

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:06-cv-392-WKW
	)	
THE STATE OF ALABAMA and	)	
NANCY L. WORLEY, Secretary of State,	)	
in her official capacity,	)	
	)	
Defendants.	)	

**SPECIAL MASTER’S FOURTH  
(DECEMBER 2006) INTERIM REPORT**

Comes now Bob Riley, Governor of the State of Alabama, as Court-appointed Special Master, and files his fourth monthly interim report detailing the activity and progress made toward implementation of Alabama’s single, uniform, official, centralized, interactive computerized statewide voter registration list.

**I. ACTIVITIES OF THE SPECIAL MASTER AND  
THE SPECIAL MASTER’S IMPLEMENTATION COMMITTEE**

Activities since the date of the Special Master’s third report are as follows:

A. The Special Master’s Implementation Committee issued a formal Notice of Intent to Release RFP (attached hereto as Exhibit A). Notice was mailed and e-mailed to a very large number of known software vendors who were believed by the Implementation Committee to be either capable or interested in responding to an RFP. Such notice was also placed on the Governor’s web site, HAVA Section.

B. On November 16, 2006, there was a Status Conference in the chambers of Judge Keith Watkins. The primary purpose was to give Judge Watkins formal status of the progress under the Court Order and introduce the Secretary of State's new attorneys into the case and to address issues of document production.

C. On November 16, 2006, the Special Master's Implementation Committee convened in Montgomery and went over a very detailed agenda (attached hereto as Exhibit B) of items relating to implementation, discovery, and the upcoming issuance of the RFP, specifically including the content of the RFP.

D. On November 17, 2006, the Implementation Committee issued the RFP (attached hereto as Exhibit C). All vendors had previously been notified of the issuance of the RFP and the RFP was placed on the Governor's/Special Master's web site, for the convenience of all vendors.

E. On November 20, 2006, Governor Riley, with Court approval, appointed Secretary of State-elect, Beth Chapman, to the Special Master's HAVA Implementation Committee, as its fifth member. Mrs. Chapman had already begun educating herself on the various pertinent issues. Mrs. Chapman was furnished all pertinent background information in the form of a HAVA Implementation Committee notebook which includes all significant Court Orders and correspondence.

F. On November 20, 2006, a notification was sent to local election officials (attached hereto as Exhibit D) informing them of a Vendor Conference which the Implementation Committee had scheduled for Friday, December 1, 2006, and inviting them to participate in that conference. There was also communication with State Representative Ken Guin, the acting chairman of the official Secretary of State's HAVA Committee, notifying him of the upcoming Vendor Conference and asking him to invite

the entire HAVA Committee. Representative Guin responded in a positive fashion and did send out formal notification to the entire HAVA Committee informing them of the Vendor Conference and requesting their participation.

G. On November 28, 2006, the Implementation Committee provided to vendors a Vendor Conference schedule outline and a scoring overview (attached hereto as Exhibit E).

H. On November 29, 2006, the Special Master's HAVA Implementation Committee met by conference call. All Committee members participated, including the newest member, Mrs. Chapman. The Committee went over and fully discussed a nine-item agenda (attached hereto as Exhibit F) a portion of which was focused on the upcoming Vendor Conference, as well as other items relating to general matters of interest and concern to the Implementation Committee. On or before November 29, 2006, questions were received by the Implementation Committee from vendors that had indicated an intention to participate. These questions were answered in writing. Responses to the questions of each vendor were distributed to each vendor at the Vendor Conference on December 1, 2006 (attached hereto as Exhibit G).

I. On Friday, December 1, 2006, a Vendor Conference was held (agenda attached hereto as Exhibit H). From 10:00 a.m. until 2:00 p.m. vendor displays were available to any and all interested parties for review, inspection, and questions, including probate judges, registrars, circuit clerks, HAVA Committee members, accessibility/disability advocates, the Implementation Committee members, and any other interested parties. This portion of the Vendor Conference was held in the Old Archives Room of the State Capitol and there was good participation. Beginning at 1:00 p.m. on Friday, December 1, 2006, formal vendor presentations were made in the State

Capitol Auditorium before the HAVA Implementation Committee and members of the Alabama HAVA Committee and any other persons who wished to participate. At the end of the presentations there was a question-and-answer period involving all the vendors.

J. The Special Master and the Implementation Committee have continued to make progress on securing production from the Secretary of State. The Secretary of State's new attorneys, Mr. George Beck and Mrs. Terrie Biggs, have been very cooperative and very responsive with the Special Master's attorneys and the Special Master's Implementation Committee. Additional documentation and computer information, on disk (by agreement), has been furnished. Some of the information has been and will be helpful to the Special Master and his Implementation Committee. The Special Master and the Implementation Committee are currently evaluating the production results, as compared to the requested production documents, in an effort to determine whether or not a request will be made to the Court to intercede further on document production issues. Of particular note, the Special Master would point out that the most significant items of non-produced documentation are the vendor scoring sheets from the Secretary of State's Special Technical Committee, the vendor scoring sheets from the Alabama HAVA Committee, and the vendor scoring sheets/assessments that were done by a special group of elected and/or appointed voting officials who came in for a review of vendor proposals on or about December 29, 2004. As soon as the Special Master, with input from the Implementation Committee, can determine the importance, benefits, and necessity of these documents, the decision will be made as to whether or not to request that the Court address these issues again.

K. The Special Master, since the last monthly report and to date, has expended no significant amount of funds from the Special Master's HAVA account. The Special Master has paid travel expense reimbursement claims from one of the Implementation Committee members. The Special Master contemplates paying one of the Implementation Committee members, Trey Granger, an hourly reimbursement for his time that is being expended exclusively on HAVA matters. The Implementation Committee unanimously elected Trey Granger as its coordinator. Mr. Granger has been and will continue to work significant hours on HAVA matters, over and above the time he is obligated to work for the Montgomery County Probate Judge. It is contemplated that Mr. Granger will be paid for his time at an agreed upon rate of \$100 per hour for these hours for which he is not otherwise being compensated.

L. The Special Master continues to believe that he and his Implementation Committee are "on course" and "on schedule" in accordance with their predetermined operational schedule. Thus, the Special Master believes that implementation is on schedule and can reasonably be expected to be accomplished within the timeframes previously set by the Court.

Done this 5th day of December 2006.

Respectfully submitted,



**/s/ Kenneth D. Wallis, II**  
Kenneth D. Wallis, II  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 5, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

**Algert S. Agricola, Jr.**

**R. Randolph Neeley**

**James Harold Anderson**

**Donald Palmer**

**Terry G. Davis**

**Robert D. Popper**

**Frank Corley Ellis, Jr.**

**Michael W. Robinson**

**Misty S. Fairbanks**

**Winfield J. Sinclair**

**Margaret L. Fleming**

**Edward Still**

**Shannon Lynn Holliday**

**Gary R. Trawick**

**Christy A. McCormick**

**Dorman Walker**

And I hereby certify that I have mailed by United States Postal Service the foregoing document to the following non-CM/ECF participants:

**John K. Tanner**  
**U.S. Department of Justice**  
**Chief, Voting Section**  
**Civil Rights Division**  
**Room 7254-NWB**  
**950 Pennsylvania Avenue NW**  
**Washington, DC 20530**

**Wan J. Kim**  
**U.S. Department of Justice**  
**Voting Section**  
**Civil Rights Division**  
**Room 7254-NWB**  
**950 Pennsylvania Avenue, NW**  
**Washington, DC 20530**

**/s/ Kenneth D. Wallis, II**  
Kenneth D. Wallis, II  
Chief Legal Advisor  
Office of the Governor