

**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 SIXTH  
(FEBRUARY 2007) INTERIM REPORT**

Comes now Bob Riley, Governor of the State of Alabama, as Court-appointed Special Master, and files his sixth 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 fifth report are as follows:

A. The Special Master's Implementation Committee completed site visits to observe operating voter registration systems of the two primary competing prospective vendors. These site visits included both members of the Implementation Committee and others who are involved in the process or are particularly knowledgeable of about voter registration processes, programs, and procedures. The site visits were held in Los Angeles, California, and Little Rock, Arkansas. They included both observation of

installed and working voter registration systems and working meetings with representatives of the two vendors.

B. After the site visits, the Implementation Committee received and reviewed the comprehensive scoring sheets from all members of the Alabama HAVA Proposal Evaluation Committee (hereinafter Evaluation Committee). The results of scoring by the Evaluation Committee provided a significant scoring advantage to the proposal of Election Systems & Software, Inc. (hereinafter ES&S).

C. The Implementation Committee, upon and after their own individual reviews and evaluations of the two primary proposals and after review of the scoring results from the Evaluation Committee, voted unanimously to recommend to the Special Master that he tentatively accept the proposal of ES&S and begin attempts to negotiate a reasonable and acceptable formal contract with ES&S as vendor for the Alabama Voter Registration System. This proposal was presented to Governor Bob Riley as Special Master.

D. Upon review of the scoring evaluations from the Evaluation Committee and based upon the unanimous recommendation of the Special Master's Implementation Committee, Governor Riley, as Special Master, authorized the tentative acceptance of the ES&S proposal and instructed the Implementation Committee to begin its attempts to negotiate a final contract.

E. The primary activity of the past 30 days, from the standpoint of time and effort, has been the attempts to negotiate a final contract between the Implementation Committee (with the assistance of its attorney LaVeeda Morgan Battle, who was retained by the Special Master and the Implementation Committee for the specific purposes of helping in the negotiation and finalization of an ultimate contract) and

representatives of ES&S. These negotiations have proceeded in an orderly fashion to the point that a draft proposed contract of approximately 65 pages has been agreed upon, subject to only five or six significant points that have not yet been resolved. These negotiations are continuing at the present time. The Implementation Committee had hoped to have a final draft contract completed and approved by the parties and the Special Master so that it could be finalized, signed, and presented to the Alabama Legislative Contract Review Oversight Committee at their meeting on February 9, 2007. It is still hoped that this will be possible, but there is currently some doubt that the remaining issues can be resolved within the next two days.

F. Because of the recent elections and the necessity that new members of the Alabama HAVA Committee be appointed by the Speaker of the House and the Lieutenant Governor, it has been impossible for the Implementation Committee to speak with and seek input from the Alabama HAVA Committee. In effect, the Alabama HAVA Committee has not been called to a meeting because its membership is not complete. The Implementation Committee remains desirous to interface with the Alabama HAVA Committee and fully intends to do so as soon as that committee is called into session with its newly-appointed legislative membership being included. It is expected that this will probably occur within the next 30 days.

G. The Special Master has been informed of concerns of the Implementation Committee that affect the contract negotiation process and may jeopardize completion of the Alabama HAVA Voter Registration System within its previously-established timeframes. The Implementation Committee has built in a small safety factor to allow for problems of this type. The Special Master continues to believe that he and the

that he and the Implementation Committee can complete the project in the timeframe previously set by the Court.

Done this 6th day of February 2007.

Respectfully submitted,



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

I hereby certify that on February 6, 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.**

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