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## **Attorney General Steve Marshall Announces Conviction of Former Legislator David Cole**

(**Montgomery**) – Attorney General Steve Marshall announced the conviction of former Representative David Wayne Cole, who was ordered to pay \$52,885.79 in restitution to the State General Fund, and serve 60 days in the Madison County Jail, in addition to resigning his legislative seat which was vacated upon his arrest in August. Cole must turn himself in by October 17, 2023, at 5:00 p.m.

Cole, 52, of Madison, served as the representative for House District 10 from November 2022 until he resigned in August 2023. Prior to his resignation, Cole was charged by the Attorney General’s Office with one count of knowingly voting in the November 2022 general election at a polling place where he had not been authorized to vote. Today, Cole pleaded guilty as a part of a plea agreement, and Madison County Circuit Court Judge Mann adopted the terms of the agreement.

### Background on Cole’s charges and conviction

The Defendant, David Wayne Cole, a Madison County resident, decided in the summer of 2021 to seek election to the Alabama House of Representatives. Due to redistricting, he anticipated that his Cedar Springs residence would be drawn into another district outside of House District 10. In mid-October 2021, Cole asked a third party for a leased location “to sleep in” in case he could not find another home or apartment within the newly redrawn house district. In November 2021, Cole signed a lease requiring him to pay \$5 per month for a “5x5 area.” He then certified his “new residence” via an online voter registration update with the Alabama Secretary of State. The evidence in this case reflects that Cole never made any attempt to move into the home, nor did he ever eat or sleep in the leased space.

In the May 2022 primary election in which Cole was a candidate, Cole voted absentee using the leased address and later voted in-person for the June run-off election where he was not authorized to vote. In the weeks before the primary election, and in response to media questions about his residency, Cole provided an altered copy of his lease which specified that Cole was renting the “house” rather than a “5 x 5 area.” Cole also provided another lease for an apartment he obtained on or about September 1, 2022. Cole completed another online voter registration update on October 17, 2022, in which he certified that he resided at that apartment, and then voted in the general election in November 2022 at a polling place in which he was not authorized to vote. Only weeks



later, Cole completed a property-tax exemption document in which he certified that as of October 1, 2022, he resided in the Cedar Springs house.

Cole ultimately won the general election and was seated as the representative of House District 10. A special election for this seat will be held on December 12, 2023.