

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

AMERICAN CIVIL RIGHTS UNION,)
in its individual and corporate capacities,)

Plaintiff,)

v.)

Civil Action No. 2:13-cv-87-KS-MTP

JEFFERSON DAVIS COUNTY)
ELECTION COMMISSION,)

Defendant.)

CONSENT DECREE

Plaintiff filed this action pursuant to Section 8 of the National Voter Registration Act of 1993 (“NVRA”), 42 U.S.C. § 1973gg-6, to enforce obligations concerning voter registration lists maintenance efforts in elections for Federal offices. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and 42 U.S.C. § 1973gg-9.

Defendant is covered by the requirements of Section 8 of the NVRA with respect to elections for Federal office and is obliged to maintain voter rolls in Jefferson Davis County, Mississippi. *See* 42 U.S.C. §§ 1973gg-1(4), 1973gg-2(b). Defendant is obliged to maintain accurate voter rolls pursuant to 42 U.S.C. §1973gg-6(d)(3), 42 U.S.C. §15483(a)(2)(A) and 42 U.S.C. §1973gg-6(a)(4).

For present purposes, Section 8 allows for the immediate removal of a voter from a registration list of Jefferson Davis County when the voter has died, been convicted of a disqualifying crime, when the voter requests to be removed, or when the voter has produced a

writing indicating they no longer reside within Jefferson Davis County. *See* 42 U.S.C. § 1973gg-6(c)(2)(B). Section 8 of the NVRA sets forth specific notice procedures and time frames before removing a voter when the county election commission obtains information that a voter no longer lives at his/her registration address of record (*i.e.*, when undeliverable election mail or returned jury notices are received). *See* 42 U.S.C. §§ 1973gg-6(b)-(f). Defendant must comply with these notice provisions and time lines before removing such voters from its registration list.

Notwithstanding these list maintenance obligations, Defendant conducted a general program of list maintenance that temporarily allowed the voter rolls to include more people registered to vote than there were citizens of voting age population in Jefferson Davis County according to available census data. As a result, Defendant violated the registration list maintenance obligations under Section 8 of the NVRA, 42 U.S.C. § 1973gg-6.

Plaintiff and Defendant, through their respective counsel, have conferred and agree that this action should be settled without the delay and expense of litigation. The parties negotiated in good faith and hereby agree to the entry of this Consent Decree (“Decree”) as an appropriate resolution of the claims alleged in Plaintiff’s complaint. The parties agree to waive a hearing and, thus, stipulate that each provision of this Decree is appropriate and necessary.

Accordingly, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. Deceased Voters, Felons and Duplicate Registration Removal and Report. The Defendant shall identify registrants who may be deceased and registrations which may be duplicates so that their registrations are subject to cancellation. Defendant shall identify the list of registrants for this section from the Mississippi Secretary of State’s statewide database, as identified by the Secretary of State using its statewide computerized database as established

pursuant to requirements in the Help America Vote Act of 2002 ("HAVA") 42 U.S.C. § 15483(a). Defendant shall provide a list of registered voters to the Mississippi Department of Health for purposes of cross reference with death records maintained by that agency and shall identify deceased voters from that Department of Health database. The Defendant shall continue to obtain and utilize the Social Security Master Death Index and utilize this data to identify additional parties who may be deceased. The Defendant shall make a determination, consistent with all notice requirements mandated by law, about these potentially invalid voter registrations by January 31, 2014, including the removal from the list of eligible voters of any registrant who has been positively identified as being a deceased voter. Any duplicative registrations of a voter shall be corrected by the same date. On or before January 31, 2014, Defendant shall inform in writing counsel for the plaintiff as to the total number of voters identified as having a duplicate registration or who are deceased, the total number of voters removed, the total number of voters placed on the inactive list, and the number of duplicate registrations or registrations for a deceased voter for which the county took no action. This data will be provided in concise summary form and Defendant will provide the aforementioned data even if that number is zero.

Defendant shall continue to obtain, at the minimum, on a quarterly basis from the Jefferson Davis Circuit Court Clerk, a list of those persons convicted of disqualifying felonies under the Mississippi Constitution. The defendant shall make written requests on October 1, January 1, April 1, and July 1 in each year through 2016, to the circuit court clerks of all counties adjacent to Jefferson Davis County, and the Mississippi Department of Correction for lists of those convicted of disqualifying felonies under the Mississippi Constitution who have residence addresses in Jefferson Davis County. The defendant shall continue to request from the

Department of Corrections or from the data base maintained by the Secretary of State, at the minimum, on a quarterly basis a list of all persons having a home address in Prentiss, Bassfield, and Carson, Mississippi who have been convicted of disenfranchising felonies under the Mississippi Constitution. Defendant shall also make written requests on October 1, January 1, April 1 and July 1 in each year through 2016, to the United States Attorney from both the Northern and the Southern District of Mississippi for a list of individuals having a home address in Jefferson Davis County who were convicted of disqualifying felonies under the Mississippi Constitution. Defendant shall remove any registrant so convicted. Within 5 days of an election, the defendant shall use the latest information it has, regardless of the date of the request which produced the information, to remove persons disqualified by reason of conviction for a disenfranchising crime.

In instances where it appears a felon was improperly registered and the felon was shown to have illegally participated in a federal election according to the voter history records maintained by the Defendant, the Defendant will alert the United States Attorney. In instances where it appears a felon was improperly registered and the felon was shown to have illegally participated in a state or local election, the Defendant will also alert the District Attorney of those facts. However, this provision does not place an affirmative duty on the defendant to independently investigate whether illegal activity has occurred.

In all instances, Defendant should act on information or comply with directives received from the Mississippi Secretary of State regarding ineligible registrants on the rolls in Jefferson Davis County. Plaintiff may introduce evidence of failure to act on information provided by the Mississippi Secretary of State in any proceeding to enforce this decree. However, this provision does not require the defendant to remove any person from the voting rolls simply because the

Secretary of State might issue a directive to do so, nor does it require the defendant to comply with any directive from the Secretary of State which compromises the authority or responsibility of the defendant, nor does it require the defendant to obey any directive from the Secretary of State which enlarges or is contrary to the defendant's existing obligations under the law.

2. Countywide Mailing for Address Verification. On or before November 15, 2013, the Defendant shall continue its efforts to maintain the rolls by conducting a countywide mailing, via first class mail, to all active and inactive registrants as described below.

A. Active - United States Postal Service Change of Address Data

Active voters shall receive notice by nonforwardable mail. Upon receiving any mailings to active voters which are returned by the postal service as undeliverable to the registrant, Defendants shall conduct list maintenance as described in 42 U.S.C. § 1973gg-6(c)(1). Pursuant to 42 U.S.C. § 1973gg-6(c)(1)(A), Defendants shall obtain change of address information supplied by the Postal Service to identify registrants whose addresses may have changed. If it appears from this information that the registrant has moved to an address within Jefferson Davis County, the Defendants shall correct the registration records to show the new address and shall send the registrant a notice of the change by forwardable mail containing a postage prepaid and preaddressed form by which the registrant may verify or correct the address, in accordance with 42 U.S.C. § 1973gg-6(c)(1)(B). If according to the information supplied by the Postal Service, the registrant has moved to an address outside of Jefferson Davis County, the Defendants shall provide the notice described in 42 U.S.C. § 1973gg-6(d)(2) by forwardable mail, with a prepaid preaddressed return card on which the registrant may state their current address, together with

the applicable notices described in 42 U.S.C. § 1973gg-6(d)(2)(A) and 42 U.S.C. § 1973gg-6(d)(2)(B).

B. “Inactive” - Voters Who Have Not Voted For Two Federal Cycles

To any voter who may be currently classified as inactive by virtue of not voting in two consecutive federal election cycles, Defendants shall utilize procedures in 42 U.S.C. § 1973gg-6(d)(1)(B) and 42 U.S.C. § 1973gg-6(d)(2). As described above, Defendants shall mail a notice pursuant to 42 U.S.C. § 1973gg-6(d)(2) that contains a postage prepaid and pre-addressed return card sent by forwardable mail, on which the registrant may state their current address. The notice shall contain the language contained in 42 U.S.C. § 1973gg-6(d)(2)(A) and 42 U.S.C. § 1973gg-6(d)(2)(B).

In conformity with 42 U.S.C. § 1973gg-6(d)(1)(B), Defendants shall remove from the rolls all registrants who have failed to respond to the notice described above (42 U.S.C. § 1973gg-6(d)(1)(B)(i)) and have not voted or appeared to vote in two federal general elections after the notice was sent (42 U.S.C. § 1973gg-6(d)(1)(B)(ii)).

C. Registrants Who No Longer Reside in Jefferson Davis County – Other

Registrants who confirm in writing that they no longer reside in Jefferson Davis County must be removed immediately pursuant to 42 U.S.C. § 1973gg-6(d)(1)(A). This would include registrants who in response to a jury summons indicate that they are no longer residents of the county.

Defendant shall immediately request from the Mississippi Department of Public Safety the names of all registrants from Jefferson Davis County who have obtained new Mississippi

driver's licenses outside of Jefferson Davis County from a period ranging from January 1, 2006, to the date of the entry of this Consent Decree, and periodically through the date of the expiration of this Consent Decree. If the Mississippi Department of Public Safety is nonresponsive or does not possess the data requested by Defendant, the Defendant shall inform the Plaintiff and provide the response. If the Mississippi Department of Public Safety complies with the Defendant's request and provides information requested, and if a registrant who submitted a writing that they have moved from Jefferson Davis County remains on the rolls in Jefferson Davis County, Defendant shall request a copy of the writing through which the registrant confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction. *See*, 42 U.S.C. § 1973gg-6(d)(1)(A). Absent any subsequent showing that the registrant has moved back to Jefferson Davis County, Defendant shall remove from the rolls such voters who have confirmed in writing, by virtue of obtaining driver's licenses outside of Jefferson Davis County, that they are no longer residents of Jefferson Davis County. Prior to removal from the rolls, the Defendant shall provide the registrant, at both their old and new address, notice that their "registration is subject to cancellation in Jefferson Davis County absent a showing within the next 60 days that [they] remain a bona fide resident in Jefferson Davis County."

3. Report on Countywide Mailing. On or before January 31, 2014, Defendant shall provide counsel for Plaintiff information in writing that identifies, the number of voters who were identified as potentially ineligible through use of the measures set forth in Paragraph 2, *supra*, the number of voters actually removed from the registration database, and the total number of voters placed on inactive status after confirmation mailings. The data will be provided in concise summary form and will provide the aforementioned data even if that

number is zero. This data must also provide the total number of active and inactive voters as of January 31, 2014.

4. Additional Compliance Measures. The Defendant shall continue to use the Social Security Master Death Index.

Furthermore, Defendant shall request the Secretary of State to seek access to the Department of Homeland Security's Systematic Alien Verification for Entitlements ("SAVE") database. Defendant will inform the Plaintiff in writing within eight months if a response is received, or not, and provide a copy of any response. If data are obtained, the Defendant shall utilize data within the SAVE database to identify potential non-citizens who have registered to vote in Jefferson Davis County. Upon identifying registered voters who, according to the SAVE database, are potential non-citizens, the Defendant shall provide written notice to those voters that they have been identified as such, and provide those registered voters ample sufficient opportunity to respond. If no response is received from the registered voters after ample time to respond has expired, or, if the voters do not contest that they are non-citizens, the Defendant shall cancel the voter registration of the identified voters. In instances which it appears a non-citizen was improperly registered or the non-citizen is shown to have voted in a federal election, the Defendant will inform the United States Attorney of those facts. However, this provision does not place an affirmative duty on the defendant to independently investigate whether illegal activity has occurred.

Furthermore, the Defendant shall continue to implement and, for the duration of the Decree, make assessments described below to determine whether it is complying with the list maintenance requirements of Section 8 of the NVRA, including whether Defendant is identifying

and removing voters from its rolls who have died, been convicted of a disqualifying crime, or who have moved. Specifically, the Defendant must assess whether it is properly: (1) promptly acting on information regarding removal of ineligible voters provided by the Mississippi Secretary of State obtained from the statewide voter registration database regarding voters who may have become ineligible (such as potential deaths of voters or duplicate registration of voters); (2) researching and acting on other specific information provided in writing by voters that calls into question those voters' continued eligibility to vote at their currently registered addresses, such as jury duty declinations or county or state tax filings which claim non-resident status; (3) canvassing their registered voter lists to locate voters who have died or moved; (4) using canvass information to update voter registration rolls for voters who have moved within Jefferson Davis County consistent with Section 8(f) of the NVRA; (5) sending a forwardable confirmation notice under Section 8(d) of the NVRA to voters who may have moved outside of Jefferson Davis County or for whom there is no forwarding information; (6) placing voters who do not respond to the confirmation notice into an inactive status that will indicate the date they were placed in such status; (7) removing inactive voters who do not vote during two Federal general election cycles (*i.e.* every two years, after one federal Presidential election and one federal mid-term election) following the date the confirmation notice is sent or who indicate in writing that they have moved outside of Jefferson Davis County; (8) ensuring that eligible voters on inactive status remain on the voter registration list during the period of the two Federal general election cycles following the date the confirmation notice is sent, and that they can cast valid ballots on election day during that period, upon proper assertion of eligibility, if required under state law; and (9) returning eligible inactive voters to active status if they properly reactivate their registration.

5. Retention of Records. Defendant shall retain voter registration and list maintenance records related to the terms of this agreement for the time periods provided in 42 U.S.C. §§ 1973gg-6(i) and 1974. This will include all materials and other documents necessary to the list maintenance obligations under the NVRA and state law. Defendant shall make these records available to counsel for ACRU upon request.

6. Costs. Each party shall bear its own costs with regard to actions taken by the parties up to and including the entry of this Decree and subsequent thereto, except that the Defendant will reimburse ACRU for reasonable attorneys' fees, not to exceed \$7,500.

7. Binding Nature of Decree. This Decree is binding on the Jefferson Davis County Election Commission, their successors in office, employees, representatives, delegates, agents, assigns, and all persons acting on their behalf, to the extent permitted by law or required by this Decree.

8. Termination Date and Retention of Jurisdiction. This Agreement shall remain in effect until December 31, 2016. The Court shall retain jurisdiction to enforce the terms of this Decree.

SO ORDERED:

This is the 18th October, 2013.


Keith Starrett, United States District Judge

WE ASK FOR THIS

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Exhibit 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

AMERICAN CIVIL RIGHTS UNION,)
in its individual and corporate capacities,)

Plaintiff,)

v.)

Civil Action No. 2:13cv86-KS-MTP

WALTHALL COUNTY,)
MISSISSIPPI ELECTION COMMISSION,)
 style="text-align: center;">*Defendant.*)

CONSENT DECREE

Plaintiff filed this action pursuant to Section 8 of the National Voter Registration Act of 1993 ("NVRA"), 42 U.S.C. § 1973gg-6, to enforce the Defendant's obligations concerning voter registration list maintenance in elections for Federal offices. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and 42 U.S.C. § 1973gg-9.

Defendant is covered by the requirements of Section 8 of the NVRA with respect to elections for Federal office and is obliged to maintain voter rolls in Walthall County, Mississippi. See 42 U.S.C. §§ 1973gg-1(4), 1973gg-2(b). Defendant is obliged to maintain accurate voter rolls pursuant to 42 U.S.C. §1973gg-6(d)(3), 42 U.S.C. §15483(a)(2)(A) and 42 U.S.C. §1973gg-6(a)(4).

Section 8 allows for the immediate removal of a voter from a registration list when the voter has died, been convicted of a disqualifying crime, when the voter requests to be removed, or when the voter has produced a writing indicating they no longer resides at the registered

address. *See* 42 U.S.C. § 1973gg-6(c)(2)(B). Section 8 of the NVRA sets forth specific notice procedures and time frames for removing a voter when the county election commission obtains information that a voter no longer lives at his/her registration address of record (*i.e.*, when undeliverable election mail or returned jury notices are received). *See* 42 U.S.C. §§ 1973gg-6(b)-(f). Defendant must comply with these notice provisions and time lines before removing such voters from its registration list.

Notwithstanding these list maintenance obligations, Defendant has conducted a general program of list maintenance that has allowed the voter rolls to include more people registered to vote than there are citizens of voting age population in Walthall County. As a result, Defendant has violated the registration list maintenance obligations under Section 8 of the NVRA, 42 U.S.C. § 1973gg-6.

Plaintiff and Defendant, through their respective counsel, have conferred and agree that this action should be settled without the delay and expense of litigation. The parties negotiated in good faith and hereby agree to the entry of this Consent Decree (“Decree”) as an appropriate resolution of the claims alleged in Plaintiff’s complaint. The parties agree to waive a hearing and, thus, stipulate that each provision of this Decree is appropriate and necessary.

Accordingly, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. Deceased Voters, Felons and Duplicate Registration Removal and Report. On or before October 1, 2013, the Defendant shall distribute notices regarding registrants who may be deceased and registrations which may be duplicates. Defendant shall compile the list of registrants for this section from the Mississippi Secretary of State’s statewide database, as identified by the Secretary of State using its statewide computerized database maintained

pursuant to the Help America Vote Act of 2002 (“HAVA”), 42 U.S.C. § 15483(a). Defendant shall provide a list of registered voters to the Mississippi Department of Health for purposes of cross reference with death records maintained by that agency and shall provide notices to all registrants identified by the Department of Health as potentially having died. The Defendant shall also obtain and utilize the Social Security Master Death Index and utilize this data to identify additional parties who may be deceased for the purposes of notification. The Defendant shall make a determination, consistent with all notice requirements mandated by law, about these potentially invalid voter registrations by November 15, 2013, including the removal from the list of eligible voters of any registrant who has been positively identified as being a deceased voter or as a duplicate registration of a voter. On or before December 1, 2013, Defendant shall provide a report to counsel regarding the total number of ineligible voters identified as a duplicate registration or for a deceased voter, the total number of voters removed, the total number of voters placed on the inactive list, and the number of duplicate registrations or registrations for a deceased voter for which the county took no action. The reported data will be provided in concise summary form and Defendant will provide the aforementioned data even if that number is zero.

Defendant shall obtain, at the minimum, on a quarterly basis from the Walthall Circuit Court Clerk, the circuit court clerk of all counties adjacent to Walthall County, and the Mississippi Department of Corrections lists, the list of those convicted of disqualifying felonies under the Mississippi Constitution. Defendant shall also obtain, at the minimum, on a quarterly basis from the United States Attorney from both the Northern and Southern District of Mississippi and the Eastern District of Louisiana a list of individuals convicted of disqualifying felonies under the Mississippi Constitution. Defendant shall remove any registrant so convicted.

No earlier than five (5) days before any federal election, Defendant shall obtain lists of convicted felons from the above-mentioned clerks of court and the United States Attorneys and shall remove from the poll books and registration records any felon so convicted.

In instances where it appears a felon was improperly registered and the felon was shown to have illegally participated in a federal election, the Defendant will make a written referral of those facts to the United States Attorney. In instances where it appears a felon was improperly registered and the felon was shown to have illegally participated in a state or local election, the Defendant will make a written referral of those facts to the District Attorney.

In all instances, Defendant shall promptly act on information or comply with directives received from the Mississippi Secretary of State regarding ineligible registrants.

2. Countywide Mailing for Address Verification. On or before November 15, 2013, the Defendant shall take reasonable efforts to identify voters who are ineligible to vote by conducting a countywide mailing, via first class non-forwardable mail, to all registered voters. The program must comply with the requirements of Section 8(b) of the NVRA, 42 U.S.C. § 1973gg-6. To the extent that any mailing is returned as undeliverable with no forwarding address or a forwarding address outside Walthall County, Defendant shall send a follow-up notice letter by forwardable-mail to the voter and a postage prepaid address verification card, as set forth in 42 U.S.C. § 1973gg-6(c)-(d), whereby the voter can confirm his or her address. When the mailing is returned as undeliverable with a forwarding address inside Walthall County, Defendant shall ensure that voter records are updated in accordance with 42 U.S.C. § 1973gg-6(d)(2). Defendant shall process returned and undeliverable address verification cards in

accordance with State and Federal law. This program must be completed on or before August 31, 2014 so as to comply with 42 U.S.C. § 1973gg-6(c)(2)(A) prior to the 2014 Federal election.

Defendant shall immediately request from the Mississippi Department of Public Safety the names of all registrants from Walthall County who have obtained new Mississippi driver's licenses outside of Walthall County from a period ranging from January 1, 2005 through the date of this Consent Decree. If the registrant remains on the rolls in Walthall County, Defendant shall request a copy of the writing through which the registrant confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction. *See*, 42 U.S.C. § 1973gg-6(d)(1)(A). Absent any subsequent showing that the registrant has moved back to Walthall County, Defendant shall remove from the rolls such voters who have confirmed in writing, by virtue of obtaining driver's licenses outside of Walthall County, that they are no longer residents of Walthall County by November 15, 2013. Prior to removal from the rolls, the Defendant shall provide the registrant, at both their old and new address, notice that their "registration is subject to cancellation in Walthall County absent a showing within the next 60 days that [they] remain a bona fide resident in Walthall County."

3. Report on Countywide Mailing. On or before December 31, 2013, Defendant shall provide counsel for Plaintiff with a report that identifies, the number of voters who were identified as potentially ineligible through use of the measures set forth in Paragraph 2, *supra*, the number of voters actually removed from the registration database, and the total number of voters placed on inactive status after confirmation mailings. The reported data will be provided in concise summary form and will provide the aforementioned data even if that number is zero. This report must also provide the total number of active and inactive voters as of December 31, 2013.

4. Additional Compliance Measures and Reports –County Tracking and

Enforcement. The Defendant shall immediately implement and, for the duration of the Decree, execute additional measures for identifying and deleting ineligible voter registrations in Walthall County. These shall include, at a minimum, regularly obtaining and utilizing the Social Security Master Death Index. Furthermore, these additional measures shall include Defendant requesting the Secretary of State to request access to the Department of Homeland Security’s Systematic Alien Verification for Entitlements (“SAVE”) database. If obtained, the Defendant shall utilize data within the SAVE database to identify potential non-citizens who have registered to vote in Walthall County. Upon identifying registered voters who, according to the SAVE database, are potential non-citizens, the Defendant shall provide written notice to those voters that they have been identified as such, and provide those registered voters ample sufficient opportunity to respond. If no response is received from the registered voters after ample time to respond has expired, or, if the voters do not contest that they are non-citizens, the Defendant shall cancel the voter registration of the identified voters. In instances which it appears a non-citizen was improperly registered or the non-citizen is shown to have voted in a federal election, the Defendant will make a written referral of those facts to the United States Attorney.

Furthermore, the Defendant shall immediately implement and, for the duration of the Decree, execute tracking measures described below to determine whether it is complying with the list maintenance requirements of Section 8 of the NVRA, including whether Defendant is identifying and removing voters from its rolls who have died, been convicted of a disqualifying crime, or who have moved. Specifically, the Defendant must monitor and track whether it is properly: (1) promptly acting on information and directives to remove ineligible voters provided by the Mississippi Secretary of State obtained from the statewide voter registration database

regarding voters who may have become ineligible (such as potential deaths of voters or duplicate registration of voters); (2) researching and acting on other specific information provided in writing by voters that calls into question those voters' continued eligibility to vote at their currently registered addresses, such as jury duty declinations or county or state tax filings which claim non-resident status; (3) canvassing their registered voter lists to locate voters who have died or moved; (4) using canvass information to update voter registration rolls for voters who have moved within Walthall County consistent with Section 8(f) of the NVRA; (5) sending a forwardable confirmation notice under Section 8(d) of the NVRA to voters who may have moved outside of Walthall County or for whom there is no forwarding information; (6) placing voters who do not respond to the confirmation notice into an inactive status that will indicate the date they were placed in such status; (7) removing inactive voters who do not vote during two Federal general election cycles (*i.e.* every two years, after one federal Presidential election and one federal mid-term election) following the date the confirmation notice is sent or who indicate in writing that they have moved outside of Walthall County; (8) ensuring that eligible voters on inactive status remain on the voter registration list during the period of the two Federal general election cycles following the date the confirmation notice is sent, and that they can cast valid ballots on election day during that period, upon proper assertion of eligibility, if required under state law; and (9) returning eligible inactive voters to active status if they properly reactivate their registration.

5. Compliance Plan. Upon approval of this Decree, Defendants shall prepare a written compliance plan and provide said plan to counsel for the Plaintiff.

6. Retention of Records. Defendant shall retain voter registration and list maintenance records related to the terms of this agreement for the time periods provided in 42 U.S.C. §§

1973gg-6(i) and 1974. This will include all materials and other documents related to the list maintenance obligations under the NVRA and state law. Defendant shall make these records available to counsel for ACRU upon request.

7. Costs. Each party shall bear its own costs with regard to actions taken by the parties up to and including the entry of this Decree and subsequent thereto, except that the Defendant will reimburse ACRU for reasonable attorneys' fees incurred to date in bringing and litigating this action, not to exceed \$9,000.

8. Binding Nature of Decree. This Decree is binding on the Walthall County Election Commission, their successors in office, employees, representatives, delegates, agents, assigns, and all persons acting on their behalf.

9. Termination Date. This Agreement shall remain in effect until December 31, 2016.

SO ORDERED: 9/4/2013



Keith Starrett, United States District Judge

WE ASK FOR THIS

FOR PLAINTIFF:



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Exhibit 3

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

AMERICAN CIVIL RIGHTS UNION,
in its Individual and Corporate Capacities

PLAINTIFF

V.

CIVIL ACTION NO. 2:15CV101-KS-MTP

CLARKE COUNTY, MISSISSIPPI
ELECTION COMMISSION

DEFENDANT

CONSENT DECREE

Plaintiff filed this action pursuant to Section 8 of the National Voter Registration Act of 1993 ("NVRA"), 52 U.S.C. § 20507, to enforce obligations concerning voter registration lists maintenance efforts in elections for federal offices. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and 52 U.S.C. § 20510.

Defendant is covered by the requirements of Section 8 of the NVRA with respect to elections for federal office and is obliged to maintain voter rolls in Clarke County, Mississippi. See 52 U.S.C. § 20503. Section 8 allows for the immediate removal of a voter from a registration list when the voter has died, been convicted of a disqualifying crime, when the voter requests to be removed, or when the voter has produced a writing indicating they no longer reside within the County. See 52 U.S.C. § 20507. Section 8 of the NVRA sets forth specific notice procedures and time frames before removing a voter when the county election commission obtains information that a voter no longer lives at his/her registration address of record (*i.e.*, when undeliverable election mail or returned jury notices are received). See 52 U.S.C. §§ 20507(b)-(f). Defendant must comply with these notice provisions and time lines before removing such voters from its registration list.

Plaintiff alleges that Defendant conducted list maintenance that temporarily allowed the voter rolls to include more people registered to vote than there were citizens of voting age population in Clarke County according to available census data. As a result, Plaintiff claims Defendant violated the registration list maintenance obligations under Section 8 of the NVRA, 52 U.S.C. § 20507. Defendant denies it violated the same. Plaintiff and Defendant, through their respective counsel, however, have conferred and agree that this action should be settled without delay and expense of litigation. The parties negotiated in good faith and hereby agree to the entry of this Consent Decree ("Decree") as an appropriate resolution of the claims alleged in Plaintiff's complaint. The parties agree to waive a hearing and, thus, stipulate that each provision of this Decree is appropriate and necessary.

Accordingly, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. **Deceased Voters Removal and Report.** The Defendant utilizes records from the Mississippi Department of Health for purposes of identifying deceased voters. The Defendant agrees it will also utilize the Social Security Master Death Index and utilize this data to identify additional parties who may be deceased. The Defendant shall make a determination, consistent with all notice requirements mandated by law, about these potentially invalid voter registrations and remove from the list of eligible voters of any registrant who has been positively identified as being a deceased voter. On or before October 31, 2016, Defendant shall inform counsel for the plaintiff in writing as to the total number of voters removed and the number of registrations for a deceased voter for which the county took no action. This data will be provided in concise summary form and Defendant will provide the aforementioned data.

2. **Countywide Mailing for Address Verification.** On or before April 29, 2016, Defendant shall conduct a countywide mailing, via first class mail, to all active and inactive registrants as described below.

A. Active – United States Postal Service Change of Address Data

Active voters shall receive notice by non-forwardable mail. Upon receiving any mailings to active voters which are returned by the postal service as undeliverable to the registrant, Defendant shall conduct list maintenance as described in 52 U.S.C. § 20507(c)(1). Pursuant to 52 U.S.C. § 20507(c)(1)(A), Defendant shall obtain change of address information supplied by the Postal Service to identify registrants whose addresses may have changed. If it appears from this information that the registrant has moved to an address within Clarke County, Defendant shall correct the registration records to show the new address and shall send the registrant a notice of the change by forwardable mail containing a postage prepaid and preaddressed form by which the registrant may verify or correct the address, in accordance with 52 U.S.C. § 20507(c)(1)(B). If according to the information supplied by the Postal Service, the registrant has moved to an address outside of Clarke County, Defendant shall provide a notice described in 52 U.S.C. § 20507(d)(2) by forwardable mail, with a prepaid preaddressed return card on which the registrant may state their current address, together with the applicable notices described in 52 U.S.C. § 20507(d)(2)(A) and 52 U.S.C. § 20507(d)(2)(B).

B. "Inactive" – Voters Who Have Not Voted For Two Federal Cycles

To any voter who may be currently classified as inactive by virtue of not voting in two consecutive federal election cycles, Defendant shall utilize procedures in 52 U.S.C.

§ 20507(d)(1)(B) and 52 U.S.C. § 20507(d)(2). Defendant has been, and shall continue to, mail a notice pursuant to 52 U.S.C. § 20507(d)(2) that contains a postage prepaid and pre-addressed return card sent by forwardable mail, on which the registrant may state their current address. The notice shall contain the language contained in 52 U.S.C. § 20507(d)(2)(A) and 52 U.S.C. § 20507(d)(2)(B). In conformity with 52 U.S.C. § 20507(d)(1)(B), Defendant shall remove from the rolls all registrants who have failed to respond to the notice described above (52 U.S.C. § 20507(d)(1)(B)(i)) and have not voted or appeared to vote in two federal general elections after the notice was sent (52 U.S.C. § 20507(d)(1)(B)(ii)).

C. Registrants Who No Longer Reside In Clarke County – Other

Registrants who confirm in writing that they no longer reside in Clarke County will be removed pursuant to 52 U.S.C. § 20507(d)(1)(A). This includes registrants who, in response to a jury summons, indicate that they are no longer residents of the county.

3. **Report on Countywide Mailing.** On or before July 29, 2016, Defendant shall provide counsel for Plaintiff information in writing that identifies, the number of voters who were identified as potentially ineligible through use of the measures set forth in Paragraph 2, *supra*, the number of voters actually removed from the registration database, and the total number of voters placed on inactive status after confirmation mailings. The data will be provided in concise summary form and will provide the aforementioned data. This data will also provide the total number of active and inactive voters as of June 30, 2016.

4. **Retention of Records.** Defendant shall retain voter registration and list maintenance records related to the terms of this agreement for the time periods

provided in 52 U.S.C. §§ 20507(i) and 1974. This will include all materials and documents necessary to the list maintenance obligations under the NVRA and state law

5. **Right to Cure.** If Plaintiff believes at any time during the duration of this Consent Decree that the Clarke County Election Commission has violated any term or provision hereof, Plaintiff must give written notice of the specific alleged breach to the Clarke County Election Commission and allow the Clarke County Election Commission thirty days to remedy the breach before taking any action under this Consent Decree.

6. **Costs.** Each party shall bear its own costs with regard to actions taken by the parties up to and including the entry of this Decree and subsequent thereto.

7. **Binding Nature of Decree.** This Decree is binding on the Clarke County Election Commission, their successors in office, employees, representatives, delegates, agents, assigns, and all persons acting on their behalf, to the extent permitted by law or required by this Decree.

8. **Termination and Retention of Jurisdiction.** This Agreement shall remain in effect until December 31, 2018. The Court shall retain jurisdiction to enforce the terms of this Decree.

SO ORDERED. This, the 25th day of November, 2015.


United States District Judge

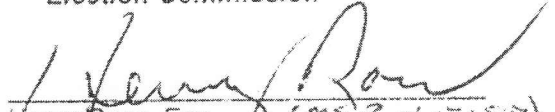
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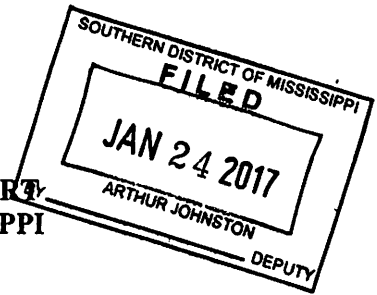
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Attorneys for Plaintiff

Exhibit 4

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



AMERICAN CIVIL RIGHTS UNION,
in its individual and corporate capacities,

Plaintiff,

v.

NOXUBEE COUNTY, MISSISSIPPI
ELECTION COMMISSION,

Defendant.

Civil Action No. 3:15-cv-815-WHB-JCG

ORDER

Plaintiff filed this action pursuant to Section 8 of the National Voter Registration Act of 1993 ("NVRA"), 52 U.S.C. § 20507, to enforce obligations concerning voter registration lists maintenance efforts in elections for federal offices. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and 52 U.S.C. § 20510.

Defendant is covered by the requirements of Section 8 of the NVRA with respect to elections for federal office and is obliged to maintain voter rolls in Noxubee County, Mississippi.

Plaintiff alleged that Defendant conducted list maintenance that allowed the voter rolls to include more people registered to vote than there were citizens of voting age population in Noxubee County according to available census data, and that this problem has persisted for several election cycles. As a result, Plaintiff claimed Defendant violated the registration list maintenance obligations under Section 8 of the NVRA, 52 U.S.C. § 20507. Defendant denies

that there has been any violation of Section 8 of the NVRA, 52 U.S.C. § 20507. This decree is entered into by the parties to settle the dispute without prolonged and costly litigation.

Accordingly, it is hereby ORDERED, ADJUDGED, and DECREED that:

A. Registrants Who No Longer Reside in Noxubee County – Other

The Defendant shall continue to follow the directives and programs implemented by the Mississippi Secretary of State to identify registrants who have died. The Defendant shall continue to utilize records from the Mississippi Department of Health for purposes of identifying deceased registrants currently on the registration rolls. Registrants identified as having died shall be removed from the lists of eligible voters pursuant to 52 U.S.C. §20507(a)(4)(A).

B. Countywide Mailing

On or before April 15, 2017, Defendant shall conduct a countywide mailing, via first class mail, to all active and inactive registrants as described below who have not cast a ballot since January 1, 2011. To wit, Defendant shall mail a notice pursuant to 52 U.S.C. §20507(d)(2) that contains a postage prepaid and preaddressed return card sent by forwardable mail, on which the registrant may state their current address. The notice shall contain the language contained in 52 U.S.C. §20507(d)(2)(A) and 52 U.S.C. §20507(d)(2)(B). In conformity with 52 U.S.C. §20507(d)(1)(B), Defendant shall remove from the rolls all registrants who have failed to respond to the notice described above (52 U.S.C. §20507(d)(1)(B)(i)) and have not voted or appeared to vote in two federal general elections after the notice was sent (52 U.S.C. §20507(d)(1)(B)(ii)). This paragraph is subject to the Reporting Requirement and such reports shall be provided by September 1, 2017.

C. Registrants Who No Longer Reside in Noxubee County – Other

Registrants who confirm in writing that they are no longer residents of Noxubee County will be removed from the voter rolls pursuant to 52 U.S.C. §20507(d)(1)(A). This includes registrants who, in response to a jury summons, indicate that they are no longer residents of the county. This also includes any registrant who has declared a homestead exemption in another county. Comparisons of the registration rolls with data indicating who is no longer a resident may be conducted by retaining the services of a commercial data vendor and/or through the oversight and involvement of the Mississippi Secretary of State's Office. This paragraph is subject to the Reporting Requirement and such reports shall be provided by September 1, 2017.

D. Report on Countywide Mailing

On or before September 30, 2018, Defendant shall provide counsel for Plaintiff information in writing that identifies the number of voters who were identified as potentially ineligible through use of the measures set forth above, *supra*, the number of voters actually removed from the registration database, and the total number of voters placed on inactive status after confirmation mailings. The data will be provided in concise summary form and will provide the aforementioned information.

E. National Change of Address Database Updates

Defendant shall obtain access to the United States Postal Service National Change of Address Database through the Statewide Election Management System (SEMS) and follow the procedure described in Paragraph B on a biennial basis. This regular list maintenance is subject to the Reporting Requirement through the duration of this Order.

F. Written Procedures

Defendant shall have procedures to implement standard list maintenance procedures

across possible changes in Election Commissioners, Circuit Clerk staff, and other personnel. Defendant shall provide a copy of these written procedures and any updates to parties described in the Reporting Requirement. More specifically, Defendant shall follow “Guidelines for Voter Roll Maintenance” published by the Mississippi Secretary of State and any updates thereto.

G. Retention and Availability of List Maintenance Records

Defendant shall retain voter registration and list maintenance records related to the items set forth in this Order for the time periods provided in 52 U.S.C. §§ 20507(i) and 20701. This will include all materials and documents necessary to the list maintenance obligations under the NVRA and state law. Defendant shall provide Plaintiff access to list maintenance records, subject to availability pursuant to the NVRA, upon reasonable notice.

H. Costs

Each party shall bear its own costs and attorneys’ fees with regard to actions taken by the parties up to and including the entry of this Order and subsequent thereto.

I. Binding Nature of Order

This Order is binding on the Noxubee County Election Commission, their successors in office, employees, representatives, delegates, agents, assigns, and all persons acting on their behalf, to the extent permitted by law or required by this Order.

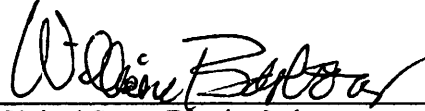
J. Reporting Requirement.

Some provisions of this Order are subject to a Reporting Requirement. When data or actions are subject to this Reporting Requirement, Defendant shall provide a copy of any required report to the Plaintiff, to the Chairman of the Noxubee County Board of Supervisors, and to the Chair of the Noxubee County Democratic Executive Committee and

the Chair of the Noxubee County Republican Executive Committee.


This decree shall remain in effect until February 1, 2018.


SO ORDERED this the 24th day of January, 2017.


United States District Judge

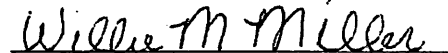
APPROVED BY:

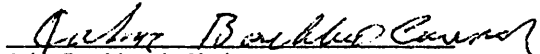
NOXUBEE COUNTY, MISSISSIPPI
ELECTION COMMISSION


Sylvester Tate



Essie Brooks


Lavelle Rice


Willie M. Miller


John Bankhead, Chairman

APPROVED BY:


Wilbur O. Colom (MSB # 6403)
Attorney for Noxubee County,
Mississippi Election Commission

APPROVED BY:

AMERICAN CIVIL RIGHTS UNION

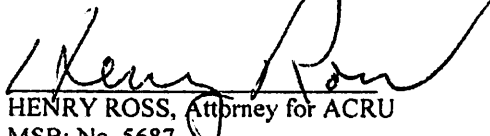
BY: 
HENRY ROSS, Attorney for ACUR
MSB: No. 5687
P.O. Drawer B
Eupora, MS 39744-0991
662-552-5603

Exhibit 5

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

FILED

MAR 17 2015

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY DEPUTY

AMERICAN CIVIL RIGHTS UNION,
in its individual and corporate capacities,

Plaintiff,

v.

Civil Action No. 2:14-CV-12-AM-CW

SHERIFF/TAX ASSESSOR-
COLLECTOR WILLIAM "CLINT"
MCDONALD, in his official capacity
as voter registrar,

Defendant.

CONSENT DECREE

Plaintiff filed a complaint pursuant to Section 8 of the National Voter Registration Act of 1993 ("NVRA"), 42 U.S.C. § 1973gg-6, to enforce obligations concerning voter registration lists maintenance efforts in elections for Federal offices. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and 42 U.S.C. § 1973gg-9.

Defendant is covered by the requirements of Section 8 of the NVRA with respect to elections for Federal office and is obliged to maintain voter rolls in Terrell County, Texas, *See* 42 U.S.C. §§ 1973gg-1(4), 1973gg-2(b). Defendant is obliged to maintain accurate voter rolls pursuant to 42 U.S.C. §1973gg-6(d)(3), 42 U.S.C. §15483(a)(2)(A) and 42 U.S.C. §1973gg-6(a)(4).

For present purposes, Section 8 allows for the immediate removal of a voter from a registration list of Terrell County when the voter has died, been convicted of a disqualifying

crime, when the voter requests to be removed, or when the voter has produced a writing indicating they no longer reside within Terrell County. *See* 42 U.S.C. § 1973gg-6(c)(2)(B). Section 8 of the NVRA sets forth specific notice procedures and time frames before removing a voter when the county election commission obtains information that a voter no longer lives at his/her registration address of record (*i.e.*, when undeliverable election mail or returned jury notices are received). *See* 42 U.S.C. §§ 1973gg-6(b)-(f). Defendant must comply with these notice provisions and time lines before removing such voters from its registration list.

Notwithstanding these list maintenance obligations, Defendant conducted a general program of list maintenance that allowed the voter rolls to include more people registered to vote than there were citizens of voting age population in Terrell County according to 2010 Census data. Plaintiff alleges that as a result, Defendant violated the registration list maintenance obligations under Section 8 of the NVRA, 42 U.S.C. § 1973gg-6.

Defendant denies that it has violated the registration list maintenance obligations under Section 8 of the NVRA, 42 U.S.C. § 1973gg-6. Nevertheless, Plaintiff and Defendant, through their respective counsel, have conferred and agree that this action should be settled without the delay and expense of litigation. The parties negotiated in good faith and hereby agree to the entry of this Consent Decree ("Decree") as an appropriate resolution of the claims alleged in Plaintiff's complaint. The parties agree to waive a hearing and, thus, stipulate that each provision of this Decree is appropriate and necessary.

Accordingly, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. Deceased Voters, Felons and Duplicate Registration Removal and Report. The Defendant shall identify registrants who may be deceased and registrations which may be duplicates so that their registrations are subject to cancellation. Defendant shall use reasonable

diligence to search for duplicate registrations and take steps to cancel all verified duplicate registrations utilizing all available databases provided by state officials and any other party with access to duplicate registrations.

Defendant shall conduct a program to train and educate county officials in the Voter Registrar's office located within Terrell County about how to properly register a voter so as to not produce a duplicate registration. Defendant shall train all deputy registrars how to properly register a voter so as to not produce a duplicate registration.

Defendant shall identify duplicate registrations by cross referencing lists of Terrell County registrants with the Texas Secretary of State's statewide database as established pursuant to requirements in the Help America Vote Act of 2002 ("HAVA"), 42 U.S.C. § 15483(a).

Defendant shall provide a list of all registered voters to the Texas Department of State Health Services for purposes of cross reference with death records maintained by that agency and shall identify deceased voters from that database.

Defendant shall consult with Justices of the Peace in Terrell County about registered voters to determine if they are deceased.

Defendant shall review lists of jurors who have been removed from jury duty lists on the basis of being deceased, as having moved away from Terrell County, or ineligible for reasons of citizenship. Defendant shall act to correct the rolls on the basis of information obtained regarding jury summons returned or declined.

Defendant shall obtain access to the Social Security Master Death Index and utilize this data to identify additional parties who may be deceased.

The Defendant shall make a determination, consistent with all notice requirements mandated by law, about these potentially invalid voter registrations by July 1, 2014, including the removal from the list of eligible voters of any registrant who has been positively identified as being a deceased voter. Any duplicative registrations of a voter shall be corrected by the same date. On or before July 30, 2014, Defendant shall inform in writing counsel for the plaintiff as to the total number of voters identified as having a duplicate registration or who are deceased, the total number of voters removed, the total number of voters placed on the inactive list, and the number of duplicate registrations or registrations for a deceased voter for which the county took no action. This data will be provided in concise summary form and Defendant will provide the aforementioned data even if that number is zero. Defendant shall also provide this report to the members of the Terrell County Commissioners Court.

Defendant shall, on July 1 and January 3 of each year obtain from the District Clerks in all counties of the 63rd Judicial District of Texas (which consist of Terrell, Kinney, and Val Verde counties) a list of those persons convicted of disqualifying felonies in Texas in the previous year. The Defendant shall make written requests on July 1 and January 3 of each year to the Texas Department of Criminal Justice-Institutional Division for lists of those convicted of disqualifying felonies who have residence addresses in Terrell County. Defendant shall on a quarterly basis request from any database maintained by the Secretary of State a list of all persons registered to vote in Terrell who have been convicted of disqualifying crimes. Defendant shall remove any registrant so convicted. Within 5 days before an election, the defendant shall use the latest information it has, regardless of the date of the request which produced the information, to remove persons disqualified by reason of conviction for a disenfranchising crime.

On October 1 and February 15, Defendant shall request from the United States Attorney in Del Rio the names of individuals listing an address in Terrell County and who have been convicted of a disqualifying felony and take required action upon receiving the information.

In all instances, Defendant should act on information or comply with directives received from the Texas Secretary of State regarding ineligible registrants on the rolls in Terrell County. Plaintiff may introduce evidence of failure to act on information provided by the Texas Secretary of State in any proceeding to enforce this decree. Defendants will comply with all directives issued by the Secretary of States regarding voter roll maintenance.

2. Countywide Mailing for Address Verification. On or before May 1, 2014, the Defendant shall conduct a countywide mailing, via first class mail, to all active and inactive registrants as described below.

A. Active Voters - United States Postal Service Change of Address Data

Active voters shall receive notice by nonforwardable mail. Upon receiving any mailings to active voters which are returned by the postal service as undeliverable to the registrant, Defendants shall conduct list maintenance as described in 42 U.S.C. § 1973gg-6(c)(1). Pursuant to 42 U.S.C. § 1973gg-6(c)(1)(A), Defendants shall obtain change of address information supplied by the Postal Service to identify registrants whose addresses may have changed. If it appears from this information that the registrant has moved to an address within Terrell County, the Defendants shall correct the registration records to show the new address and shall send the registrant a notice of the change by forwardable mail containing a postage prepaid and preaddressed form by which the registrant may verify or correct the address, in accordance with 42 U.S.C. § 1973gg-6(c)(1)(B). If according to the information supplied by the Postal Service,

the registrant has moved to an address outside of Terrell County, the Defendants shall provide the notice described in 42 U.S.C. § 1973gg-6(d)(2) by forwardable mail, with a prepaid preaddressed return card on which the registrant may state their new and current residence address and cancellation of their Terrell County voter registration, together with the applicable notices described in 42 U.S.C. § 1973gg-6(d)(2)(A) and 42 U.S.C. § 1973gg-6(d)(2)(B).

B. "Inactive" - Voters Who Have Not Voted For Two Federal Cycles

To any voter who may be currently classified as inactive by virtue of not voting in two consecutive federal election cycles, Defendants shall utilize procedures in 42 U.S.C. § 1973gg-6(d)(1)(B) and 42 U.S.C. § 1973gg-6(d)(2). As described above, Defendants shall mail a notice pursuant to 42 U.S.C. § 1973gg-6(d)(2) that contains a postage prepaid and pre-addressed return card sent by forwardable mail, on which the registrant may state their current address. The notice shall contain the language contained in 42 U.S.C. § 1973gg-6(d)(2)(A) and 42 U.S.C. § 1973gg-6(d)(2)(B).

In conformity with 42 U.S.C. § 1973gg-6(d)(1)(B), Defendants shall remove from the rolls all registrants who have failed to respond to the notice described above (42 U.S.C. § 1973gg-6(d)(1)(B)(i)) and have not voted or appeared to vote in two federal general elections after the notice was sent (42 U.S.C. § 1973gg-6(d)(1)(B)(ii)).

C. Registrants Who No Longer Reside in Terrell County – Other

Registrants who confirm in writing that they no longer reside in Terrell County must be removed immediately pursuant to 42 U.S.C. § 1973gg-6(d)(1)(A). This would include registrants who in response to a jury summons indicate that they are no longer residents of the county or return the postcard contemplated in Part 2A of this Decree.

Defendant shall request from the Texas Department of Public Safety the names of all registrants from Terrell County who have obtained new Texas driver's licenses with a residence address outside of Terrell County for a period ranging from January 1, 2008, to the date of the entry of this Consent Decree, and periodically through the date of the expiration of this Consent Decree. After the Texas Department of Public Safety provides the information, and if a registrant who submitted a writing to the Texas Department of Public Safety indicating that they have moved from Terrell County remains on the rolls in Terrell County, Defendant shall request a copy of the writing through which the registrant has changed residence to a place outside of Terrell County. *See*, 42 U.S.C. § 1973gg-6(d)(1)(A). Once Defendant receives this information, the Defendant shall mail a notice to both the registered voting address in Terrell County as well as the driver's license address in the other county. The notice shall contain a postage prepaid return card which states: "records indicate that your residence is located in a county other than Terrell. Please return this communication with your signature and choice between the two: "I wish to ___ 1) Cancel my Terrell County voter registration because I no longer reside in Terrell County, or ___ 2) Maintain my Terrell County voter registration because it is my real residence address notwithstanding any change of address on my driver's license."

Defendant shall use reasonable diligence to investigate any registered voters who it learns have moved from Terrell County, Texas. At a minimum this shall include investigating whether they have claimed a homestead exemption for ad valorem taxes with the Terrell County Appraisal District or the tax appraisal district in the county to which the voter has reportedly moved. If Defendant discovers a voter registered in Terrell County but who does not claim a homestead exemption in Terrell County, or that claims a homestead exemption in another county, the Defendant shall mail a notice to both the registered voting address in Terrell County

as well as the registered address in the other county claiming a homestead exemption. The notice shall contain a postage prepaid return card which states: "records indicate that you have claimed a homestead exemption because your residence is located in a county other than Terrell. Please return this communication with your signature and choice between the two: "I wish to ____ 1) Cancel my Terrell County voter registration and continue to maintain my homestead exemption in the county other than Terrell County, or ____ 2) Maintain my Terrell County voter registration because it is my real residence address notwithstanding any claims I have made on a homestead exemption form."

3. Report on Countywide Mailing. On or before July 30, 2014, Defendant shall provide counsel for Plaintiff information in writing that identifies the number of voters who were identified as potentially ineligible through use of the measures set forth in Paragraph 2, *supra*, the number of voters actually removed from the registration database, and the total number of voters placed on inactive status after confirmation mailings. The data will be provided in concise summary form and will provide the aforementioned data even if that number is zero. This data must also provide the total number of active and inactive voters as of the report date. Defendant shall also provide this report to the members of the Terrell County Commissioners Court.

Defendant shall provide in this report the reasons a voter identified as potentially ineligible was removed from the list and if a potentially ineligible voter not placed on the suspense list was not removed the reason why they were not removed. Defendant shall continue to maintain records as to why an inactive voter or a voter on the suspense list was or was not removed. Defendant shall provide this information upon request.

4. Additional Compliance Measures.

The Defendant shall continue to implement and, for the duration of the Decree, make assessments described below to determine whether it is complying with the list maintenance requirements of Section 8 of the NVRA, including whether Defendant is identifying and removing voters from its rolls who have died, been convicted of a disqualifying crime, or who have moved. Specifically, the Defendant must assess whether it is: (1) reasonably acting on information regarding removal of ineligible voters provided by the Texas Secretary of State obtained from the statewide voter registration database regarding voters who may have become ineligible (such as potential deaths of voters or duplicate registration of voters); (2) researching and acting on other specific information provided in writing by voters that calls into question those voters' continued eligibility to vote at their currently registered addresses, such as jury duty declinations or county or state tax filings which claim non-resident status; (3) canvassing their registered voter lists to locate voters who have died or moved; (4) using canvass information to update voter registration rolls for voters who have moved within Terrell County consistent with Section 8(f) of the NVRA; (5) sending a forwardable confirmation notice under Section 8(d) of the NVRA to voters who may have moved outside of Terrell County or for whom there is no forwarding information; (6) placing voters who do not respond to the confirmation notice into an inactive status that will indicate the date they were placed in such status; (7) removing inactive voters who do not vote during two Federal general election cycles (*i.e.* every two years, after one federal Presidential election and one federal mid-term election) following the date the confirmation notice is sent or who indicate in writing that they have moved outside of Terrell County; (8) ensuring that eligible voters on inactive status remain on the voter registration list during the period of the two Federal general election cycles following the date the confirmation notice is sent, and that they can cast valid ballots on election day during that period, upon proper

assertion of eligibility, if required under state law; and (9) returning eligible inactive voters to active status if they properly reactivate their registration.

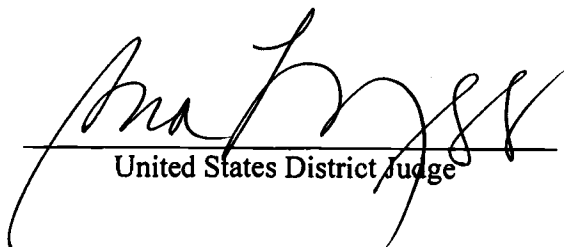
5. Retention of Records. Defendant shall retain voter registration and list maintenance records related to the terms of this agreement for the time periods provided in 42 U.S.C. §§ 1973gg-6(i) and 1974. This will include all materials and other documents necessary to the list maintenance obligations under the NVRA and state law. Defendant shall make these records available to counsel for Plaintiff upon request.

6. Costs. Each party shall bear its own costs with regard to actions taken by the parties up to and including the entry of this Decree and subsequent thereto, and the Plaintiff has waived any right to attorney's fees for the entry of this Decree.

7. Binding Nature of Decree. This Decree is binding on the Defendant, his successors in office, employees, representatives, delegates, agents, assigns, and all persons acting on his behalf, to the extent permitted by law or required by this Decree.

8. Termination Date and Retention of Jurisdiction. This Agreement shall remain in effect until August 1, 2017. The Court shall retain jurisdiction to enforce the terms of this Decree.

SO ORDERED: *March 17, 2015*


United States District Judge

WE ASK FOR THIS

FOR PLAINTIFF:

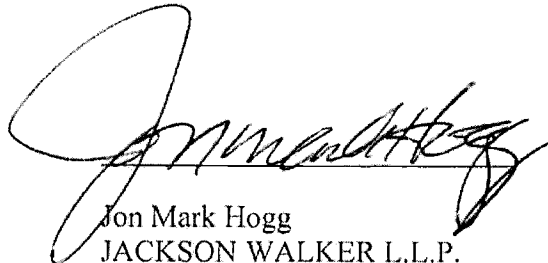


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jmhogg@jw.com