and each
8 subsequent year that do not indicate residency
9 in any other state. In 2019 and 2020,
10 Tuberville ran successfully to be one of
11 Alabama's U.S. senators and has served as such
12 since he was sworn in in January of 2021. In
13 January 2021, the U.S. Senate determined
14 Tuberville to be a resident of Alabama. And
15 Tuberville voted in Alabama in the 2020, 2022,
16 and 2024 elections.

17 Based on applicable precedent from
18 the Alabama Supreme Court, including *Harris v.*
19 *McKenzie*, this evidence is sufficient for us to
20 conclude that Tuberville has been physically
21 present in Alabama with the intent to remain
22 here. Indeed, the Alabama Supreme Court has
23 recognized one of the facts proved by

1 Tuberville, registration to vote, is a
2 particularly potent consideration to take into
3 account when determining domicile, as voting is
4 indicative of intention with respect to the
5 question of domicile and is regarded as
6 importantly bearing upon the place of domicile.
7 Moreover, Alabama law recognizes that temporary
8 absence from one's domicile, for example,
9 representing Alabama in the U.S. Senate, does
10 not forfeit residency for political purposes,
11 provided the individual has not exhibited an
12 intent to abandon his former domicile and
13 acquire a new one elsewhere. No evidence was
14 presented of any intent by Tuberville to
15 abandon his residency in Alabama.

16 Mr. McFeeters commenced this
17 contest but failed to carry the burden of
18 proving that Tuberville does not meet legal
19 requirements to be governor of Alabama. That
20 would be sufficient by itself to warrant
21 dismissal of this contest. But Tuberville also
22 proved the inverse: He does meet the legal
23 requirements to be governor of Alabama.

1 Accordingly, this contest is denied and
2 dismissed, and Tuberville is confirmed as the
3 nominee of the Alabama Republican Party to be
4 governor of Alabama.

5 This decision will be publicly
6 available. I have copies for anybody who wants
7 one here. And this hearing is adjourned.
8 Thank you.

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10 (Hearing was adjourned on the 14th day of
11 June, 2026, at 4:44 p.m.)

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C E R T I F I C A T E

STATE OF ALABAMA
JEFFERSON COUNTY

I hereby certify that the above and foregoing hearing was taken down by me in stenotypy, and the questions and answers thereto were reduced to typewriting under my supervision, and that the foregoing represents a true and correct transcript of the hearing given by said witnesses upon said hearing.

I further certify that I am neither of counsel nor of kin to the parties to the action, nor am I in anywise interested in the result of said cause.

/s/ Gail B. Pritchett
COMMISSIONER-NOTARY PUBLIC
ACCR LICENSE NO. 116, Exp. 9/30/2026
Transcript Certified On 6/18/2026

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