

**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 SEVENTH
(MARCH 2007) INTERIM REPORT**

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

A. The former Chairman of the Special Master's HAVA Implementation Committee found it necessary to resign from the Committee. Mr. McDonald presented his resignation letter to the Governor and it was accepted. Very shortly after Mr. McDonald's resignation, the Governor appointed the Honorable Bill English to the HAVA Implementation Committee and to fill the position of Chairman thereof. Judge English personally met with Governor Riley, accepted the appointment, and literally hit

the ground running because of his personal knowledge of voter registration and the issues involved therein and because of his expertise in the field of information systems.

B. The HAVA Implementation Committee began contract negotiations with Election Systems and Software, Inc. (ES&S), the selected vendor, to attempt to achieve an acceptable contract for implementation of the voter registration system, in accordance with the Court Order and the requirements of the Help America Vote Act. These negotiations were primarily held in Montgomery, Alabama, and Memphis, Tennessee, and extended over the past month on almost a daily basis. When the parties were not personally involved in face-to-face negotiations, they were carrying on negotiations by phone and e-mail. Judge English, Trey Granger, and LaVeeda Battle, the attorney hired to assist in the contract negotiations, were primary participants in the negotiations, although each member of the HAVA Implementation Committee played a valuable part therein.

C. On or about the 22nd day of February 2007, the Honorable W. Keith Watkins entered an Order terminating the Secretary of State's membership on the Special Master's HAVA Implementation Committee. As a part of this Order, the Court encouraged the Special Master and the Secretary of State to keep each other fully informed of matters that affect the HAVA Implementation process. Since the removal of the Secretary of State from the HAVA Implementation Committee, the Governor's Office and the Secretary of State's Office have continued to cooperate and communicate on matters relating to HAVA Implementation. The Secretary of State and her staff have been kept fully informed of all developments and have participated in most, if not all, important meetings relating to HAVA Implementation and the final contract negotiations and approval. The Governor's Office and the Governor as Special Master

are effectively communicating and working with the Secretary of State and her staff in the implementation process.

D. On Friday, March 2, 2007, Judge English, as Chairman of the HAVA Implementation Committee, called a special meeting of the Committee to consider a proposed final contract. The HAVA Implementation Committee members had been given a draft contract the day prior to the meeting for their review and consideration. On Friday the meeting began at approximately 2:00 p.m. and ended at approximately 6:00 p.m. This was an open meeting attended by all members of the HAVA Implementation Committee, LaVeeda Battle, attorney for the Committee, Ken Wallis, the Special Master's attorney, members of the Secretary of State's staff, and a representative of the press. The HAVA Implementation Committee reviewed the proposed contract in great detail, discussed several items of concern, and suggested a few additional changes. Ms. Battle contacted the appropriate official at ES&S, by telephone, and the changes requested were agreed upon. The HAVA Implementation Committee then voted upon recommending the draft contract, as agreed upon, to the Governor for approval. The HAVA Implementation Committee did approve the contract and recommended it to the Governor. The Governor, through his attorney, accepted the recommendation of the HAVA Implementation Committee and the Committee was instructed to finalize the contract, as agreed upon, with the remaining appropriate changes.

E. Over the weekend, the contract was finalized. On Monday, March 5, 2007, two original copies of the final contract were signed by Mr. Aldo J. Tesi, President and Chief Executive Officer of ES&S, and Governor Bob Riley, as Governor of the State of Alabama and Special Master.

F. Of particular significance is the fact that the final contract, as signed, contemplates a voter registration system for the State of Alabama being implemented and in place in accordance with federal court orders and in compliance with the requirements of the Help America Vote Act by August 31, 2007. There are additional aspects of both voter registration and of election management that are contracted for and which will be completed but which may take additional time beyond the August 31st deadline.

G. On the date of the filing of this report, both ES&S and the State of Alabama have identified, in the case of ES&S a project manager, and in the case of the State of Alabama an interim project manager, and both of these individuals are already "on the ground" in Montgomery, Alabama, and beginning activities toward implementation.

Done this 5th day of March 2007.

Respectfully submitted,

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

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

I hereby certify that on March 5, 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

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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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