

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-SRW
STATE OF ALABAMA, and)	
NANCY L. WORLEY,)	
Alabama Secretary of State,)	
in her official capacity,)	
)	
Defendants.)	

DEFENDANTS’ RESPONSE TO
PLAINTIFF’S MOTION FOR A PRELIMINARY INJUNCTION

Come now Defendants State of Alabama and Secretary of State Nancy L. Worley in her official capacity as Alabama Secretary of State, by and through Troy King, Attorney General for the State of Alabama, and in response to the Plaintiff’s Motion for a Preliminary Injunction, state the following:

1. The defendants admit that the State of Alabama is not in compliance with the specific provisions of the Help America Vote Act of 2002 (“HAVA”), 42 U.S.C. 15301, *et seq.*, cited in the Complaint.

2. The Alabama Attorney General has received no information to date that disputes the accuracy of the Complaint or the factual statements of Department of

Justice attorney Christy A. McCormick in her May 1, 2006, declaration in support of the motion for preliminary injunction.

3. The Alabama Attorney General has received no information to date that challenges the authenticity of the documentation (Exhibits A through Q) submitted with the Declaration of Christy McCormick.

4. The State of Alabama agrees that Alabama voters are entitled to a fair and orderly voting process in both primary and general elections.

5. The State of Alabama submits that what needs to be determined both at the preliminary injunction stage, as well as at any subsequent hearing on the issues raised in the Complaint, is how best to achieve the State's compliance with HAVA.

Respectfully submitted,

TROY KING
ATTORNEY GENERAL
BY:

Margaret L. Fleming (FLE 001)
Assistant Attorney General

s/Winfield J. Sinclair

Winfield J. Sinclair
Assistant Attorney General
Attorney No. ASB-1750-S81W

Attorneys for Defendants

CERTIFICATE OF SERVICE

This is to certify that on the 17th day of May, 2006, 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:

Wan J. Kim, Esq.
Assistant Attorney General
Civil Rights Division
United States Department of Justice
Room 7254-NWB
950 Pennsylvania Avenue, N.W.
Washington, D.C. 2006

John K. Tanner, Esq.
United States Department of Justice
Civil Rights Division
Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128

Christy A. McCormick, Esq.
United States Department of Justice
1800 G Street, Room 7246
Washington, D.C. 2006

Robert D. Popper, Esq.
United States Department of Justice
Civil Rights Division
Room 7254-NWB
950 Pennsylvania Ave N.W.
Washington, D.C. 20530

Leura G. Canary, Esq.
United States Attorney
P.O. Box 197
Montgomery, Alabama 36101-0197

R. Randolph Neeley, Esq.
Assistant United States Attorney
P.O. Box 197
Montgomery, Alabama 36101-0197

s/Winfield J. Sinclair

Winfield J. Sinclair
Assistant Attorney General

Address of Counsel:

Office of the Attorney General
11 South Union
Montgomery, Alabama 36130
TEL: 334-242-7300
FAX: 334-353-8440
E-mail: wsinclair@ago.state.al.us