

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
v.)
)
STATE OF ALABAMA, AND)
NANCY L. WORLEY,)
Alabama Secretary of State,)
in her official capacity,)
)
)
 Defendants.)

CIVIL ACTION NUMBER:
2:06-cv-00392-WKW-SRW

ANSWER IN INTERVENTION

COMES NOW Joe Turnham, in his individual capacity as an Alabama voter and in his official capacity as the Chair of the State Democratic Executive Committee of Alabama and files this Answer in Intervention.

- 1-22. Upon information and belief, admitted.
- 23. Denied.
- 25-27. Upon information and belief, admitted.
- 28. Denied.

DEFENSES

- 1. Intervenor further adopts the defenses set out by the Defendants in this action, to the extent that the same are still applicable at this stage of the proceedings.
- 2. Intervenor further avers, however, that the Special Master which the Court intends to appoint should not be the Governor, but should, instead, to the extent possible, be someone who is not facing a contested election, someone familiar with the Help America Vote

Act (HAVA), 42 U.S.C. §§ 15483, and someone with experience in connection with voter registration systems in this state.

3. The Report of the Commission on Federal Election Reform (usually called the Carter-Baker Commission after its co-chairs, former President Jimmy Carter and former Secretary of State James Baker) calls for nonpartisan administration of elections at the State level and non-partisan member of the U.S. Election Assistance Commission. See http://www.american.edu/ia/cfer/report/CFER_section6.pdf at page 3. While it may be difficult to find a Special Master with the essential experience who has no partisan ties, Alabama would be better served if this Court were to appoint a Special Master who is not presently involved in a contested partisan election, rather than appointing an official who serves as the titular head of one of the major parties and who is presently involved in a contested partisan election.

4. As set out in more detail in the Motion to Intervene which is adopted as if set forth herein, the appointment of the Governor as Special Master will serve to further undermine the confidence of many voters in the electoral system.

Dated this 27th day of July, 2006.

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Respectfully submitted,

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**Attorneys for Movant/Defendant
Interventor Joe Turnham, in his
individual capacity and in his official
capacity as Chairman of the Executive
Committee of the Republican Party**

CERTIFICATE OF SERVICE

I certify that on the 27th day of July, 2006, 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 attorneys:

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