

EXHIBIT L

NANCY L. WORLEY
SECRETARY OF STATE



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600 Dexter Avenue
P.O. Box 5616
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January 27, 2006

State of Alabama
VIA U.S. MAIL AND FACSIMILE

The Honorable Chris Herren
Attorney, Voting Section
Civil Rights Division
Room 7254 - NWB
Department of Justice
950 Pennsylvania Ave., N.W.
Washington, DC 20530

2006 FEB -2 PM 1: 22
CIVIL RIGHTS DIVISION
VOTING SECTION

Re: The Information You Requested in Our January 12, 2006 Conference Call

Dear Mr. Herren:

On January 12, 2006, you and your staff participated in a conference call with Adam Bourne, an attorney in the Secretary of State's office, and me. During that conversation, we discussed the status of Help America Vote Act ("HAVA") implementation in Alabama. Further, you requested that we provide the following information:

- 1. Alabama currently uses a statewide voter registration system, called the Alabama Voter Information Network ("ALVIN"). The way in which information is uploaded to ALVIN varies among the counties. Additionally, the frequency of county uploads to ALVIN varies.**

According to Mr. Mickey Moore of our Information Systems Division, thirty-eight (38) of sixty-seven (67) Alabama counties use only ALVIN for voter registration; so in those counties, local registrars enter data directly into ALVIN. The remaining twenty-nine (29) counties use varying types of local voter registration systems that upload to ALVIN on a periodic basis.

Of the counties that use local voter registration systems, seven (7) send data for upload to ALVIN on a weekly basis. Those counties include Lee, Tuscaloosa, Calhoun, Jefferson, Madison, Montgomery, and Morgan. Once our office receives the data from those counties, our staff uploads it to ALVIN.

A second set of counties also updates ALVIN regularly, but does so directly, with only occasional assistance from our staff. These counties either enter data into ALVIN concurrently with entering data into their own local systems, or use a File Transfer Protocol ("FTP") to upload data directly to ALVIN. Those counties include Autauga, Baldwin, Bibb, Chambers, Chilton, Coffee, Colbert, Dale, Etowah, Fayette, Franklin, Houston, Lawrence, Limestone, Macon, Marengo, Pickens, St. Clair, Talladega, and Walker. Shelby County electronically transmits data from its local voter registration

system to our office mainframe, with our staff running a program to upload the data onto ALVIN.

I have instructed Mr. Moore to work with local election officials to achieve weekly updates to ALVIN from all sixty-seven (67) Alabama counties, while we implement a new statewide voter registration system.

2. **In Alabama, county commissions are responsible for purchasing voting equipment. See Code of Ala. 1975, § 17-9-8. The same is true for voting equipment purchased to comply with HAVA, except that the State of Alabama, with HAVA funds, will reimburse the counties for some expenses associated with buying such equipment. See Code of Ala. 1975, § 17-25-4.**

Sixty-six (66) of sixty-seven (67) Alabama counties have placed orders for equipment to meet the requirements of HAVA. The only county that has not placed an order is Jefferson; however, Jefferson County has selected voting equipment to comply with HAVA.

All sixty-seven (67) Alabama counties have chosen to procure voting equipment to provide accessibility to voters with disabilities from Election Systems and Software ("ES&S"). Specifically, the counties have chosen the ES&S Automark to comply with HAVA disability requirements. Additionally, all sixty-seven (67) counties have selected ES&S to provide for their precinct-based counter and optical scan machine needs.

Montgomery County has taken delivery of equipment to comply with HAVA, and Bullock County replaced its lever voting machines two (2) years ago with HAVA-compliant optical scan equipment. ES&S plans to deliver voting equipment to all sixty-seven (67) counties by May 1, 2006.

3. **Alabama registrars request, though do not require, voter registrants to provide Social Security numbers. Registrants who voluntarily provide Social Security numbers are identified by those numbers for voter registration.**

HAVA Section 303(a)(5)(D) exempts certain states from the federal prohibition on the use of full Social Security numbers for voter registration. Specifically, Section 303(a)(5)(D) references a provision of the Privacy Act of 1974, 5 U.S.C. 552a (note), which provides that certain government entities may ask for Social Security numbers, including:

...any Federal, State, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.

This exception is perhaps better described by the Social Security Administration ("SSA"), which summarized the relevant provision in an administrative rulemaking as follows:

Section 303(a)(5)(D) of HAVA (42 U.S.C. 15483(a)(5)(D)) also allows those States that have historically collected SSNs for voter registration purposes, in accordance with section 7 of the Privacy Act (5 U.S.C. 552a note), to verify the full SSN instead of the last four digits of the SSN for State voter registration for elections for Federal office. Accordingly, those States that collected the SSN in accordance with the provisions of section 7 of the Privacy Act may request SSA to verify the full SSN of their voter registrant applicants as allowed by section 303(a)(5)(D) of HAVA.

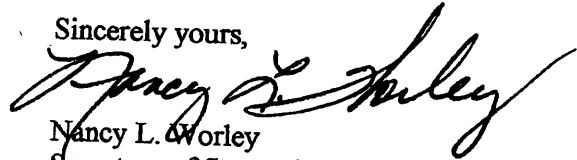
Proposed Amended Routine Use Disclosure, 69 Fed. Reg. 63,432 (Nov. 1, 2004).

Though we have diligently researched the issue of whether Alabama falls within this exception, we have thus far not located a voter registration form from 1974, which should provide the information needed to make a final determination. My staff and I will continue to search for that and other records which will help us determine whether Alabama may continue to use full Social Security numbers for voter registration.

Currently, approximately ninety-eight (98) percent of Alabama's registered voters are identified by their full Social Security numbers. Please see the printout and the Alabama voter registration form enclosed with this letter for further details on this issue.

Thank you for your assistance in this and other voting-related matters for our state. Please feel free to call on me or Adam Bourne with any additional questions.

Sincerely yours,



Nancy L. Worley
Secretary of State of Alabama

Enclosures (5) Alabama Voter Registration Form
ALVIN User's Guide
Social Security Breakdown of Registered Voters
Certified Electronic Voting Systems by the Alabama Electronic
Voting Committee
County Voter Registration System List