

EXHIBIT H



U.S. Department of Justice

Civil Rights Division

Assistant Attorney General

950 Pennsylvania Avenue, N.W. - MJB
Washington, DC 20530

October 27, 2005

The Honorable Nancy Worley
Secretary of State
P.O. Box 5616
Montgomery, Alabama 36103-5616

Dear Secretary Worley:

I am writing to you in your capacity as the chief election official for the State of Alabama to request information concerning the State's compliance with the voter registration information verification requirements of Section 303(a)(5) of the federal Help America Vote Act of 2002 ("HAVA"), 42 U.S.C. 15483(a)(5).

As you know, Section 303(a)(5)(A)(i) of HAVA prohibits states from processing individuals' voter registration applications for federal elections unless certain information is provided by those individuals. Specifically, HAVA mandates that:

an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes –

- (I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or
- (II) in the case of any other applicant (other than an applicant to whom [Section 303(a)(5)(A)(ii) of HAVA] applies), *the last 4 digits of the applicant's social security number.*

42 U.S.C. 15483(a)(5)(A)(i) (emphasis added). If an applicant "has not been issued" a current and valid driver's license or a social security number, HAVA Section 303(a)(5)(A)(ii) dictates that the State must assign the applicant a unique identifying number for voter registration purposes. See 42 U.S.C. 15483(a)(5)(A)(ii).

Section 303(a)(5)(B)(ii) of HAVA further requires the motor vehicle authority of each State to enter into an agreement with the U.S. Social Security Administration ("SSA") for the purpose of verifying the social security number information provided by voter registration

applicants pursuant to the statute. See 42 U.S.C. 15483(a)(5)(B)(ii). Because your state sought and received a waiver of the requirements in Section 303(a)(5), they become effective on January 1, 2006. See 42 U.S.C. 15483(d)(1).

The SSA has designed and implemented a program to enable state motor vehicle agencies to verify the last four digits of voter registration applicants' social security numbers, and States have begun using this program. We have been advised by the SSA, however, that your State has not yet contacted the SSA to enter into the agreement necessary for compliance with HAVA's requirements in this regard. In light of this information, we request that you provide the Department of Justice with answers to the following questions as soon as possible, but in no event later than three weeks from the date of this letter:

1. Has the State contacted SSA for the purpose of entering into the agreement contemplated by Section 303(a)(5) of HAVA? If so, please provide all details concerning this contact, including when the State entered into such agreement, whether the SSA verification program is currently in operation in the State and, if not, when it is expected to be operational;

2. If the State has not yet contacted SSA, please indicate the reason for the same and set forth the State's plans to initiate such contact and achieve compliance with HAVA's requirements in this regard.

You should note that the contact person at the SSA for purposes of the HAVA voter registration information verification program is Peter Monaghan, Senior Advisor, Office of Programs. He can be reached at (410) 966-9972 or at Pete.Monaghan@ssa.gov. Please let us know once you have made such contact and inform us at that time of your expectations concerning (i) the completion of your agreement with the SSA and (ii) an operational date for the verification program in your State.

Please be advised that the Department of Justice has enforcement authority for the election technology and administration requirements of Title III of HAVA, which include the verification requirements of Section 303(a)(5) and the SSA agreement requirements necessary for compliance with those verification requirements. See HAVA Section 401, 42 U.S.C. 15511. While we trust that your State will proceed promptly to comply with these requirements in a timely manner, we are prepared to take enforcement action in matters of HAVA noncompliance where appropriate.

Please send your written response to the attention of Civil Rights Division attorney Chris Herren at the following address: Voting Section, Civil Rights Division, Room 7254 - NWB, U.S. Department of Justice, 950 Pennsylvania Ave., N.W., Washington, DC 20530. You also may fax your response to 202-307-3961. If you have any questions about this request, please call Chris Herren (202-514-1416) or Brian Heffernan (202-514-4755).

Thank you for your cooperation.

Respectfully,

A handwritten signature in black ink, appearing to read "Bradley J. Schlozman". The signature is written in a cursive, flowing style.

Bradley J. Schlozman
Acting Assistant Attorney General

cc: Governor Bob Riley