

**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 THIRTEENTH
(SEPTEMBER 2007) INTERIM REPORT**

Comes now Bob Riley, Governor of the State of Alabama, as Court-appointed Special Master, and files his thirteenth monthly interim report detailing the activities and progress made toward implementation of Alabama’s single, uniform, official, centralized, interactive computerized statewide voter registration list.

**I. SPECIAL MASTER’S CERTIFICATION AS TO OVERALL
IMPLEMENTATION PROGRESS AND STATUS OF COMPLIANCE**

The Special Master continues to be extremely pleased to report to the Court that the State of Alabama has now achieved substantial compliance with the Court’s Order of August 8, 2006, and that the final elements of compliance are being accomplished, on schedule, as suggested in the Special Master’s Twelfth Interim Report, as supplemented by the Special Master’s Third Weekly Report. The Special Master is advised that

Alabama's efforts over the past twelve months have resulted in a current compliance percentage, when considering all aspects of overall compliance, at the level of 95% plus. The Special Master is advised and believes that on or before September 30, 2007, the State of Alabama will be in greater than substantial compliance and will have achieved overall compliance in excess of 98%.

A. The voter registration systems throughout the State of Alabama, in all 67 counties, including probate offices, circuit clerk offices, and voter registrar offices, have been successfully converted and have currently "gone live" and the systems are operationally viable in these counties and the respective offices therein. This major step being fully accomplished prior to the Court's original deadline of August 31, 2007.

B. Probably the most complex task of the overall implementation effort was to achieve a secure, accurate, and workable interface between the Alabama Voter Registration System and the three separate departments of state government. Two of these interfaces, one with the Alabama Department of Public Health and one with the Administrative Office of Courts, are in the process of being achieved and are expected to be completed in full before September 20, 2007. The most complex of the three interface requirements is that of the Alabama Department of Public Safety which must develop the software to allow interface between its own mainframe and the information therein, and one of its providers Digimarc and its client server-based system, and a secondary interface with the U.S. Social Security Administration, that is necessary to validate social security numbers when the Alabama Department of Public Safety does not have that information on particular individuals. Because of the complexity of these interfaces, the time and technology requirements involved, and for a number of other

reasons, it has become apparent that the work will not be complete and the interfaces operational until approximately the second week of October 2007. The Special Master has now been given what he considers to be a reliable time estimate. He is advised that all of this effort should be accomplished, to the extent of becoming fully operational, by the second week of October 2007.

C. It is the Special Master's intention to continue to file weekly reports with the Court for the remainder of the month of September, and thereafter if necessary, updating the Court accurately on progress and time estimates for completion of this one delayed aspect of implementation. The Special Master has requested a time extension of the current deadline for an additional sixty (60) days. All parties will continue to receive copies of these additional weekly reports. In the interim, if the Court desires for the Special Master to do any additional items or activities, the Special Master will be ready, willing, and anxious to comply.

II. ACTIVITIES OF THE SPECIAL MASTER AND THE SPECIAL MASTER'S IMPLEMENTATION COMMITTEE

Activities since the date of the Special Master's twelfth report are as follows:

A. Almost all activities of the Special Master and the Implementation Committee and the State of Alabama's vendor, ES&S, are progressing in accordance with the projected implementation schedule. The only significant exception being the Alabama Department of Public Safety, and to a lesser degree the Administrative Office of Courts and the Alabama Department of Public Health, interfaces which are discussed in the prior section of this report.

B. Since the last report, all 67 counties have now “gone live” under the new voter registration system. Currently ES&S is dealing with the appropriate officials, in the counties, to perform testing, training, and “working out the bugs” of the system.

C. ES&S is providing to each of the counties, after their “go live” date, an additional two days of on-site support/training to further facilitate the ability of the individuals responsible for the data entry and the operation of the system in the individual counties, to effectively operate their portions of the new system. ES&S will also be providing voluntary regional training to county personnel.

D. The Special Master, along with the Implementation Committee, have agreed that ownership of all county desktop computers and peripherals, such as printers, scanners, etc., associated with Alabama’s Voter Registration System will fall under the ownership of the Secretary of State. This is in addition to all server components, both locally and centrally installed.

E. With regard to the interface development problems at the Alabama Department of Public Safety, the Department of Public Safety Director and the other responsible individuals at the Department of Public Safety have made this project their number one priority and manned the project accordingly. In addition, Colonel Chris Murphy, Director of the Alabama Department of Public Safety, requested that its provider, Digimarc, also give the project this same priority within its operational system. Digimarc and its primary sub-contractor, K-Force, have expressed full cooperation and have also acted so as to make this their number one priority in the State of Alabama, and have assigned additional personnel to the project in order to provide completion at the earliest possible date (see attachment – Exhibit A). The Special Master is satisfied that

everyone involved is doing everything within their power to achieve full compliance at the earliest possible date.

F. Additional problems have been identified in various counties of the State of Alabama with regard to training of the various personnel so as to allow them to be able to perform the various required tasks in order to effectively operate the overall voter registration system. ES&S is attempting to provide additional training where possible. ES&S is committed to provide additional regional training opportunities for all county personnel who would like avail themselves of the training and the Special Master has committed to reimburse expenses to those persons wishing to avail themselves of this additional training, for their travel and meals that are necessary. It is not contemplated that the distances involved to the regional training sites will require overnight stays, although the training may include either two or three days of hands-on activity.

G. The Special Master, the Implementation Committee, the project managers, and other interested parties will plan to meet the first part of October for a more in-depth assessment of the status of the overall project. Some of the issues to be further considered, as previously reported, are the following:

1. Issues relating to the need for additional computer hardware in some counties of the State of Alabama.
2. Issues relating to the need, advisability, and affordability of a secondary backup data center.
3. Issues relating to training and support.

It is expected that there will be additional issues discussed at this status meeting.

H. The Special Master is extremely pleased to be able to report substantial compliance at this time and to be able to assure the Court that even a greater level of substantial compliance will be in place before September 30, 2007. The Special Master was disappointed to report that the problem with the very complex interface at the Alabama Department of Public Safety would cause a slight delay in 100% compliance by August 31, 2007, but assures the Court that everything is being done, within reason, to accomplish this task at the earliest possible date. Weekly reports with more detailed information will follow.

Done this 4th day of September 2007.

Respectfully submitted,

A handwritten signature in black ink that reads "Ken Wallis". The signature is written in a cursive, flowing style.

Kenneth D. Wallis, II
Chief Legal Advisor
Office of the Governor
State Capitol, Suite NB-05
600 Dexter Avenue
Montgomery, Alabama 36130
(334) 242-7120 Phone
(334) 242-2335 Fax

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 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

Misty S. Fairbanks

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:

**John K. Tanner
U.S. Department of Justice
Chief, Voting Section
Civil Rights Division
Room 7254-NWB
950 Pennsylvania Avenue NW
Washington, DC 20530**

**Wan J. Kim
U.S. Department of Justice
Voting Section
Civil Rights Division
Room 7254-NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530**

**/s/ Kenneth D. Wallis, II
Kenneth D. Wallis, II
Chief Legal Advisor
Office of the Governor**