

IN THE UNITED STATES DISTRICT COURT
FOR NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

RICHARD GOODEN, ANDREW JONES, and
EKEYESTO DOSS,

Plaintiffs,

v.

NANCY WORLEY, in her official capacity as
Alabama Secretary of State; NELL
HUNTER, in her official capacity as
Jefferson County Voter Registrar; and
ANITA GIBSON, WALTER LONG, and MOLLY
MEADOWS in their official capacities as
Houston County Voter Registrars,

Defendants.

Case No. 2:05-cv-2562

Exhibit 20

IN THE CIRCUIT COURT OF JEFFERSON COUNTY
TENTH JUDICIAL CIRCUIT OF ALABAMA

RICHARD GOODEN, etc.,

Plaintiff,

v.

NANCY WORLEY, in her official
capacity as Alabama Secretary of
State, and NELL HUNTER, in her
official capacity as Jefferson
County Registrar,

Defendants.

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CASE NO. CV 05-5778

FILED IN OFFICE
ANNE-MARIE ADAMS
Clerk
APR 04 2006

ANSWERS TO INTERROGATORIES

1. Are you, or any agents or persons acting on your behalf, aware of the occurrence of any speech made by the Secretary of State (whether Jim Bennett or Nancy Worley) since 1 June 1996 making reference to voter registration (including the denial or regulation of registration) by persons convicted of a felony? If your answer to this question is anything other than an unqualified "no", then give the following details:

- a. For each speech given, state the location, date, and group before whom each speech was made.
- b. If you do not have a copy of a particular speech, but are aware of its existence, please state the person or persons (including the name, title, office address, and telephone number) you believe has the speech.

- c. For each speech given, produce for inspection and copying the written text, an audio recording, and a video recording, if such exist.
- d. For each speech given, produce for inspection and copying any notes or outlines of the speech made or used by the Secretary of State or made by any other person in attendance.
- e. For each speech given, produce for inspection and copying any documents handed out to any persons in attendance relating to the Secretary's speech.

Answer:

Yes.

- a. Comments made by Secretary Worley to employees of the Jefferson County Board of Registrars and others at Cullman, Alabama, November 9, 2005.
- b. See attached transcript.
- c. November 9, 2005.
- d. Not applicable.
- e. Copy of transcript enclosed.

2. Are you, or any agents or persons acting on your behalf, aware of any written communication made by the Secretary of State (whether Jim Bennett or Nancy Worley) since 1 June 1996 making reference to vote registration (including the denial or regulation of registration) by persons convicted of a felony? If your answer to this question is anything other than an unqualified "no", then give the following details:

- a. Produce the communication for inspection and copying.

- b. If you do not have a copy of a particular communication, but are aware of its existence, please state the person or persons (including the name, title, office address, and telephone number) you believe has the written communication.
- c. If the communication does not show a date of writing or sending, then state the date on which the communication was made and the source of your information.
- d. If the communication does not show the persons to whom the communication was sent, then state the persons (including the name, title, office address, and telephone number (receiving the communication and the source of your information.

Answer:

Yes.

- a. Letter from Secretary Worley dated May 27, 2005.
- b. Copy attached.
- c. Not applicable.
- d. Letter addressed to all Registrars in Alabama.

3. Are you, or any agents or persons acting on your behalf, aware of any regulation, order, instruction, command, directive, training manual, or rule (hereafter "regulation") issued or approved by the Secretary of State (whether Jim Bennett or Nancy Worley) since 1 June 1996 making reference to voter registration (including the denial or regulation of registration) by persons convicted of a felony? If your answer to this question is anything other than an unqualified "no", then give the following details:

- a. Produce the regulation for inspection and copying.
- b. If you do not have a copy of a particular registration, but are aware of its existence, please state the name, title, office address, and telephone number of the person or persons you believe has the regulation.
- c. If the regulation does not show a date of adoption, then state the date on which it was adopted and the source of your information.
- d. If the regulation does not show the persons to whom the regulation was sent, then state the persons receiving the regulation and the source of your information.

Answer:

I am not aware of any command, directive or order from the Secretary of State.

4. Are you, or any agents or persons acting on your behalf, aware of any regulations, order, instruction, command, directive, training manual, or rule (hereafter "regulation") issued or approved by the Director of Voter Registration, the Supervisor of Voting Registration, or the Voter Registration Advisory Board since 1 June 1996 making reference to voter registration (including the denial or regulation of registration) by persons convicted of a felony? If your answer to this question is anything other than an unqualified "no", then give the following details:

- a. Produce the regulation for inspection and copying.
- b. If you do not have a copy of a particular regulation, but are aware of its existence, please state the person or persons (including the name, title, office address, and telephone number) you believe has the

regulation.

- c. If the regulation does not show a date of adoption, then state the date on which it was adopted and the source of your information.
- d. If the regulation does not show the person or body adopting it, then state the person or body (including the name, title, office address, and telephone number) by whom it was adopted and the source of your information.

Answer

I am not aware of any command, directive or order from the Secretary of State.

5. Are you, or any agents or persons acting on your behalf, aware of the existence of any list (in whatever form maintained) of persons who have been denied registration as a voter or removed from the voter rolls of any county in Alabama because of the commission of a felony? If your answer to this question is anything other than an unqualified "no", then give the following details:

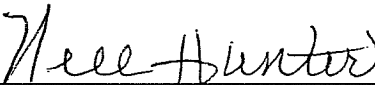
- a. Produce the list (along with any key or formatting instructions for understanding the data) for inspection and copying. (If the list is maintained in an electronic format, please contact plaintiffs' counsel to discuss the best method of production.)
- b. State by whom (including the name, title, office address, and telephone number) the list is or was maintained.
- c. State the dates during which data for the list was gathered.
- d. If you do not have a copy of this list, but are aware of its existence, please state the name, title, office address, and telephone number of

the person or persons you believe has the list.

Answer:

Yes.

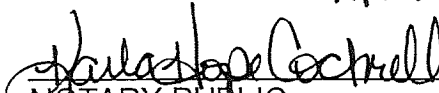
- a. A copy of the requested list is being prepared and will be provided as soon as possible.
- b. Nell Hunter, Jefferson County Registrar.
- c. January 1, 1996 to present.
- d. Not applicable.



NELL HUNTER, Chairwoman
Jefferson County Board of Registrars

Sworn to and subscribed before me
on this 4th day of ~~March~~, 2006.

April



NOTARY PUBLIC

My Commission Expires: 7/25/06

CERTIFICATE OF SERVICE

I have served a copy of the foregoing **ANSWERS TO INTERROGATORIES** on counsel for all parties, by placing same in the U.S. Mail, postage prepaid and properly addressed, this the 4th day of April, 2006.



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Training and Information for Regional Sessions
Cullman, AL
November 9, 2005

'A' says if a person has a Hispanic name, speaks Spanish, looks Hispanic or you think they're Hispanic, they are to be treated the SAME as all other registration applicants. You are not to ask for citizenship papers, unless you ask every human being who registers for citizenship papers. Some groups within the state of Alabama, legal groups, tested you. Ms. Worley did not know they were testing you. She had sent out some memos to this effect, but she had no clue they were testing you. Some of you passed, some of you failed. Because when they called some of your offices and said, 'Must a Hispanic voter (and they sent some Hispanic voters in to some of your offices)', and some of you asked for citizenship papers. Some of you didn't, some of you were perfect. But remember, do not ask for citizenship papers from anyone whose name just happens to be Jose or Miguel or whatever, or speaks Spanish, unless you ask everybody for their citizenship papers. When that person signs that oath at the bottom of that application, they are signing an oath, under penalty of law, that they are eighteen years of age, a resident of Alabama, a US citizen, haven't been convicted of a felony or haven't been declared mentally incompetent. They sign that oath, and that's what you have to go on. This cannot be misunderstood because lawsuits are waiting.

Question from person in audience: Anyone who has worked in a registrar's office, they should know that above anything else that they're doing, would it not be proper, as Secretary of State, to call and say, 'Cullman County, sorry, but you got three phone calls and you messed up.' Person in audience said she has had people question her because she registered somebody.

Ms. Worley said some of them may have been in the session they had two years ago, but there was a woman not from this part of the state, who spoke up and said, 'I just ask them for their citizenship papers.' She had always done that and she had been a long-time registrar. If it has been done that way in your county, she is saying cease, forever, please. Most of you did well in the testing but there were a significant number of counties who didn't. She didn't know the testing was going on at the time. Then some groups came to her and said, 'We will be filing a lawsuit against so and so' and she and her associates said, 'Let's give them one more chance for us to tell them this.' So that's what we're doing, one more chance.

Person in audience asked, 'What do you think the chances are that some of the confusion and problems might be coming from some of the people who are out there doing the voter drives? How are we going to be separated as registrars from people out doing voter drives who are asking for things?'

Ms. Worley said the legal groups that called, called the registrars' offices or sent people into your offices as a test. They did not talk to anybody who was doing voter drives. It was a significant enough number of counties that Ms. Worley promised that she and associates would go over it one more time. Even though this is about the third time. You've gotten it in writing, and they've talked about it, but if it happens in the future, she can assure the registrars, they will be sued.

Person in audience asked, 'If someone comes in that does not speak English, we do not have this (application?) in Spanish, and I don't have an interpreter in my office, how do we handle that?'

Ms. Worley said that if they come to your voter registration office, she would suggest that you offer them an application. We all have to assume that they are there to register to vote. If they continue to ask you questions and you can't answer their questions, you're simply going to have to try to find out if there is anyone there in the courthouse who does speak Spanish or some other language, or you have to try to communicate to them that they need to go take this and get someone to interpret it for them or answer their questions.

Person in audience asked, 'Upper right of the registration form says, Are you a citizen. If it says no, it says you are not eligible to register. What if they check that, but sign the declaration at the bottom?'

Ms. Worley said that they can be in big trouble. They have falsified a document. But if they sign that document, you accept it and process it. She will refer to the attorney to be sure, but that may be a case where you need to simply send the application back to the applicant and say, 'You have checked two different things here. You have checked that you are not a citizen, but you've signed that you are, please clarify.' She introduced Adam, one of their new attorneys, to speak on the legal sense of the issue.

Adam said that in that situation, Ms. Worley was right; you would probably need to point out that error. The problem is that the oath is separate at the bottom and it has those three pre-requisites where the oath is. It is not necessarily that you are signing to the entire document; you are signing the oath at the bottom. If they swear at that point that they're a citizen, he would say that's entitled to some deference.

Ms. Worley said to audience, "You choose to have a lawsuit against you if you don't do this. Anybody in here who refuses to take a document where a person has signed that oath, if anybody refuses to accept that voter's registration application, you have simply said, 'Sue me'." She said she couldn't say it any plainer than that, and she hated to start out with something like this that is real controversial with some of you, but they're having these meetings in part to go over this one more time, and she knows this has to be the third time.

A person in the audience said that they were always told that if you err, err to the side of the voter.

Another person in the audience asked what would be wrong with taking that application, processing it and sending a copy to the Attorney General and let him sue them.

Ms. Worley said that if you send it to the Attorney General, then you send all the other applications to the Attorney General. She will say it one more time. If you ask for citizenship papers, or if you send it to the Attorney General's office, or if you do anything different to a Hispanic person's application than you do to anybody else's application, then you've said, 'Sue me', and you lose.

Person in audience asked, if state law says we have the authority to make this question, how do you circumvent that state law?

Ms. Worley said, because they have signed an oath saying they are US citizens, they are eighteen years of age, and they are residents of Alabama. They have signed an oath, and that oath says, under penalty of law. Now, if somebody challenges them in

court, not you, but someone challenges them, then they'll have to defend themselves. But you can't go out on a limb and trick them differently.

Person in audience said, once you get their John Henry on that application, they can't sue you. What do we need to do, just make sure they sign it?

Ms. Worley said, they have signed an oath.

Moving on to 'B', agency-based applications. All of you know that the Motor Voter Act when it passed said that certain agencies have to offer voter registration applications. She thinks that most probate judges' offices have applications available and whoever issues drivers licenses in your courthouse should have applications available. Your circuit clerk should have some applications available. DHR should have some applications, along with the Department of Public Health and public libraries, etc. Ms. Worley and associates have brought in today some little boxes (we did these two years ago but they didn't get widely disseminated). She fully understands that you don't have time to run around to all the agencies once a week or once a month and pass out applications. She picked up this box when she was in Massachusetts for them; they even gave us the die-cuts so we didn't even have to pay for the die-cuts as long as we used everything that was the same as they had. This box is one that you can set in every one of these agencies. She wants everybody to take one today and try to go around and check in your county, and make sure that your public library, DHR, where the drivers licenses are, make sure they have a box or voter registration applications. Everybody take one today and she wants you to send Robert White where you have put your boxes, so we have a good field, because what we will do is try to help you keep them refilled as much as possible when we are in those areas. She understands that you have a lot of work to do and you can't keep up on a daily basis with the agencies, nobody expects you to do that. As we get closer to election time, it's very important that you keep up with those agencies on a weekly basis, and that you get their applications on a weekly basis. We had a problem in Alabama last year in the 2004 elections, with a couple of agencies not calling you, you didn't call them, and some applications were left at a couple of agencies where people thought they had registered. So it is incumbent upon you as voter registrars. You are the voice of people in this state to register to vote. You are pro-active in getting people to register, you want people to register, and you want people to participate in their government. So as a result of that you need to keep in contact with those agencies and make sure that you have collected their voter registration forms on a regular basis. We don't need to have the deadline pass, and then all of a sudden you go, 'The deadlines passed, we can't register these people to vote.' What we said last time, was that if they had turned in their application by the deadline, then you are to go on and process that application, but remember that it's your responsibility to work with those agencies and make sure they have voter registration applications. She wants all of you today to take one of the boxes with you. And they've also put some little booklets in there on how to conduct a voter registration drive. She suspects that some of you have people coming into your office asking you how to go about conducting a voter registration drive. Robert did a booklet, and that booklet is available in that box.

Person in audience asked why agency form is different from regular form. It makes it very difficult to process.

Ms. Worley said that was a valid point. She was not around when Motor Voter passed, but any of you who were, correct her. She thinks we have to turn in a count of

applications that were turned in at agencies as opposed to those that were normally processed. She thinks that agency form was designed so it could be distinguished from the other forms and it would be easy to count. The problem is now, quite frankly, some of the agencies give out regular forms. She has seen voter registration offices have the agency-based ones out on their counters. So there's such a mix now that you are not going to be able to determine that from just the separate forms. But she thinks it was originally designed for that. She asked those in the audience who had been around awhile if that was correct, and audience members affirmed this.

Person in audience said that EAC wanted to monitor the effectiveness of that particular program because they've been publishing statistics over a period of weeks on just how successful that program is, so they're going to take that data to see whether they want to implement that program in the future or what the status would be.

Ms. Worley said the EAC took the place of the FEC (the Federal Elections Commission). The FEC now longer exists, it is now the EAC which is the Elections Assistance Commission, and they are monitoring everything now, how many of this you send out and how many of these you get back, how many absentee ballots you sent and all that. So everything now is on a numbers basis. She knows that Robert is supposed to keep a tally of how many applications come from each county that are agency-based versus others, then he is asked for those statistics so that's the reason it's important to keep those, but one thing she needs to remind you, and she suspects you were doing this with very good intentions, but they got a report that some county, and she doesn't remember which county, was making the people who brought in the voter registration applications from an agency sign their names at the bottom of the application. She suspects that the people were trying to actually identify these as agency-based applications; she doesn't know that it was somebody trying to do something wrong, but unfortunately when you ask people to sign their name at the bottom of the registration application that is a very questionable practice. You can keep up with which agency as you should, but don't ask people to sign their names at the bottom.

Person in audience asked, our agencies have their name at the top, and all of our social workers and the ones that send them in like WIC, they all put their name and telephone number in case we need to contact them.

Ms. Worley asked if they voluntarily put that on the application. Person in audience said yes. Ms. Worley said it is still not a good practice to have somebody else's name on the application. You need to have a look at these applications, because they've been alerted to several things they're telling you today that are questionable practices. Some that they've been outright told, 'We intend to file suit on date certain if this is not corrected'.

Person with Ms. Worley said, in one particular issue it was alleged that one particular agency-based officer was asked to do that specifically, and it wasn't something that was being demanded or required by that particular registration office on a universal broad scale. The issue which Ms. Worley is referring to was a specific scrutiny of one particular person. Of course there is a place for the name, but if that is going to be the practice of the office, it needs to be general and not just one particular person. If it's going to be WIC, then fine, but you can't make one WIC office do it and not the others as well, so uniformity is the issue.

Person in audience asked, if we do not have the names of those agency-based people that did that, there would be no way we could process half the applications because they are so incomplete. We get a house number but not the street name and we depend on those names and those telephone numbers to notify the agency for them to pull their records to see what the information is on those people.

Ms. Worley said that is a very valid point, she has a feeling that the ones that were signed that were questioned were probably done with good intent. Robert has spoken more specifically because he is the one that got the complaint to it being a singled-out situation. What we're trying to preach here today repeatedly is be consistent. Don't ever single anybody out for anything. No matter whether you like their hair color or whatever, just don't single anybody out.

'D' says keep original applications on file with that original signature. What we've just been preaching is that when people sign this oath, they have signed an oath under penalty of law. Keep those applications, do not throw them away. She knows that some of you want to get rid of old boxes of applications and all that, but keep those original applications.

Person in audience asked if Ms. Worley was talking about the original, the initial applications, not the changes that occur afterwards.

Ms. Worley said to keep the most recent change with that application. You don't have to keep every year's worth of changes, because there is a disposal plan for those, but keep that original application with the signature on it. The RDA plan says we keep the changes for four years, but if you get an update form, keep the latest address you have on file for them.

'E' is a concern to many of you. You've been tested on this one, too. Most of you remember last Spring, your association had a speaker from the Pardons and Paroles Board who came, and he had requested an Attorney General's opinion. And Attorney General King had issued an opinion which varied from your practice for years. Attorney General King said that felons who were guilty of a felony of moral turpitude could not vote, but those felons who were guilty of non-moral turpitude felonies could. All of you in this room, if you have been a registrar for a long time know that has not been your practice. Even that application for years has just talked about 'not convicted of a felony.' Person in audience said that they were under the impression that all felonies were included. Ms. Worley said that is what they have always done and what they have always been instructed to do. Ms. Worley and others have gone back and checked two or three decades, and that has been the practice. After Attorney General King ruled that you had to deal with felons in two different classes, the Ms. Worley and associates wrote, in May, and asked for an Attorney General's opinion to clarify this practice. Ms. Worley and associates sent audience members a copy of that letter. That letter asked the Attorney General for three or four things: (1) Since this is a change in practice, will the Department of Justice have to pre-clear it, because anything in Alabama that you change has to be pre-cleared through Justice. (2) Can you give us a definitive list of which felonies are those of moral turpitude and which felonies are those of non-moral turpitude, because the district attorneys tell Ms. Worley that that is a very gray area in the law, and that even they do not always know which ones fall into which categories. (3) What kind of procedure is your dear probate judge going to use in an election to allow certain felons in prison to vote and certain felons not to vote? Will the probate judge have to set up a

polling station in prisons and jails to let certain felons vote but certain ones not vote? And a further implication of that is, how do you guarantee the secrecy of that ballot for a prisoner? Ms. Worley had some people say that maybe it could be an absentee ballot, but they x-ray all the prisoners' mail. So can you guarantee the secrecy of a ballot that is going to be x-rayed?

So Ms. Worley and other associates asked basically, how is this going to be done, and how are they going to deal with all those felons who have been removed thirty, twenty and fifteen or more years ago, who are they going to deal with that? Most of you don't know who they are. So we're going to have to have some guidance. And there are groups out there who are testing you on that too. They will bring around an ex-felon to your office, and ask you to register there, and most of you have said, 'Well, Ms. Worley told us to keep doing what we're been doing.' Ms. Worley said do not change your practice until we get some specific guidance from the courts or from the Attorney General, because as surely as you change, the courts may say exactly opposite or change some practice. Of all people, we don't need to get all crossed up all over the state on how we handle this. It needs to be handled in a very uniform way, but we need some guidance from the courts and from the Attorney General. The Attorney General ruled that we were supposed to divide felons into these two groups. But Ms. Worley said she doesn't have a clue as to how you're going to find out how to deal with restoring some of these people that were taken off years ago. Ms. Worley also said that she doesn't have a clue how Judge Brewer's going to vote these people in two different groups. And she also said that she doesn't even have a clue which crimes are specifically moral turpitude and which ones are not.

Person from the audience asked, 'The new law states that if you are a felon, that you can register to vote. What happens with the Pardons and Parole? What becomes of that?'

Ms. Worley said that in the past you had to get a certificate from the Pardons and Paroles Board to be put back on the list. What has happened is the Pardons and Paroles Board is saying to some former felons, 'You don't need to get a certificate from us, you just go register.' You are saying, 'I need that certificate', because that's what you've done for the last thirty or so years. What Ms. Worley is saying, is because this is a change in practice, the justice department may have to pre-clear it, plus, we've simply got to know which crimes are those of moral turpitude and which ones are not. For example, and Ms. Worley said she thinks it was in the Attorney General's opinion, if you use drugs, that is not moral turpitude, but if you sell drugs, it is moral turpitude. And it's going to be a little bit embarrassing for you, as registrars, if someone comes in, to sit there and go through the inquisition with them, so say, 'Now tell me about your crime. I need more specifics.' She thinks we need much more guidance.

Person from audience said, 'I don't know how everybody else's offices are set up, our parole officers are downstairs, and if someone was convicted of a felon twenty-five years ago, I have told them before, we'll check with Sharon and see if you're in her database, and she says, let them register to vote. Some of them had to get some kind of number, because maybe they've lost this paper or whatever. But we try to work with them (parole officers?).'

Ms. Worley said the problem is that key word uniformity. We have to have the same practice throughout the state. That's the reason we're desperately seeking guidance

from the Attorney General. Again, we requested the opinion back in May. We have not heard from that opinion yet, and we know that there are some court issues now. Ms Worley ask the audience not to change their practice until we can all do it following the same set of rules. All we're trying to do is get everybody operating off the same page doing the same thing, because once we all start operating sixty-seven different ways, is when we really have a mess.

Person from the audience said that it shouldn't be left up to the county board of registrars to determine whether they have a felony or not, it should be a report from the Paroles and Pardons Board to send us the reports like they do every month and say this is a person that has these things, that they are a convicted felon. We shouldn't have to do anything with determining that.

Ms. Worley said the registrars should not have to make that judgment call. Now if they give you a list that you'll have that at your desk, you'll have the list, but she doesn't think registrars should have to make a judgment call.

Tonja asked, if you have a person that has already been taken off (the voter rolls) for a felony conviction, and they come into the office to register, what do you do? Go ahead and register them, even though they were taken off in the past for a felony conviction?

Ms. Worley said, your past practice, according to her understanding, you require a certificate from those people. What she is saying is, until they get some clear direction, and all they have been told basically is there are two classes of felons, which ya'll never did in the past. She is saying, until they get some very clear direction for you, they don't want you doing it sixty-seven different ways. If there is one thing that is running through this today, it is everybody needs to be doing the same thing the same way, so we have uniformity in our practice.

Person in audience asked that since we have an election coming up next year, don't you think that's that hot button that we ought to get something back on that before then?

Ms. Worley said she has asked, and the Attorney General's office has had six months. She spoke with the chief opinions writer week before last, and she said, 'We still have that one (letter to Attorney General) over here waiting'.

Person from audience said that this ruling was a result of the citizens of Alabama voting on the issue back in 1997.

Ms. Worley said that was incorrect. The Attorney General's ruling came from a court case against Jefferson County. There is a court case and that's what they base their opinion on, and then it all of a sudden has created a mushroom cloud.

'F'-According to the code, all of you who have colleges and universities in your counties, you are supposed to go to those colleges and universities once a year to work with voter registration. There is currently a rewrite of Title 17, the election code, that's ongoing, and it's probably going to recommend that you go to junior colleges, tech schools as well as four year universities, but right now that's not the law. For those of you who have colleges and universities, you need to make sure that you go and offer them registration applications and offer to assist them. And remember that registrars need to be pro-active and try to get people to register to vote. We want everybody who is eligible to register to vote. So if you've got junior colleges, tech schools, go out there and bring them in.

Person in audience said that their office had started this past year to go to every high school to their senior class.

Ms. Worley said, 'Good for you.' She said she tries to go to a lot of high schools too and talk to them about voting. The more we can do with our young people, the better off we are, because that is the generation we're losing. Most of you have heard her say before that our eighteen to twenty-five year olds are sometimes voting around eight or nine percent. And voting is a habit. And that's one of the reasons we push the 'Take a Kid to Vote' because children who are taken to the polls with their parents or grandparents or neighbors, they're twice as likely to be regular voters. So she wants all of you to encourage that with young people. Since she taught high school for a number of years, they won't hesitate to register to vote, they don't mind registering. But strong and stalwart though they be, they don't want to get to a polling place and think that they're going to do something foolish. And many of your eighteen year olds to twenty-five year olds are really deep-down afraid to go because they don't want to do something that is going to make them look bad. So when you give them those voter registration applications, talk to them about how easy it is to vote. She always says to them, 'You know, it's just like taking one of those old scantron tests in school, those standardized tests where you mark those ovals, and then your teacher normally feeds it into the machine to count it, but in this case you feed your own ballot into the machine. Tell them a little about how you're going to walk into the polling place, you're going to sign in, they're going to hand you a ballot, you're going to take it, take a dark black pen or pencil and you're going to fill in an oval or connect an arrow and feed it into that machine and it counts your vote.'

Lady in audience said she had three major colleges in Huntsville. She had one particular dormitory that had 1300 students registered. There are people that have been on that list since 1996 as a college student and have never voted.

Ms. Worley said it gives the appearance of being discriminatory if you single out one section of the county. Let's say in Cullman County your registrar says, 'We're going to clean up precinct twenty-one this year. And next year we're going to clean up precinct twelve.' You can't single out anybody to say, 'We're going to clean you up.' We have to go by that process. She is agreeing with you that the post office may have not done what they should have done.

Person in audience asked if you could put them on the inactive list and ask for an update if they vote?

Ms. Worley said that if they haven't voted since 1996, they will be on the inactive list.

Several people in the audience disagreed. One person said that before her time they were put back on. Another person said that the only time you put people on the inactive list is when the NVRA card comes back, but if you send the card out and it doesn't come back, that tells you that that person is still living there. Lady in audience said she knew that there are not 1300 people living in that one dormitory.

Ms. Worley said the lady was leaping to an assumption. Granted, you might not be able to fit 1300 people in that building, okay, but you've got to follow the law.

Person in the audience said that you have kids that live off campus that come to there and register to vote. Another person said they might not be in the same dormitory but may still be on the campus.

Ms. Worley said not to get bogged down in campus politics, but all she is telling you is to follow the law in the voter file maintenance. If you didn't get that card back, that is basically telling you that that person got that card. You might think they didn't but what she is saying to you is, don't single them out and start trying to mark names off. Because the minute you start marking names off is when there's a problem.

Persons in the audience raised the question of whether you have to vote in general election or not in order to keep from being put on inactive list.

Ms. Worley said the card process is what governs this, the voter file maintenance process, which you have just completed, and it was very successful. By virtue of your hard work, they were able to clean up our voter rolls significantly. They removed thousands of people who had died, got a lot of dead people off the rolls. They removed people who had moved out of state, because of that card process. They did those little ads, saying to people, you're going to get this card. You have a lot of people updating their addresses as a result of that. It was a lot of extra work for you, but it was still a very effective process. She will never stand up here and tell you that it is a fool-proof process. But it's what's in the law. And we have to live by that right now.

Person in audience asked, 'If I know that a person has moved to a different address, but they have never changed their address, what do I do?'

Ms. Worley said this question has been asked on several occasions in training that we have had, and it is probably handled differently in different counties. It is a real gray area and some of you know because what you call your domicile may be where you come on the weekends, or where you own property or where you come once a month to visit Mom. But basically, you take the word of that voter as to what their residence is. We want to have as perfect a list as possible, and we want to have people voting where they live. And the worst cussing she has gotten since she has been Secretary of State have come from people when she told them that the new statewide voter registration system is going to have their voting records compared with their drivers license records. And people have gotten irate, saying, 'But I don't want to vote where I live, I want to vote where I work, I want to vote somewhere else.' But we will not be able to make this perfect, although we will try. She believes that questioning people's residences is potentially, unless you question everyone's residence or visit them at their homes, etc.

A person in the audience said their county had a tie (in the election), and they had to go out and visit the voters at their homes, and it does matter. They had to physically drive out to these people's houses and decide whether their vote counted or not.

Ms. Worley asked if that was a municipal election or the county commissioner election.

Person in audience said it was county commission.

Person with Ms. Worley said there was a difference between determining whether a ballot should count and whether someone is eligible to vote. He believes the law gives you a little more leeway in investigating whether a person lives somewhere for the purpose of a vote counting versus whether they are eligible to vote.

Ms. Worley said those of you in Marshall County went through how many weeks or months of court on a tied vote.

Person in audience said it was still in court.

Ms. Worley said, once again, be consistent. Don't ever single out any person or any group to treat differently.

'G' is one we've had a little problem with in a couple of places. If someone hands you an incomplete application, do not throw it away because they haven't completed everything necessary on there. You need to return it to them and tell them what needs to be on there to be completed. They don't have to check the citizenship box and sign the oath; they just have to sign the oath. But they do have to have a birth date on there, which is essential. Be very careful if an application is incomplete, just don't shred it and throw it away. Keep it.

Person in audience asked, how about if there is no address, no telephone number and they're not in the driver's license book which we have to pay for out of our own money. What do you do then?

Ms. Worley said she would advise you if there's no address on there and you don't even know if it came from an agency, to put it in an incomplete application file, but hang on to it. Just don't shred it. If the voter comes in on voting day and their name's not on the list, they can vote a provisional ballot, and then it's going to come back to you to determine why their name wasn't on the list. And if you've got their application which is incomplete, in your file, and they've got a name on it and they've signed it, that's going to be one of those issues that we're probably going to have to deal with. Just don't throw the application away.

Person in the audience had two questions. She has people, who fill out an application that has an address that is not valid in her county, and she checks their 911 data, and she knows that it is in another county, but the voter has signed the application, how do you want us to treat that?

Ms. Worley said she knows the person had to deal with this with their local election up there. In the absence of your county's having a good mapping system, and she hopes that we get that, because that will solve a lot of problems that we have. They've had people where the district lines and the county lines split their property and they had not clue (if the county line splits your property, which side is your house on?). One case where the line went right through the person's house. And she remembers hearing Trey tell them, 'Which side do you sleep on?' Until we have a really good mapping system, if it's one of those close calls on a line, but if it's not close calls, and you clearly know that it is in another county, send that application to the other county and say, 'We received this in our county but it is in your county.'

The person's other question. Recently she has had an applicant that came into their office, filled out an application, everything appeared to answered correctly, they registered that person to vote and the voter's identification card came back to their office as an incomplete address. They checked with 911 and various other ways and could not locate this person and the telephone number that they listed is not in service.

Ms. Worley said that if the voter has signed the application and their name is one there and there is an address that is in your county, she thinks you have to go on and assign them a precinct.

The person said the address is not in their county, it may be a valid road number but the house number doesn't exist. The voter made up an address to register to vote.

Ms. Worley said they had dealt with this issue because there is an Attorney General's opinion that speaks to this, like what do you do with homeless people, and what address do they give. That's an issue that we have to be very sensitive over because, perhaps it is a person who is wandering, and they're claiming this spot of

ground. That is one that she would say you have to probably go on and process, because they've signed that that (address) is valid. It gets to be a real difficult call for you to say, 'I'm sorry, I'm not going to process yours because I can't find this address'.

Ms. Worley said that a person in audience pointed out that it comes up a lot with campers, and this is going to happen a lot with Hurricane Katrina evacuees because there are many of them living in campers. So you're going to have some addresses that are not technically 911 addresses.

Person in audience asked, if you have a card that you send out with an address on it and it comes back, then you process the person but you make them inactive, because they do not have a valid address.

Ms. Worley said that if they show up at the polls, they can vote and update their records, right there at the polls. She said a question from the audience was, if it is a brand new applicant, registrar can't find their address and they send them their registration card and it comes back. Not your NVRA card coming back, but the regular voter registration card coming back, can the registrar make them inactive? Ms. Worley believes that quite frankly you can make them inactive; they show up at the polls, you fill out an update card and go on.

Person with Ms. Worley said that the way it reads in the book, anytime you send out mail to resident and it comes back saying that that is not the correct address, and then you have the right to make them inactive.

'H'-Voter lists. If you are selling a voter list in your office, cease and desist forever more. That is sold by the Secretary of State's office only according to the law.

Person in audience said that someone told her that when you sell a list, you put the social security numbers on it.

Ms. Worley said we are not supposed to. There are strict instructions to folks in our IT departments that social security numbers never go out on anything. We do have to provide social security numbers to banks and lending institutions, but that is through out UCC division, which is a totally different issue. We have numerous divisions in our office, and the Uniform Commercial Code division is one, which our office keeps up with liens on property and loans, records on that, but this has nothing to do with voter registration. But banks legally can have your social security number. That may be what somebody told you, because that became an issue at one time, but only where it is provided by law can a person have your social security number, and that is not on the voter list. In fact, you don't need to leave your voter list lying out anywhere with the person's social security number on it. That's very sensitive, and last year we had a registrar who gave a voter list to a candidate with social security numbers on it. We are very fortunate that that did not create more problems than it did.

Person in audience asked, can you get just a list of names and addresses from another department?

Ms. Worley said that any time there is a voter list provided, other than you providing it to your probate judge for an election, it is to come from the office of Secretary of State, it is sold for a penny per name. And the law provides that. She thinks why that law was enacted was to try to make a little money to pay for these voter registration lining (?) charges. She thinks it was put in there as a way of helping to fund those hourly lining (?) charges, which are about fifty to sixty thousand dollars a month, and there's no money in the budget for that. So she thinks there was some reason for

that. Don't sell a list, don't give a list to anybody. You will have friends and people who will ask you for lists, and some of you are politically appointed and you are going to be sorely challenged, but don't give lists, don't sell lists except to the proper authorities, your probate judge, your circuit clerk for elections. Remove social security numbers from any lists, other than for yourselves and your probate judge and circuit clerk. We have had some calls from some boards of registrars wanting to publish the purge list again. In the law, there is only one provision for publishing that list where there is some monetary refund, and that is every four years, the voter file maintenance process (NVRA). There is no money, and you are not to publish your list again. We've just gone through it, three years from now we'll do it again in the state. Voter list updates-For those of you who have county systems apart from Alvin (?), you must get your county records in sync with Alvin. Because Alvin is the official list. We have been talking for quite some while that we are getting a new system, not as quickly as she wanted it to, but its going. And we don't need two sets of names coming from Yahoo County. We just need one set of names, so if you are running a county system apart from Alvin, it's going to take some work to check those names and see how they compare, but that must be done. There are about thirty to thirty-five counties that have their own. A couple of counties have gotten theirs totally in sync now.

The purge process was already completed in 2005, so don't single out any group or area of the county to clean up. You can't just pick out one section of the county and say, 'I'm going to clean up this part of the county'. Or 'I'm going to clean up this district'.

We had some calls; can we publish the update form in the newspaper? Yes, you can as long as it's free. No money for this. And you might get some newspapers to agree to publish this, and tell them you're trying to get your records updated and people have moved. Some of your newspapers might do that, sort of as a public service announcement. You do need to have it the size of the regular update form.

Voter registration system update. All of you know that the Help American Vote Act said there will be one single uniform statewide voter registration list implemented by the state's chief elections official and all of you have been kept up to date periodically by this process (ended on Side Two of tape. Tape counter at 336)

**Alabama Boards of Voter Registration
Training and Information for Regional Sessions
November 9, 2005 – Cullman, Alabama
November 10, 2005 – Brewton, Alabama
November 16, 2005 – Prattville, Alabama**

- I. Welcome and Introductions
- II. Hurricane Evacuees and Voter Registration
 - A. Website Letter (Louisiana and Mississippi Telephone Numbers)
 - B. Absentee Voting in Home State
 - C. Registration in Alabama
- III. Voter Registration Applications
 - A. Hispanic Names, Speakers, Appearance, etc. are to be treated the SAME as all other registration applicants. Citizenship papers are NOT required.
 - B. Agency-Based Applications
 - C. Application Boxes at Agencies
 - D. Keep Original Applications on file
 - E. Ex-Felon Registration – Continue longstanding practice until we receive a response from the Attorney General.
 - F. College and University Registration
 - G. Incomplete Applications – DO NOT THROW AWAY – return to applicant with a specific request for the information needed.
- IV. Voter Lists
 - A. Sold by Secretary of State's Office ONLY
 - B. Remove Social Security Numbers from any list which will be reviewed by anyone other than Registrars, Probate Judge, and Circuit Clerk
 - C. Purge List published in accordance with the law, but NOT annually.
- V. Voter List Update
 - A. ALVIN and County system list must be the same
 - B. Purge process was completed in 2005; do not "single out" any group or area of the county to "clean up" following the purge process.
 - C. Update form may be published in the newspaper; however, no funds are available for reimbursement to the county for this publication
- VI. Voter Registration System Update
 - A. Software Licensing
 - B. Line Charges
 - C. Budget Needs
- VII. Administrative Issues
 - A. Legal Assistance and Computer Assistance
 - B. Timely Receipt of Information
 - C. Schedules of Registrars Working to Robert White
 - D. Signing of Time Sheets
 - E. Personality Issues
 - F. Calls to SoS Office (Robert White, Adam Bourne, Mickey Moore)
- VIII. Election Code Revision (Title 17) and Legislative Issues

FRANCY L. WORLEY
SECRETARY OF STATE
May 27, 2005



First Floor, State Capitol
Suite S-105
600 Dexter Avenue
P.O. Box 5616
Montgomery, Alabama 36103-5616

Dear Registrar:

State of Alabama

There are several important issues involving voter registration on which I need to give you some information. Please read each bullet below carefully.

CENTRALIZED VOTER REGISTRATION SYSTEM

- Today I announced that our office will begin negotiations with Diebold Election Systems to implement Alabama's new centralized voter registration system. Diebold presented an impressive proposal which was the best value for taxpayers.
- If we reach agreement with Diebold on the new statewide system, each county can join me on "equal footing" with the new system as a fresh start for making voter registration as up-to-date and progressive as possible. Enclosed is the press release prepared by our office and sent to the media earlier this afternoon.

FELONIES OF MORAL TURPITUDE AND VOTER REGISTRATION

- Several of you were present at the Registrar Association meeting at which the Executive Director of the Board of Pardons and Paroles announced the recent Attorney General's Opinion regarding felonies of moral turpitude and the restoration of voting rights. Following that meeting our office began a review of that opinion and contacted the A.G.'s Office to discuss the impact of the Opinion on voter registration. Following a series of discussions with representatives of the A.G.'s Office, we forwarded a letter to the Attorney General on behalf of you, the Probate Judges, and our office seeking clarification on his March 18, 2005 Opinion.
- Our request asked (1) whether pre-clearance of the Opinion was necessary prior to implementation, (2) whether the Opinion could be clarified to provide a complete list of crimes of moral turpitude, and (3) what legal action should be implemented to correct any mistaken removal/purges of felons for the last two decades. We requested an expedited review and look forward to sending you the A.G.'s response upon receipt.
- Until we receive the Attorney General's response to the above questions, I encourage you to avoid any change in current practice until all the legal and administrative issues can be properly resolved. To avoid further confusion and numerous lawsuits, I hope we have a resolution to this matter soon.

VOTER FILE MAINTENANCE

- I appreciate your hard work on the Voter File Maintenance Process. After three very tardy counties finally completed their data entry, we had a few setbacks from the state printing agency (i.e. incorrect addresses on the first proof copy, other address/zip code errors on the second proof copy, etc.). Based on current information, the second cards should be mailed out next week.

TECHNOLOGY SUPPORT FOR ALVIN

- Mickey Moore, head of our Information Systems Division, and Rick Pitts, his associate in Information Systems, have replaced Tracy Cleckler as the technological contacts in our office for ALVIN. Each will be very helpful when you call and have questions (334-242-7222 for Mickey or 334-353-5982 for Rick). Their email addresses are moore@sos.al.gov and rpitts@sos.al.gov
- Mickey and Rick have prepared a booklet enclosed in this mailing to assist each of you with the new "suspension" screen. The new screen will accommodate the legal requirements of the Voter File Maintenance Process. If you have questions, call Mickey or Rick.

OFFICE (334) 242-7700 FAX (334) 242-4991, E-MAIL sos@sos.al.gov • ELECTIONS (334) 242-7210 FAX (334) 242-2444
CORPORATIONS (334) 242-5324 FAX (334) 240-3138 • UCC (334) 343-5231 FAX (334) 353-8269 • LEGAL (334) 242-7476 FAX (334) 242-4991
LANDS & TRADEMARKS (334) 242-5325 FAX (334) 240-3138

Sincerely yours,