

submitted her proposed plan (Doc. # 22) for bringing the State into compliance with HAVA. In that Plan, the Secretary noted that the State's voter registration forms had been revised and submitted to the United States Department of Justice for preclearance pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c. (Doc. # 22, at 6.) In open court, at a hearing on July 20, 2006, the United States agreed that the revised voter registration forms were HAVA-compliant. (July 20, 2006 hearing transcript, at 11.) The focus of the litigation then shifted entirely to the development of a statewide voter registration list for federal elections.

As to that requirement, the court rejected Secretary Worley's plan. (Doc. # 38.) Given the importance of ensuring a HAVA-compliant voter registration list for the 2008 federal elections, and upon motion of the United States, this court appointed the Honorable Bob Riley, Governor of the State of Alabama, as the court's Special Master. (Doc. # 64.) Special Master Riley was tasked with designing and implementing a HAVA-compliant voter registration list under a tight time line. (*Id.*; Doc. # 38.) The Special Master appointed a HAVA Implementation Committee to assist him, and he filed periodic reports with this court detailing his progress. (Docs. # 71, 73, 87, 95- 96, 100, 103, 106-107, 110, 116-120, 122, 125 & 128-129.)

After more than a year of work, a hearing was held on October 24, 2007. Based on undisputed testimony, the court ruled from the bench that Special Master Riley had brought Alabama's voter registration list into full compliance with HAVA. (October 24, 2007 hearing transcript, at 56-57.) Special Master Riley requested to be immediately relieved of

his responsibilities. While appreciative of the Special Master's efforts and achievements thus far, given the critical importance of the proper functioning of the statewide voter registration list to the successful operation of the then-rapidly approaching federal elections, the court declined to release its Special Master at that time.

Since that October 2007 hearing, a presidential preference primary election was held on February 5, 2008; Federal, State, and county primary elections were held on June 3, 2008; and primary run-off elections were held on July 15, 2008. After the first of these elections, the Special Master, by Order of the court (Doc. # 139), filed a report (Doc. # 140). The Special Master reported that "the statewide presidential primary election was held, under the newly-implemented HAVA compliant Voter Registration System, without any significant problems or defects being detected in the system itself." (Doc. # 140, at 2.) No significant problems or defects related to the new system were reported to the court by the Special Master or any interested party following any of these three elections. **The Special Master filed his Final Status Report on August 22, 2008, to which he attached the Voter Registration System's security policy, and in which he expressed concern about the potential of voter fraud where the Voter Registration System is being used inappropriately or illegally. (Doc. # 153.)**

Given that Alabama's **Voter Registration System** is HAVA-compliant and has successfully completed both testing and "live" elections, the court finds that control of that system is due to be returned to the State of Alabama and her current Secretary of State, the

Honorable Beth Chapman, who is vested with responsibility for said system by Alabama law. Moreover, given that Alabama's voter registration forms have been HAVA-compliant for approximately the last two years, all relief sought by the United States in its Complaint has been awarded.

Accordingly, it is ORDERED as follows:

1. Governor Bob Riley is relieved of his duties as Special Master. The court wishes to express its deep appreciation for Governor Riley's leadership, vision, and plain hard work in achieving HAVA compliance. He is responsible for establishing the HAVA Implementation Committee, chaired by Judge Bill English; HAVA compliance would not have been reached in such an expeditious manner without the dedication and efforts of Judge English and all of the committee members. The court thanks Governor Riley, his legal counsel and staff, and the HAVA Implementation Committee for cooperating with the parties to successfully implement HAVA in Alabama.

2. The Special Master's HAVA Implementation Committee is dissolved. Any other committees, commissions, or groups that were created by the Special Master are likewise dissolved, except for the Software Review Committee as further addressed in paragraph 5.

3. The title and role of Alabama Chief Elections Officer for HAVA implementation purposes, removed from Secretary Worley over her and the State's objection, are hereby restored to the Alabama Secretary of State, currently the Honorable Beth

Chapman.

4. To ensure the integrity and security of the Alabama Voter Registration System, the Alabama Voter Registration System Security Policy, Final Version 1.0, last revised August 8, 2008, attached hereto as Appendix 1, shall be binding upon the Defendants and all users of the Alabama Voter Registration System throughout the 2008 federal election cycle, and thereafter, as it may be modified from time to time by the Alabama Secretary of State, the Alabama Legislature, or a court of competent jurisdiction.

5. To ensure an orderly transition of the Alabama Voter Registration System to the control of the Alabama Secretary of State, and to ensure the integrity of the Alabama Voter Registration System through the 2008 federal election cycle in Alabama, the Software Review Committee shall remain intact and operative until the completion of all contract obligations by Election Systems & Software (“ES&S”), including the fulfillment of all warranty obligations by ES&S. The Software Review Committee shall operate under the control and supervision of the Alabama Secretary of State.

6. To ensure uniformity in the Alabama Voter Registration System and to address the resolution of the security concerns set forth in the Special Master’s Final Status Report, no local election official shall produce a voter list reflecting that persons are qualified to vote in a particular box or voting location if that box or location does

not encompass their place of residence. No voting official shall participate in the conduct of a federal election in which a voter is capable of voting in more than one voting location.

7. The Alabama Secretary of State is the successor in interest to any contracts and memoranda of understanding entered into by the Special Master; therefore, the Alabama Secretary of State is bound by, and has the same authority to enforce, the terms of said contracts and memoranda.

8. Any bank accounts or unspent funds that were transferred to the Special Master's control for HAVA implementation purposes are now restored to the Alabama Secretary of State.

9. Title to all property purchased by the Special Master for HAVA implementation purposes, and not otherwise disposed of, is transferred to the Alabama Secretary of State's Office.

10. All official records, documents, and tangible items in the possession of the Special Master and/or his representatives (which specifically does not include ES&S) are to be timely transferred to the Alabama Secretary of State; personal notes taken by the Special Master and/or his representatives need not be transferred. It is the court's intent that the Alabama Secretary of State be given the information she needs to knowledgeably exercise responsibility for the system; to understand what funds were spent and what funds, if any, remain; and to effectuate any remaining terms of any contracts **or memoranda of**

understanding that the Special Master signed, including the contract with ES&S.

11. This cause is DISMISSED with prejudice, with costs taxed as paid.

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DONE this ____ day of September, 2008.

UNITED STATES DISTRICT JUDGE

APPENDIX 1

~~EXHIBIT A~~

Alabama Voter Registration and Election Management System

Security Policy

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Document Revision History

Modification Date	Description	Version
June 30, 2008	Initial Draft	Draft 1
August 8, 2008	Final Draft	Final Version 1.0

Introduction

The purpose of this policy is to ensure the integrity and security of the Alabama Voter Registration and Election Management System. With the implementation of a centralized, uniform HAVA compliant voter registration and election management system, security is more important than ever.

Each user of the system shall be bound by the conditions defined herein. Counties that are not fully in compliance with this security policy by September 30, 2008 will be subject to disconnection from the central system.

This policy identifies authority and access levels of the various users within the Alabama elections community. This policy should not prevent any user from accessing the system to perform their appropriate duties.

Application Security Overview

There are two layers of security to the voter registration and election management system. The first layer of security grants each user access to the centralized system via a security product called Citrix. ES&S administers the Citrix environment under the guidance of the Governor in his role as Special Master and eventually under the Secretary of State when the responsibilities for the HAVA system are transferred back to that office.

The second layer of security is administered locally within each county and must be done so in accordance with the User Roles and System Administration policy as defined below. The second layer, called PowerLock, allows each county to add and maintain users once a Citrix account has been created by ES&S for those users. For election management users, a PowerLock Account still must be created at the central level in order for a user to access data locally.

Each user must have both a Citrix account and a PowerLock account in order to access the system.

User IDs

Each User ID should be the user's first initial and last name followed by their county code. In the unlikely event that there are two users with the same name in the county, the middle initial should be used. ES&S will automatically use this schema for the Citrix accounts and county administrators should adhere to the same policy for tracking purposes

Example:

Name:	User ID:
Jane Smith	jsmith01
Janice E. Smith	jesmith01

Passwords:

Each user should maintain secure passwords for both their Citrix and PowerLock User IDs. Each password should contain the following:

- Be at least six characters in length
- Contain one numeric character
- Contain one capital letter

The password should not contain any aspect of the user's name. The password should not be written down anywhere or hidden under keyboards, etc. or in/on the user's desk. Users should never share their password with another individual. If a user feels that their password has been compromised, they should contact their local security administrator and/or ES&S immediately.

User Access and Responsibilities

Each user is responsible for accessing the system in accordance with all applicable Federal, State and local laws in order to perform their duties. Each user may have only one User ID and shall not share their password or access methods with any other user under any circumstances. Because the security of voter registration data is critical to the integrity of elections in Alabama, any user that knowingly violates this security policy may be subject to removal from access to the system, regardless of position, and possibly subject to legal sanctions.

There are six overall user groups within the system, excluding vendor system administration and support functions:

1. State users— consist of the Secretary of State as system owner and her staff personnel and temporarily includes the Special Master and his staff personnel in his Court-appointed role. The State is responsible for statewide and federal election definitions as well as state level reporting and statistics. The State shall not edit any county's voter registration or election management data.
2. County users - Voter Registration / Registrars – Registrars are responsible for Voter Registration activities within the system. Only Registrars or those they specifically delegate to may edit voter registrant data.
3. County users - Election Management / Probate –The Probate Judge serves as the chief election official(s) in each county. He or she and their Election Management staff may perform most functions within the system with the exception of voter registration or absentee management. Election Management staff is specifically prohibited from editing individual voter registrant data.
4. County users - Absentee Management / Circuit Clerks-Absentee Managers – are responsible for absentee election management duties and may not perform voter registration or election management functions within the system.
5. County users – Street file / precinct maintenance – These users are responsible for maintaining/updating the street files and precinct definitions. This role will be filled by different users from county to county as designated in writing by the County Commission.
6. County users – County System Administrator – This user will administer the PowerLock security components of the system as defined further below. This user shall not grant access to any unauthorized user nor shall they grant any user inappropriate access to any unauthorized aspect of the system. This role

will be filled by different users from county to county as designated in writing by the County Commission.

Because the system is a fully integrated voter registration and election management system and is designed to serve as a single source of elections data for the State of Alabama, there will be some overlap in functions among the three areas for some aspects of the system. At a minimum, however, users must be set up systematically within the minimum groups as described above in order to prevent unauthorized use of the system.

System Administration

Each County System Administrator is responsible for maintaining the county's user accounts within the PowerLock security module and should notify ES&S when users should be added or deactivated from the system at the Citrix or top layer of security access. Absentee Managers have the authority to grant absentee users access, registrars have the authority to grant access for voter registration and election management personnel have the authority to grant access for probate/election management functions. The Secretary of State shall have the authority to grant state level users access.

Within each county, a PowerLock System Administrator shall be established by consensus within the county and by the County Commission if that consensus cannot be reached. The County System Administrator will ensure that each user is properly assigned to one of the three county user type PowerLock Groups below. Additional Groups may be defined to better manage the workflow and responsibilities within the county. The roles defined within each group below represent the permission levels appropriate for each user type.

Registrars – each registrar or authorized user that performs registration duties shall be assigned to this PowerLock group. No other users may be assigned to this group unless specifically authorized by the registrars in that county.

Role Restriction: Registrars cannot perform Election Management functions or Absentee Management Functions

Probate – each probate judge or his/her staff that requires access to the system shall be assigned to this group. No other users may be assigned to this group unless authorized by the probate judge in that particular county.

Role Restriction: Probate users cannot perform any entry or update on any registrant data

Circuit Clerk/Absentee - each absentee manager that requires access to the system shall be assigned to this group. No other users may be assigned to this group unless authorized by the Circuit Clerk or Absentee Manager.

Role Restriction: Absentee Managers/Circuit Clerks cannot perform Election Management functions or perform any entry or update on any registrant data

Antivirus Software

Each desktop or laptop computer used to access the Alabama Voter Registration and Election Management System shall have up to date antivirus software installed and running. For State provided equipment, antivirus software has been installed and set to automatically update without any action required on the part of the user.

Users have the responsibility for making sure that antivirus software is current and operating on any computer used to access the Voter Registration and Election Management System.