

**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 RESPONSE
TO COURT ORDER (DOC. 130)**

Comes now Bob Riley, Governor of the State of Alabama, as Court-appointed Special Master, by and through his attorney of record, Kenneth D. Wallis II, and files his response to the above-referenced Court Order (Doc. 130).

(1) The Special Master concurs in and adopts the response of the Attorney General of the State of Alabama, filed on behalf of the Alabama Secretary of State, and concurred in by the Department of Justice.

(2) The Special Master expects two witnesses. He will call Judge Bill English, Judge of Probate of Lee County, Alabama, and Chairman of the Special Master’s HAVA Implementation Committee; and Shannon Curtis, Project Manager for primary vendor Election Systems & Software, Inc., to testify that the Special Master, on behalf of the State of Alabama, and under the authority of this Honorable Court, along with considerable assistance from his Implementation Committee and numerous other

individuals, state departments, and agencies, including vendors, contractors, and sub-contractors, most particularly including ES&S, has most successfully developed and implemented a single, uniform, official, centralized, interactive computerized statewide voter registration system which complies with Section 303 of the Help America Vote Act of 2002, 42 U.S.C. § 15483, in all respects.

(3) The Special Master expects the testimony to indicate that Alabama successfully implemented a uniform centralized voter registration system on August 28, 2007, with the migration of the final counties, out of Alabama's 67 counties, from disparate, independent systems, into the new uniform platform. That the new system is a single system which stores the official voting list for the State of Alabama, of all registered voters in the State of Alabama. That the election officials have the ability to enter, update, and maintain voter register records on the system. That the system allows officials to generate official voter lists, by county, for elections. That there are two layers of application logon and password for security purposes. That appropriate access is provided for all authorized election officials in the State of Alabama. That the system supports the removal of ineligible voters in accordance with the NVRA Act. That the system supports provisional voting, including the tracking of whether a vote was counted or not counted. That there is duplicate checking statewide within the application. That a unique voter identifier is assigned to each registered voter. That the system supports the removal of registrant records when a voter has not voted in two consecutive general elections, in accordance with the NVRA Act. That the system supports registration by mail and in person. That Alabama has implemented automated interfaces with the Alabama Administrative Office of Courts to receive electronic felony

conviction data to assist with the removal of ineligible voters, with the Alabama Department of Public Health to identify deceased voter registration records for removal from voter lists, and with the Alabama Department of Public Safety and the U.S. Social Security Administration for the validation of drivers license numbers and social security numbers.

(4) The Special Master is not aware of, and does not believe that there exists, any items or issues that would render the system to be non-compliant with said HAVA law.

(5) The Special Master acknowledges existence of only one primary remaining issue, that being how to deal with new registrants who became registered voters on or after the date the State of Alabama was required to be in compliance with federal law and/or on after the date of the last general election in the State of Alabama, November 6, 2006. The Special Master specifically agrees with the Attorney General that a verification or re-verification of these registered voters is not and should not be considered an issue of HAVA compliance. The Special Master is informed and believes that since November 8, 2006, and through October 19, 2007, there have been almost 60,000 voters registered in the State of Alabama, and that from January 1, 2006 through October 19, 2007, there have been approximately 178,669 voters registered in the State of Alabama. The Special Master would reiterate that he is satisfied that this is not a compliance issue, but instead is a voter verification issue and it is very likely not as complex as it might first appear.

(6) The Special Master believes his witnesses will testify, other than the above-referenced items, that there are no further items that relate to compliance, but

instead the remaining items and issues are issues of practical application, state law, education and training, identification of further hardware and equipment needs in the counties, system redundancy at the statewide level, and other system enhancements that are part of the obligations of ES&S under its contract with the State of Alabama, and all of which will continue to be addressed under said contract.

(7) The Special Master represents that there is an on-site system review at a county board of registrar's office for the benefit for the Department of Justice attorneys, which will be completed prior to the hearing on October 24, 2007.

(8) The Special Master respectfully requests discharge on the earliest date that this Honorable Court feels is reasonable under the facts and circumstances.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ken Wallis". The signature is fluid and cursive, written in a professional style.

Kenneth D. Wallis, II
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CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2007, 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.

Donald Palmer

James Harold Anderson

Robert D. Popper

Terry G. Davis

Michael W. Robinson

Frank Corley Ellis, Jr.

Winfield J. Sinclair

Misty S. Fairbanks

Edward Still

Margaret L. Fleming

Gary R. Trawick

Shannon Lynn Holliday

Dorman Walker

Christy A. McCormick

George L. Beck

R. Randolph Neeley

Terrie S. Biggs

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

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**/s/ Kenneth D. Wallis, II
Kenneth D. Wallis, II
Chief Legal Advisor
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