

**BEFORE THE STATE EXECUTIVE COMMITTEE
OF THE ALABAMA REPUBLICAN PARTY**

Ken McFeeters,)
)
Contestant)
)
v.)
)
Tommy Tuberville,)
)
Contestee.)

**COACH TOMMY TUBERVILLE’S OBJECTIONS AND
ANSWERS TO THE MCFEETERS STATEMENT OF CONTEST**

Contestee Coach Tommy Tuberville hereby makes his objections and answers to the Statement of Contest of Nomination filed by Ken McFeeters (“the Statement”). Coach urges the Committee to reject the Contest for several reasons:

- He has maintained Alabama as his residence for more than seven years, including voter registration in Alabama, Alabama driver’s licensing, Alabama tax filings, and service as one of Alabama’s U.S. Senators.
- The attached records show Alabama residency consistently claimed beginning no later than 2018, including Alabama income tax returns listing his Auburn residence address and

other documents confirming his connection to Alabama.

- No evidence is presented showing Coach abandoned that Alabama residency. Instead, the Statement relies primarily on ownership of property in Florida, travel to Florida, and periods spent outside Alabama while serving in the U.S. Senate.
- Alabama's Constitution expressly provides that temporary absences from the State do not result in the loss of residency once established. Service in Washington on behalf of Alabama citizens, and off-time with his family in Florida, are exactly the type of absences that cannot reasonably be viewed as abandoning Alabama residency.
- The Statement asks this Committee to disregard years of Alabama residency records and overturn the decision of more than 421,000 Republican primary voters based on speculation and isolated facts taken out of context. The evidence does not support such an extraordinary result.

For these reasons, the Alabama State Republican Executive Committee, acting through its Candidate Committee ("ALGOP"), should conduct such a proper hearing, reject the Statement of Contest and affirm Coach

Tuberville is due to certified as the Republican candidate for Governor.

WHY THIS CONTEST SHOULD BE REJECTED

This case is ultimately about a simple question: Has Coach Tuberville genuinely been a resident citizen of Alabama for the period required by our Constitution?

The answer is **YES**.

The evidence shows that Coach Tuberville has consistently claimed Alabama as his residence for years. He has maintained an Alabama voter registration, filed Alabama income tax returns, held an Alabama driver's license, owned property in Alabama, and served the people of Alabama in the United States Senate.

The Statement does not present evidence that Coach Tuberville abandoned Alabama residency. Instead, the challenge focuses on the fact that Coach owns property in Florida, has spent time in Florida, and has spent substantial time outside Alabama while serving Alabama in Washington. None of those facts are inconsistent with being an Alabama resident.

The Alabama Constitution expressly provides that temporary absences from the State do not cause a person to lose residency once it has been established. Service in the U.S. Senate on behalf of Alabama citizens is not evidence of abandoning Alabama; it is evidence of commitment to Alabama.

Most importantly, the documentary evidence presented to this Committee will confirm a long-standing and continuous connection to Alabama. Contestant's theory depends on speculation and isolated facts viewed out of context, while the actual records demonstrate that Coach Tuberville has been, and remains, a resident citizen of Alabama.

For these reasons, the contest should be denied and Coach Tuberville's nomination affirmed. In specific Response to the McFeeters Statement, Tuberville says the following:

I.

McFeeters is allowed to file an election contest.

Tuberville admits that McFeeters is a qualified elector of the State of Alabama and did participate in the Republican primary election of May 19, 2026, and that he is permitted by Ala. Code § 17-13-86 to file with the chair of the state executive committee, and that the Statement was filed

within the time required by law.

II.

McFeeters cannot show Tuberville to be ineligible to be the Republican nominee for Governor under § 117 of the Constitution, as required for a successful election contest.

Tuberville denies that he was not eligible to seek the Republican nomination for Governor at the time of the May 19, 2026 primary election. He satisfies the requirement in § 117 of the Constitution that he be a “resident citizen of this state at least seven years next before the date of [] election.” Tuberville admits that a ground to contest the nomination is not being eligible to the office sought at the time of the declaration of nomination is, as provided by Ala. Code § 17-16-71, and denies the remainder of the allegations in Section II of the McFeeters Statement.

III.

Mcfeeters overlooks § 31 the Constitution which says that temporary absence from the State does not forfeit “resident” status.

Tuberville denies that he does not satisfy the seven year “resident citizen” requirement of § 117 of the Constitution. He also denies that § 117 imposes a “continuous” residency requirement to be eligible to be elected Governor. The word “continuously” is absent from § 117. And, Section 31

of the Constitution explicitly says “[t]hat temporary absence from the state shall not cause a forfeiture of residence once obtained.” There is nothing in the McFeeters Statement about § 31 of the Constitution.

IV.

A. Tuberville’s retirement from coaching and TV work in 2017 from his Florida house has little bearing on being an Alabama “resident.”

Tuberville admits that in January 2017, he retired from coaching, resided in Santa Rosa Beach, Florida, and that in July 2017, he recorded an advertisement for the sports TV channel ESPN.

Tuberville admits that registration for voting is an indication of status as a “resident citizen.” He admits that residency and wife’s voter registration in Florida can be consistent with domicile. He denies it is inconsistent with being an Alabama resident. Under Alabama’s Constitution, temporary absence from Alabama does not cause a forfeiture of residence in Alabama.

Tuberville denies that his wife did not register to vote in Alabama. He admits that his wife registered to vote in Florida in 2017 - and says that both she and Coach have been registered to vote in Alabama by 2000. Consistent with Alabama residency, she has voted in Alabama in several

previous years elections before registering to vote in Florida in 2017.

B. Tuberville's status as a seven-year "resident" in Alabama is not barred by his wife's vote in Florida eight years ago - after purchase of his current Auburn house.

Tuberville admits that he voted in Walton County, Florida in November 2018.

Tuberville denies that he has claimed homestead exemption for any real property in Florida after 2018. He has not claimed and has not received homestead tax exemption on any Florida property since 2018.

Tuberville admits that, in October 2018, his wife Suzanne claimed homestead exemption on the Cherry Street house in Auburn purchased in October 2018 by her and their son Tucker. The claim of homestead by Suzanne supports Tuberville's separate claim to be a "resident citizen" of Alabama since before April 2019.

Tuberville denies that Ala. Code § 40-9-19 says the homestead exemption applies to the owner who occupies the property as a principal residence, or that it only applies to such an owner.

Tuberville denies that the Statement describes the Florida Constitution on what is a homestead.

Tuberville's Santa Rosa Beach house at 395 Old Beach Road has not

been claimed or treated as homestead property exempt from Florida ad valorem tax since 2018. *See* Exhibit A, Walton County Tax Collector, Notice of Ad Valorem Tax and Non-ad Valorem Assessments (395 Old Beach Road)(for years 2016 to 2025).

C. Tuberville first registered to vote in Alabama in 2000, and not only in March 2019, as McFeeters says.

Tuberville first registered to vote in Alabama in 2000. He admits that he also registered to vote in Alabama in March 2019.

D. It is false that in 2023 Tuberville described Florida as his primary residence.

Tuberville admits that Tiger Farms LLC sold properties in Macon and Tallapoosa counties in 2023. Tuberville denies that these properties were “the last properties he owned in Alabama.”

Tuberville admits that he purchased real property in Florida in July 2023. Tuberville denies that in July 2023, closing transaction documents listed his Santa Rosa Beach house as his “primary residence.” Tuberville also denies that, under the Alabama Constitution, a single break in residency bars time before that date in measuring the period of “resident” status required by § 117. As noted, § 31 of the Constitution plainly says

that “temporary” absence does not cause a forfeiture of residence once obtained. Campaign finance records that show travel and food to Florida reflect nothing but vacation escape from his work for Alabamians in the District of Columbia, not abandonment of being a “resident” of the Cherry Street property in Auburn.

Nor is any such transaction an abandonment of domicile. McFeeters argument over the term “domicile” is not part of the text of § 117. McFeeters should not expect ALGOP to use different standards than what is part of the text of § 117, a “resident citizen.” In any event, McFeeters has not shown that Tuberville lacks an Alabama “domicile” based on the same facts that make him a “resident citizen.”

Tuberville denies primary physical presence in Florida during the required residency period. Tuberville admits that he has been physically present mostly in and around Washington D.C., since January 2021, and not Alabama, as part of his duties as an Alabama United States Senator.

E. Tuberville’s responsibility as a spouse in the Auburn property makes it unimportant that his name was not on the deed until May 2024.

Tuberville denies the allegation that he had no legal ownership interest in the Cherry Street house in Auburn before May 2024. As the

spouse of Suzanne, under Alabama law, he plainly has an ownership interest in Auburn property she has title to pursuant to a deed. Alabama law recognizes the interest of both spouses in the real property used by married persons, regardless of how the property is titled. *See Corriveau v. Corriveau*, 354 So. 3d 497 (Ala. Civ. App. 2021); *May v. A Parcel of Land*, 458 F.Supp. 2d 1324, 1338-39 (S.D. Ala. 2006). Tuberville admits that in May 2024, he was listed as grantee on a deed of the Cherry Street property. Of course, there is no requirement in § 117 of the Constitution that Tuberville have his name on a deed of Alabama real property as owner.

F. Tuberville’s Alabama Form 40 income tax filings show consistent claim of residence beginning in 2018, and are attached.

Tuberville admits that he has refused to provide McFeeters any records. As a 2026 primary election campaign opponent, McFeeters has used social media in an irresponsible way to reproduce public materials to reflect half-truths and falsehoods in his allegations.

Tuberville attaches herewith redacted copies of his State tax returns for the years 2018 through 2025: the Alabama Department of Revenue Form 40 indicating his residence address, the name of the preparer, and

other authenticating information. The personal information is redacted, and secondary schedules omitted. *See* Exhibit B.

G. Tuberville has properly questioned those who claim “consecutive” residency is required.

Tuberville denies that he has expressed doubt about meeting the resident requirements for Governor, or that he has done so in any recent interview. McFeeters again misreads the Constitution’s § 117 has made another misuse Alabama’s Constitution does not define “seven years next before the date of their election.” The text of the Constitution’s § 117 is not completely unambiguous about the meaning of “years next before the date of their election.” And given the direction in § 31 that “temporary absence from the state” does not “cause a forfeiture of residency once obtained.” Tuberville admits that about six years ago, he made the statements quoted in this paragraph.

V.

A. As Republican nominee for Governor, Tuberville meets the Constitution’s “resident” time requirements, reflected in § 117 and § 31.

Tuberville meets the Constitution’s requirement of § 117 that he be a “resident citizen[] of this state for at least seven years next before the

date of their election.” McFeeters is simply wrong that it must be “continuous,” as indicated by § 31. Under § 31, the text plainly says that the absence of continuous presence for seven years does not cause a loss of “resident” status.

Perhaps even more importantly, there have been many absences since January 2021 due to service as an Alabama United States Senator. That service reflects the kind of “sustained and genuine commitment to the state” that McFeeters himself says is the purpose of § 117. And that service confirms the commitment implied by Tuberville’s Alabama voter registration in March 2019 in Lee County, and voting in Alabama (and no other place) since that 2019 registration. Last but not least, Tuberville’s Alabama Form 40 income tax returns (attached hereto with financial and personal information redacted) for each year beginning in 2018 confirm further that he has a sustained and genuine commitment to the State.

See Exhibit B.

B. McFeeters relies on false factual statements, and distortions, in seeking rejection of overwhelming primary election results in favor of Tuberville.

Tuberville has established residence in Alabama intentionally. He has both physical presence in Alabama and an intent to remain.

The miscellaneous facts cited by McFeeters are immaterial, inaccurate, or too remote to justify repudiation of the primary election results. The most noteworthy here is McFeeters' assertion of "personal maintenance of a Florida homestead exemption," claimed once in 2018 on the Santa Rosa Beach house. The public records of the Walton County Tax Collector on that house (attached as Exhibit A) **show no exemption** on that property since 2018. Also troubling and false is the assertion by McFeeters of a 2023 "sworn declaration" that is supposedly "designating Florida as his primary residence."

McFeeters makes a failed attempt to find significance to Tuberville's voting in Florida after his wife declared homestead in Auburn in 2018. It gets him nowhere. There is no dispute that Tuberville registered to vote in Alabama in March 2019 - well within the seven year requirement of § 117.

McFeeters is not only making things up, he is grasping at straws.

C. At Cherry Street in Auburn, Tuberville is an Alabama "resident" as required by the Constitution, even though also owning property outside Alabama.

Tuberville has done nothing to diminish the requirement that an Alabama Governor must be a "resident citizen for seven years next before

the date of election.” McFeeters repeats his factual errors and distortions, and his comments about wealth and the size of the property are irrelevant, and reflect the weakness of his argument. McFeeters argues as if he does not realize that real property ownership is not even required to be Governor - merely being a “resident,” perhaps as a lessee is enough. *Compare*, Ala. Const., art. V, §118 (requiring Stateside elected officials merely “reside” at the Capitol, rather than own property in the Capitol city).

D. McFeeters’s argument provide no basis for voiding the Tuberville nomination.

The contest to the Tuberville nomination is due to be rejected. ALGOP should make a declaration of its judgment against McFeeters and against the grounds listed in his Statement of Election Contest. Under Ala. Code § 17-13-7(a), a political party has the discretion “in its own way” to determine who may be its candidates, and that includes interpreting the requirement to be a “resident.” *See Knight v. Gray*, 420 So. 2d 247 (Ala. 1982)(reversing court for second-guessing political party application of legislator “resident” requirement of § 47 in the Constitution). Before the primary election, ALGOP allowed McFeeters to challenge Tuberville’s

eligibility, and concluded that he had failed to show that Tuberville was not a “resident citizen” of Alabama for the required seven years. ALGOP should not change its course now.

The declaration should indicate ALGOP was not persuaded that Tuberville was ineligible to the office of Governor at the time of the nomination. Despite what McFeeters claims, the Tuberville nomination is not due to be voided in any respect.

VI.

Tuberville joins McFeeters in the request for a hearing that resolves this matter in prompt fashion. Tuberville believe McFeeters will be entitled to no relief whatsoever. He has identified no genuine factual basis to set aside the decision of so many Alabama Republican primary election voters who chose Tuberville in such an overwhelming fashion.

Respectfully submitted this 1st day of June 2026.

s/ Albert L. Jordan _____
Albert L. Jordan
bjordan@wallacejordan.com

s/ Steve W. Shaw _____
Steve W. Shaw
sshaw@wallacejordan.com

*Attorneys for Contestee Tommy
Tuberville*

