

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
<i>vs.</i>)	Civil Action No.
)	
STATE OF ALABAMA, and)	2:06-cv-0392-WKW
BETH CHAPMAN, Alabama)	
Secretary of State, in her official)	
capacity,)	
)	
Defendants,)	
)	
ALABAMA PROBATE JUDGES)	
ASSOCIATION,)	
)	
Amicus Curiae.)	

REPLY OF AMICUS APJA TO STATE’S RESPONSE TO PROPOSED ORDER

Comes Now Amicus Alabama Probate Judges Association (“APJA”), by and through counsel, and replies to the response of the State of Alabama and the Secretary of State to this Court’s proposed Order as follows:

1. The State and the Secretary of State have indicated that changes are likely to the security policy in the area of Powerlock passwords. Amicus APJA would point out to the Court that the system that has been successfully implemented by the Special Master in response to this Court’s orders and the requirements of federal law provides a single, uniform, official, centralized, interactive, computerized, statewide voter registration system. However, as a component thereof, the voter registration system also provides integrated

election management functions for which the probate judges, as the chief election officials in each county, are solely responsible under State law. Control of Powerlock passwords cannot and should not be exercised by anyone in such a way as to interfere in any way or for any reason with the duties and responsibilities of Alabama's probate judges as the chief election officials in each county. The probate judge in each county should retain control over election management functions of the system.

2. On a related note, Amicus APJA has concerns over the elimination of the Software Review Committee before the expiration of the warranty period under the contract with ES&S as proposed by the State and the Secretary of State. The warranty obligations of ES&S expire under the contract in October, 2012. The State and the Secretary of State have proposed that the Software Review Committee continue in existence no longer than December 31, 2010. The Software Review Committee is the forum in which the primary user groups, i.e. the probate judges, the circuit clerks, and the registrars, can present their concerns through designated representatives about necessary or desirable system or software enhancements or modifications and debate the relative priority of said enhancements or modifications. In the view of Amicus APJA, prematurely disbanding this committee is not in the best interests of the State of Alabama and does not foster the goal of continuing improvement of the voter registration system.

WHEREFORE premises considered, Amicus APJA expresses its disagreement with the response of the State of Alabama and the Secretary of State as hereinabove set out and

requests that this Court modify its proposed Final Order and Judgment as it deems appropriate to accommodate the concerns herein expressed.

Respectfully submitted this 15th day of September, 2008.

/s Algert S. Agricola, Jr.
Algert S. Agricola, Jr. (SJS No. AGR001)

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CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2008, 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:

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

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Respectfully submitted,

s/ Algert S. Agricola, Jr.

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