

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
) Civil Action Number:
 v.)
) 2:06-CV-00392-WKW
 STATE OF ALABAMA, and)
 BETH CHAPMAN, Secretary of State,)
 in her official capacity,)
)
 Defendants.)

RESPONSE TO SPECIAL MASTER’S MOTION
FOR EXTENSION OF TIME (Doc. 121).

The State of Alabama and Secretary of State Chapman respond to the Special Master’s Motion for Extension of Time as follows:

1. On August 31, 2007, the Court’s Special Master requested a 60-day extension of time in which to complete his work in bringing the State of Alabama into full compliance with the requirements of the Help America Vote Act of 2002. (Doc. 121).
2. By Order dated September 6, 2007, this Court allowed the plaintiff, United States, to file a response to the Special Master’s motion by today. The United States has filed its response. (Doc. 124). The State of Alabama and Alabama’s Secretary of State, Beth Chapman, defendants in this litigation, respectfully submit their response herein.
3. The State of Alabama and the Secretary of State do not object to the Special Master’s motion for an additional sixty days to complete the HAVA-compliant centralized voter registration system. The Special Master undertook a massive

project and successfully brought all 67 of Alabama's counties on-line with a centralized voter registration system within this Court's timeline. The Special Master has represented that the remaining prerequisites necessary for HAVA-compliance can be completed by October 31, 2007, which is substantially before the next federal election. At this late juncture, the State of Alabama and the Secretary of State see no reasonable alternative to allowing the Court's Special Master the time he needs to complete this undertaking.¹

4. The United States has requested a full evidentiary hearing "[i]n order to allow the Court and the parties to understand the natures and causes of the expected delay, and to convince all concerned that full compliance will be achieved within the 60 additional days requested by the Special Master" (Doc. 124 at 3).
5. Obviously the Court can order a full evidentiary hearing, if it deems it appropriate, and may do so *sua sponte*. The Court also has the option of freely communicating with the Special Master to address its questions or concerns.
6. For their part, the State of Alabama and the Secretary of State do not seek an accounting from the Special Master as to the "natures and causes of the expected delay." At this late juncture, there is no reasonable alternative to allowing the Special Master the time he needs to complete this undertaking. There is, further, no reason for the parties to attempt to micromanage the Court's Special Master. Nonetheless, with the understanding that the Special Master does not object, the State and the Secretary of State do not object to a status conference or a brief

¹ By their decision not to object to the Special Master's motion, the State of Alabama and the Secretary of State do not waive any objections that they might have regarding the voter registration system or the details of its transfer to the Secretary of State.

hearing involving a representative of the vendor, ES&S. This is the position taken in discussions with opposing counsel. *Cf.* (Doc. 124 at 3).

7. Unlike the United States, the State of Alabama and the Secretary of State see no reason for this Court to conduct a detailed hearing on the Special Master's motion. The Special Master is not now complaining of any failure on the part of the State of Alabama, the Secretary of State, or any of the State's Departments to cooperate. Absent such a complaint by the Special Master, a full evidentiary hearing would appear to be an unnecessary diversion of the State's limited time and resources, which would be better expended on the completion of this important project.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that on the 12th day of September, 2007, a copy of the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system, which will electronically send a copy of the same to the following:

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