

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.	)	

**ORDER**

This case is before the court on the Special Master’s interim reports in which the Secretary of State Nancy Worley’s document productions were detailed. A status conference was held in this matter on November 16, 2006. Trey Granger, a member of the Special Master’s committee and former General Counsel of the Secretary of State’s Office, played a key role in the State of Alabama’s efforts to implement HAVA and authored the second RFP for the voter registration database. Based on the representations made by Mr. Granger at the status conference, the court finds that substantially more HAVA-related records existed at one time than have been produced thus far by Ms. Worley to the Special Master. The Special Master deems certain of these records to be necessary for expedient HAVA implementation, i.e., scoring or evaluation sheets for the prior RFP and Mr. Granger’s records related to contractor negotiations.

It is therefore ORDERED that **on or before Wednesday, November 22, 2006**, Ms. Worley will produce all HAVA records, written and electronic. Based on representations made by Ms. Worley’s counsel, it is anticipated that Ms. Worley will fully cooperate in an inspection of her offices and warehouse by the Special Master and any of his staff and will accommodate the Special Master’s schedule and meet or beat the court’s deadlines. Nevertheless, due to Ms. Worley’s

dilatory responses to previous court orders and directives to produce documents, the court will require access by the Special Master to all of the Secretary of State's premises. If, in the Special Master's sole determination, Ms. Worley does not make a full HAVA record production in a timely manner, it is ORDERED, in accordance with paragraph 6 of the Order Appointing Special Master (Doc. # 64), that **on Monday, November 27, 2006, at 8:30 a.m. and continuing until completed**, the Special Master and any of his staff shall access any and all locations of the Secretary of State's Office, including the warehouse, to locate and take possession of all HAVA records, written and electronic.

The Special Master shall file contemporaneously with his next monthly report a detailed inventory of the HAVA records taken into possession, which shall include a description of the record and the location within the Secretary of State's Office where the record was located. The Special Master is directed to notify the court immediately if his record search is restricted or otherwise obstructed.

DONE this 17th day of November, 2006.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE