

**EXHIBIT AA**  
TO  
**SUPPLEMENTAL DECLARATION OF GLENN BURHANS, JR.**



U.S. Department of Justice

Civil Rights Division

JKT:MSR:ALP:HM:jdh  
DJ 166-012-3  
2007-3844  
2007-5429

*Voting Section - NWB  
950 Pennsylvania Avenue, NW  
Washington, DC 20530*

October 29, 2007

The Honorable Bill McCollum  
Attorney General  
107 Gaines Street, Room B23  
Tallahassee, Florida 32399-6549

Ms. Maria Matthews  
Assistant General Counsel  
Florida Department of State  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Attorney General McCollum and Ms. Matthews:

This refers to Chapter 2007-30, Laws of Florida (H.B. 537) (2007), which amends the election code for the State of Florida, the specific provisions of which are provided in Attachment A, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on August 8, 2007; additional information was received on August 29, 2007.

We understand that in 2005 the State passed Chapter 2005-286, amending Section 103.091, Florida Laws, pertaining to political parties. According to our records, this change affecting voting has not been submitted to the United States District Court for the District of Columbia for judicial review or to the Attorney General for administrative review as required by Section 5 of the Voting Rights Act. If our information is correct, it is necessary that this change either be brought before the District Court for the District of Columbia or submitted to the Attorney General for a determination that it does not have the purpose and will not have the effect of discriminating on account of race, color, or membership in a language minority group. Changes which affect voting are legally unenforceable unless Section 5 preclearance has been obtained. *Clark v. Roemer*, 500 U.S. 646 (1991); Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.10).

Chapter 2007-30, Section 36, amending F.S. 103.091, changes the date for qualifying as an executive committee member and adds to the membership of the governing party's state executive committee. Because Chapter 2007-30, Section 36 and the unsubmitted change are directly related, they must be reviewed simultaneously. Accordingly, it would be inappropriate for the Attorney General to make a preclearance determination on the instant change(s) until the related changes have been submitted for Section 5 review. See 28 C.F.R. 51.22(b) and 51.35.

Should you elect to make a submission to the Attorney General for administrative review rather than seek a declaratory judgment from the District Court for the District of Columbia, it should be made in accordance with Subparts B and C of the procedural guidelines. At that time we will review all changes simultaneously; however, any documentation previously provided need not be resubmitted.

Our analysis also indicates that the information sent is insufficient to enable us to determine that the proposed changes in Chapter 2007-30 to third-party voter registration groups (Section 2, amending F.S. 97.0575), acceptance of voter registration applications (Section 13, amending F.S. 97.053), identification required at polls (Section 26, amending F.S. 101.043), and provisional ballots (Section 27, amending F.S. 101.048) do not have the purpose and will not have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group, as required under Section 5. The following information is necessary so that we may complete our review of your submission:

1. Documents reflecting the legislative history, including committee proceedings, of the following provisions of Chapter 2007-30: a) Third-Party Voter Registration Groups; b) Verification of voter registration applications, including the shortening of the timeframe for provisional voters to bring in evidence; c) Identification required at polls.

2. Number of registered voters by race registered by a) third-party registration groups and b) each other method, such as driver's license offices, respective state agencies providing voter registration, and public libraries in Collier, Hardee, Hendry, Hillsborough, and Monroe Counties ("covered counties") for each year for which such information is available from 2001 to 2007.

3. A detailed description of the "current practice" referred to in your submission of verifying voter registration applications and notifying voters of incomplete applications and the effective date of this practice in the covered counties.

4. An explanation of the basis for requiring that a provisional ballot must be verified in two days in order to be counted toward the first set of unofficial returns which determines the necessity for a recount.

5. An electronic record (.xls or .txt format) of every resident of voting age by race, if available, in the covered counties who has a state-issued drivers license or non-driver state ID, and an electronic list (.xls or .txt format) of complete records by race, if available, of all registered voters in each county.

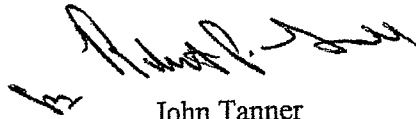
6. A detailed description of all measures that will and have been taken in order to inform residents of the covered counties of the removal of the two forms of photo identification documents previously accepted for voter identification contained in Chapter 2007-30.

The Attorney General does not interpose any objection to the remaining specified changes. See Attachment A. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41).

Chapter 2007-30 includes provisions that are enabling in nature. Therefore any changes affecting voting that are adopted pursuant to this legislation require Section 5 review (e.g., rules adopted to implement the voting system audit requirements pursuant to F.S. 101.5911). Also, local jurisdictions are not relieved of their responsibility to seek Section 5 review of any changes affecting voting that are adopted pursuant to this legislation (e.g., changes in municipal election dates or voting method implemented pursuant to F.S. 101.75 and 101.151). See 28 C.F.R. 51.15.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action the State plans to take concerning these matters. If you have any questions, you should call Ms. Hillary Maki (202-305-4857) of our staff. Refer to File Nos. 2007-3844 and 2007-5429 in any response to this letter so that your correspondence will be channeled properly.

Sincerely,



John Tanner  
Chief, Voting Section

Enclosure