

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

GEORGIA STATE CONFERENCE OF THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
COALITION FOR THE PEOPLES' AGENDA, and
CRAIG MURPHY,

Plaintiffs,

vs.

BRIAN KEMP, in his official capacity as Secretary of
State, and CLYDE L. REESE, III, in his official
capacity as Commissioner of the Georgia Department
of Human Services,

Defendants.

Index No. 1:11-cv-1849-CAP

SETTLEMENT AGREEMENT

I. INTRODUCTION

Plaintiffs Georgia State Conference of the National Association for the Advancement of Colored People, Coalition for the Peoples' Agenda, and Craig Murphy filed the Amended Complaint in this action on July 13, 2011 alleging violations of Section 7 of the National Voter Registration Act of 1993 ("NVRA"), 42 U.S.C. § 1973gg-5, by Brian Kemp, in his official capacity as the Georgia Secretary of State ("Secretary") and Clyde L. Reese, III, in his official capacity as Commissioner of the Georgia Department of Human Services ("Commissioner" or "DHS").

The Plaintiffs and Defendants (together, the "Parties") now desire to resolve this action without further litigation and expense. Plaintiffs allege widespread past and ongoing violations of Section 7 of the NVRA and sought declaratory and injunctive relief from the Court. By entering into this Settlement Agreement, Defendants do not admit any liability or any violation of the NVRA or any other law, and Plaintiffs maintain their allegations of widespread past and ongoing violations of Section 7 of the NVRA by the Defendants. Accordingly, the Parties agree to the following terms in full and final resolution of Plaintiffs' claims under Section 7 of the NVRA. Pursuant to the terms of this Settlement Agreement, the Secretary and DHS shall implement and maintain the procedures and practices set forth in Sections II through VII, below. Except where otherwise indicated, these procedures and practices shall be implemented immediately upon execution of the Agreement. Defendants represent and warrant that the obligations undertaken pursuant to this Agreement are in accordance with all applicable state and federal laws and regulations.

II. DEFINITIONS

- A. "Covered transaction" means each time a client applies for public assistance benefits, renews or recertifies for public assistance benefits, or submits a change of address, whether in-person, or via the telephone, facsimile, mail, or electronically.
- B. "DHS" means the Georgia Department of Human Services and includes, without limitation, the Division of Family and Children Services ("DFCS"), its offices, agents and employees.
- C. "DFCS employees" means employees of DHS who have responsibilities regarding Section 7 of the NVRA and/or state implementing statutes and regulations including, *inter alia*, those who are responsible for interacting with individuals regarding the provision of public assistance benefits, those who are responsible for interacting with clients at point of entry, the supervisors of such employees, and NVRA coordinators.
- D. "DFCS offices" means all DFCS offices in Georgia through which individuals may apply for public assistance benefits, renew or recertify their public assistance benefits, or change their address with regard to the receipt of public assistance benefits.
- E. "Public assistance benefits" means those benefits available under various programs administered by the DFCS division of DHS, including, without limitation, Food Stamps (also known as Supplemental Nutrition Assistance Program or "SNAP,"), Medicaid (DHS determines eligibility for benefits only), and Temporary Assistance for Needy Families ("TANF," formerly Aid for Families with Dependent Children).
- F. "Voter registration application" means the mail voter registration application form described in Section 9 of the NVRA, 42 U.S.C. § 1973gg-7(a)(2), or the equivalent Georgia voter registration application form.
- G. "Voter Registration Declaration Statement" means the form required pursuant to Section 7 of the NVRA, 42 U.S.C. § 1973gg-5(a)(6)(B), that includes boxes for public assistance applicants and clients to check to indicate whether the applicant would like to register or declines to register to vote.
- H. "Client" means any individual who is applying for or receiving public assistance benefits through or from any DFCS office.

III. **DISTRIBUTION OF VOTER REGISTRATION APPLICATIONS AND VOTER REGISTRATION DECLARATION STATEMENTS TO PUBLIC ASSISTANCE CLIENTS**

- A. DHS shall distribute a voter registration application and a Voter Registration Declaration Statement with each application for public assistance and with each renewal, recertification or change of address related to such assistance.

- B. Within thirty days after the execution of this Agreement, the Secretary shall make the following modifications to the Voter Registration Declaration Statement currently in use as follows: The question, "*If you are not registered to vote where you live now, would you like to apply to register to vote here today?*" shall be followed by the options listed below for response and boxes for the client to check to indicate his or her choice:

1. "Yes."
2. "No."

These modifications shall be incorporated into all versions and formats of the Voter Registration Declaration Statement, including hard copies, PDF documents, electronic forms, in SUCCESS, Georgia COMPASS and any successor computer-guided systems or online application programs, and in any training materials, including *inter alia* the "Implementing NVRA DHS v.1 2011" document located on the DHS section of the Secretary's "Georgia Election Connection" webpage.

- C. Distribution of Voter Registration and Voter Registration Declaration Statements

1. DHS' current SUCCESS computer program shall be used to process all covered transactions and information shall be input into SUCCESS by caseworkers during their interactions with clients, including but not limited to interactions by telephone or in-person. For covered transactions that occur without caseworker interactions with the client, caseworkers shall input information into SUCCESS promptly upon receipt of the paperwork related to the covered transaction.
 - a. SUCCESS currently includes a question regarding voter registration which shall be answered "Yes" or "No" by DFCS employees before a covered transaction can be completed. Within seventy days after the execution of this Agreement DFCS shall update the SUCCESS computer system to add a third option of "blank" in response to the voter registration question. DFCS employees shall key a "Yes" response in SUCCESS if the client responds to the Voter Registration Declaration Statement by checking "Yes." DFCS employees shall key a "No" response in SUCCESS if the client responds to the Voter Registration Declaration Statement by checking "No." DFCS employees shall key a "blank" response in SUCCESS if the client declines to provide a "Yes" or "No" answer on the Voter Declaration Statement. Within thirty days after the execution of this Agreement, SUCCESS shall be programmed so that a covered transaction shall not be completed or processed until a DFCS employee enters a client response to the voter registration question.
 - b. DHS shall provide written guidance to DFCS employees detailing the system upgrades and new requirements of Section III.C.1.a within thirty days after the

implementation of each, and any subsequent training on NVRA procedures, policy, or compliance shall include the same guidance.

- c. The COMPASS program shall continue to provide only a "Yes" or "No" option in response to the question: "would you like to register to vote here today?" However, both the SUCCESS and COMPASS computer programs shall be updated within seventy days after the execution of this Agreement so that the answers provided during covered transactions in both instances shall sync (i.e., a client's "Yes" or "No" response to the voter registration question on COMPASS will be recorded as a corresponding "Yes" or "No" response to the voter registration question on SUCCESS). For covered transactions conducted by new clients via COMPASS, the web link between SUCCESS and COMPASS shall continue to auto-populate SUCCESS with voter registration information obtained by COMPASS. For covered transactions conducted by existing clients via COMPASS, a caseworker shall manually enter into SUCCESS the voter registration information entered into COMPASS within two days of its entry.
- d. If DHS upgrades its technology or otherwise implements new technology or software for processing covered transactions, DHS will incorporate the voter registration procedures described in Sections III.C.1.a and C.1.c as an element in the new, updated, or upgraded system and also will continue to use the procedures regarding the Voter Registration Declaration Statement detailed in Section III.C.1.a. The voter registration question will be programmed as mandatory. If possible, the computer-guided interview will also require DFCS employees to record the method by which a voter registration application was provided to a client (e.g., in person, by mail, electronically). Within forty-five days after the execution of this Agreement, the computer system will track each response entered into the computer so that a report can be generated of the number of clients, by office, who respond "Yes," "No," or provided no response (recorded as "blank" in SUCCESS).

If DHS intends to make such technology upgrades during the term of this Agreement, DHS shall provide notice of proposed changes to Plaintiffs' counsel at least forty-five days in advance of undertaking the upgrade.

- 2. In addition to providing a voter registration application and Voter Registration Declaration Statement as required in Section III.A above, during an in-person and telephone interview for a covered transaction, DFCS employees shall verbally advise the client that (a) s/he may complete the voter registration application included with the application for benefits, or renewal, recertification, and/or change of address materials; (b) s/he should complete the Voter Registration Declaration Statement and return the form to DHS; (c) the DHS employee is available to provide assistance in completing the forms; (d) DHS will forward a completed voter registration application to the appropriate elections official; and (e) DHS will retain the Voter Registration Declaration Statement for its records.

During phone interviews for public assistance applications, renewals, and recertifications, DFCS employees shall remind clients that a voter registration application and a Voter Registration Declaration Statement were provided with benefits materials, and inform them that the DFCS employee is available to provide assistance in completing the forms, that assistance is available at DFCS, and that the voter registration application may be returned in person to the local DFCS office or mailed to the Secretary of State.

3. During phone interviews with public assistance clients who report a change of address, the client shall be asked whether s/he wishes to register to vote or update any prior voter registration and the response shall be recorded on SUCCESS as provided in Section III.C.1.a above. The client shall be mailed a voter registration application and Voter Registration Declaration Statement.
4. In addition to the distribution of voter registration applications with all public assistance benefits applications, renewals, recertifications and changes of address, DFCS shall provide a voter registration application to anyone who visits a DFCS office who requests an application to register to vote. DFCS shall maintain sufficient supplies of voter registration applications at each office and shall make the applications available in the lobbies of all DFCS offices.
5. When a client receives application, renewal, or recertification paperwork by mail or other remote means, DFCS shall include a voter registration application and Voter Registration Declaration Statement with the agency paperwork that is mailed or otherwise transmitted to the client. DFCS shall include the voter registration application and Voter Registration Declaration Statement on its website as part of the downloadable public assistance benefits applications, any downloadable renewal or recertification forms, or any downloadable change of address forms.
6. When a client submits a change of address to DFCS:
 - a. by mail, DHS shall mail a voter registration application and Voter Registration Declaration Statement to the client promptly.
 - b. electronically, the client shall have the option of obtaining a voter registration application either by downloading a .pdf of the voter registration application from DFCS' website or by clicking a link on DFCS's website to request a voter registration application through the mail.
7. Covered Transactions via Georgia COMPASS

Within forty-five days after the execution of this Agreement, DHS will revise the voter registration question for all covered transactions on COMPASS, to delete the question "Is anyone in the household over the age of 18 interested in registering to vote?" and replace it with the following question: "*If you are not*

registered to vote where you live now, would you like to apply to register to vote here today?"

Clients shall continue to have the option of responding only "Yes" or "No," to this question, and COMPASS shall continue to prevent a client from completing his or her covered transaction on COMPASS without answering the voter registration question. If a client selects "Yes," DFCS shall provide the following options for obtaining a voter registration application, and COMPASS shall be modified accordingly:

- a) A client may click on the existing link to the .pdf of the Georgia Voter Registration Application on the Secretary's website. DHS and the Secretary shall modify the link such that it connects clients to the voter registration application on the Secretary's website. Further, within forty-five days after the execution of this Agreement, COMPASS shall be modified to ensure that users directed to the Secretary's website to obtain the voter registration application may seamlessly return to the DHS website to complete their COMPASS transaction. If Georgia, in the future, allows electronic voter registration, the existing link shall also connect to the online voter registration application.
- b) In addition to the link to the Georgia Voter Registration Application, COMPASS shall be modified within forty-five days after the execution of this Agreement by adding an additional link such that a client shall have the option to request that a voter registration application be sent through the mail. Thus, the existing link shall be accompanied by the following language and additional link: "If you wish to register to vote, but would prefer to have a voter registration application sent to you through the mail click **here**." DHS shall modify COMPASS and any related computer systems to ensure that voter registration applications are automatically mailed to clients who make the request through this link.

Within forty-five days after execution of this Agreement, DHS shall provide a toll-free telephone number with real time assistance to help Georgia COMPASS users complete voter registration applications.

As additional funding becomes available for technology resources, DHS will continue to enhance the voter registration procedures on its computer online application process. If DHS intends to make such technology upgrades during the term of this Agreement, DHS shall provide notice of proposed changes to Plaintiffs' counsel at least forty-five days in advance of undertaking the upgrade.

8. Client information entered during a covered transaction on COMPASS shall continue to be entered into SUCCESS automatically where a client is not on SUCCESS. Client information not subject to automatic entry on SUCCESS shall be entered by DFCS employees within two days.

9. DHS shall ensure, as more covered transactions are available online, that such online covered transactions shall include voter registration opportunities including a voter registration application and Voter Registration Declaration Statement in conformance with the procedures for online covered transactions via Georgia COMPASS detailed in Section III.C.7 above. Assistance in completing these forms shall be provided to the same degree as is provided with regard to completion of the online applications, renewals, recertifications, or change of address processes, unless the voter registration applicant refuses such assistance.
10. Beginning within forty-five days after the execution of this Agreement, mailings of voter registration applications to clients pursuant to Section III.C shall be accompanied by a written notice, which advises clients that a voter registration application is enclosed, along with a Voter Registration Declaration Statement that provides important information for public assistance clients registering to vote through DFCS. The notice shall also advise clients of the assistance available for completing the voter registration application, and shall include the contact information for the DFCS office where that help may be obtained. The notice shall advise clients that they may return completed voter registration applications in person to a DFCS office or by mail to the Secretary of State.
11. If a DFCS employee determines, at any point, including but not limited to the client interviews as described in Section III.C, above, that a client did not receive a voter registration application as required under Section 7 of the NVRA, the employee shall notify the DHS NVRA Coordinator immediately. Within five days of receiving such notice, the DHS NVRA Coordinator shall send a remedial mailing to the client and enclose a voter registration application and explanatory notice. The explanatory notice shall include the information described in Section III.C.10, above. In addition, the notice shall advise the client that (i) he is receiving the mailing because he may not have been offered the opportunity to apply to register to vote, (ii) that the mailing does not affect the individual's registration status if the individual is already registered to vote at the individual's current address, and (iii) that receipt of the mailing does not indicate any information about the individual's eligibility to register to vote. DHS shall maintain a copy of the letter in its central filing system.

D. Assistance

Each DFCS office shall provide the same degree of assistance with voter registration forms as is provided for the agency's own forms, unless declined by the client. An explanatory notice regarding the availability of assistance shall be mailed with voter registration applications, as described in Section III.C.10. At a minimum, during in-office covered transactions, DFCS employees shall examine voter registration applications for completeness and signature.

IV. MONITORING AND OVERSIGHT

- A. On or before June 30, 2012, Defendants shall implement a process by which each voter registration application submitted by a client, as defined in II.H., whether the client submits the application electronically, by mail, or in-person to a DFCS office, the Secretary or a local elections office, may be tracked for purposes of reporting and monitoring DFCS voter registration activity as required under Section IV. of this Agreement and for purposes of reporting voter registration data to the U.S. Election Assistance Commission as required under the NVRA.
- B. On a monthly basis, DHS shall provide to Plaintiffs' counsel and the Secretary a report containing the following data, by DHS office, for the preceding month:
 - 1) the number of covered transactions by type (application, renewal, recertification or change of address);
 - 2) the number of voter registration applications transmitted to the appropriate elections authority;
 - 3) the number of responses to the Voter Registration Declaration Statement by type ("Yes," "No," and blank);
 - 4) the number of responses collected through Georgia COMPASS by type ("Yes" and "No"); and
 - 5) the number of voter registration applications distributed by each office.

On a quarterly basis, the Secretary shall provide to Plaintiffs' counsel and DHS a report containing the following categories of voter registration activity, by office and month:

- 1) the total number of voter registration applications received from DFCS;
- 2) the numbers of voter registration applications received from DFCS that resulted in new voter registrations;
- 3) the numbers of voter registration applications received from DFCS that resulted in updates to existing voter registrations;
- 4) the numbers of voter registration applications received from DFCS that resulted in duplicate voter registrations; and
- 5) the numbers of voter registration applications received from DFCS that resulted in invalid or rejected voter registrations.

The required monthly reports from DHS as described in Section IV.B shall be provided on or before the fifteenth day of each calendar month after this Agreement is executed and thereafter until the expiration of this Agreement. The required quarterly reports from the Secretary described in Section IV.B shall be provided on or before the fifteenth day of each calendar month after the end of the quarter after this Agreement is executed and thereafter until the expiration of this Agreement. If the fifteenth day of the calendar month falls on a weekend or holiday, these reports shall be provided on the next business day thereafter. The reports shall be submitted in Excel spreadsheet format or a format that can be easily converted to Excel.

- C. Each month, DHS shall analyze the data collected in Section IV.B by comparing the number of voter registration applications submitted by each DFCS office for the current month with that office's prior numbers, as well as with rates across all offices. Each quarter, DHS and the Secretary shall compare the total number of agency voter registrations received by state election officials with the total number of voter registration applications that were submitted by DFCS offices.

Potential problems to be investigated or reviewed include, but are not limited to: (i) offices exhibiting unusually low registration rates as compared to their rates during previous reporting periods or to the rates of other comparable offices in the state; (ii) offices for which there is a significant disparity between the reported number of voter registration applications transmitted to elections officials and the number of voter registration applications that elections officials report receiving from DFCS; (iii) offices exhibiting potential compliance problems based on information obtained from a site visit, any other auditing procedure, office managers or supervisors, or other appropriate sources; and (iv) offices that are the subject of a complaint from the public regarding the provision of voter registration.

Where a potential compliance problem is identified for an office, the Secretary and/or DHS shall contact the appropriate office to investigate the cause. If the potential compliance problem is based on (i) above and there are more than three such offices during the month, DHS shall contact the three worst offices that month to investigate the cause and, in succeeding months, shall investigate the remaining offices.

During the first two years of this Agreement, Plaintiffs' counsel may provide DHS with a list of up to two offices per quarter that Plaintiffs believe require further review and possible corrective action, with an explanation of the reason for review. In such a case, DHS shall conduct a review of any such offices to determine whether corrective measures are needed and shall communicate the results to Plaintiffs' counsel within thirty days after the conclusion of the review.

- D. On a quarterly basis, DHS shall provide to Plaintiffs' counsel a report in which DHS analyzes the data from the monthly reports described in Section IV.B and the reviews conducted pursuant to Section IV.C for the preceding quarter. This report shall include the results of any site visits undertaken in accordance with Section IV.E, below, and shall describe any investigations or corrective actions undertaken during the preceding quarter. Any change to coordinators and contacts shall be included. The report shall be provided by the end of the month following the end of the subject quarter (e.g., by the end of April, July, October, and January).

E. Site Visits

DHS shall conduct random and unannounced site visits, and other periodic audits, of DFCS public assistance offices to monitor NVRA compliance. There shall be a minimum of four site visits per quarter. For each site visit, the DHS NVRA Coordinator shall submit a written report on the following:

- 1) sufficient supply of voter registration applications;
- 2) distribution of voter registration applications for each covered transaction;
- 3) distribution of Voter Registration Declaration Statement for each covered transaction;
- 4) recording of client responses to voter preference question in the case management system;
- 5) recording of distribution to voter registration applications in the case management system;
- 6) offering of assistance with voter registration with each covered transactions;
- 7) requesting completed voter registration applications during each covered transaction; and
- 8) submitting completed voter registrations in a timely manner to appropriate election officials.

In addition, DHS shall monitor DFCS office compliance with Section 7 of the NVRA by incorporating NVRA compliance into the USDA-management evaluation review process, which includes site visits to the DHS offices under evaluation, or shall create a parallel process for NVRA compliance. DHS shall provide to Plaintiffs' counsel within thirty days after execution of this Agreement, for review and comment, any worksheets or checklists used to evaluate DHS offices' compliance with NVRA. Deficiencies found by DHS during the review shall be cited in a designated worksheet for tracking NVRA compliance and a corrective action plan shall be developed and implemented. Management evaluation reviews shall occur on the following schedule:

- a. Annually in counties with more than 15,000 food assistance cases;
- b. At least once every 2 years in counties with 2,000 to 15,000 food assistance cases; and
- c. At least once every 3 years in counties with fewer than 2,000 food assistance cases.

F. Corrective Action

DHS shall ensure that any complaints made by the public regarding the provision of voter registration by DFCS offices shall be forwarded to the affected office and also forwarded to the Secretary.

DHS shall take appropriate corrective action, subject to State personnel law when it is determined that a particular office or individual employees at a particular office is/are not complying with Section 7 of the NVRA or the provisions of this Agreement, or otherwise are in need of corrective action to assure compliance.

G. Personnel Policy

Annual performance reviews of DHS' NVRA coordinators and DFCS employees shall include compliance with NVRA requirements. DHS progressive discipline procedures shall apply to all DHS staff who do not comply with the requirements of the NVRA and the terms of this Agreement.

V. STAFFING

A. Secretary of State NVRA Coordinator

The Secretary shall designate a staff position whose duties include being the "State NVRA Coordinator" and shall notify Plaintiffs' counsel as to the identity of that individual within twenty business days after execution of this Agreement and upon any change of the identity of the State NVRA Coordinator during the term of this Agreement. The State NVRA Coordinator shall coordinate and oversee statewide compliance with the requirements of Section 7 of the NVRA. The State NVRA Coordinator's responsibilities shall include:

- 1) providing support and guidance (including technical expertise) to DHS, including the DHS NVRA Coordinators (defined below), to assist them in identifying what is required to implement and comply with Section 7 of the NVRA, state implementing law, and the provisions of this Agreement;
- 2) serving as a liaison between the Secretary, DHS, and local election authorities regarding NVRA compliance at DHS offices;
- 3) timely review of the Secretary and DHS reports;
- 4) prompt reporting of suspected or known compliance problems at particular DFCS offices to the DHS NVRA Coordinator for offices not in compliance with this Agreement or Section 7 of the NVRA;
- 5) consulting regularly with the DHS NVRA Coordinator regarding office-level compliance and any corrective action plans; and
- 6) within fourteen business days after execution of this Agreement, provide the DHS NVRA Coordinator with a complete list of the last dates to register to vote in elections in Georgia for the year 2012. Thereafter, by December 15 of each year, the State NVRA Coordinator shall provide the DHS NVRA Coordinator with a complete list of voter registration deadlines for the coming year, as known at that time. The State NVRA Coordinator shall notify the DHS NVRA Coordinator promptly of any additional registration deadlines as they are established throughout the year for federal elections.

B. DHS NVRA Coordinators

DHS shall designate a "DHS NVRA Coordinator" to ensure implementation of Voter registration services within DHS, to monitor compliance with Section 7 of the NVRA statewide, and to troubleshoot for local DFCS offices. DHS shall notify Plaintiffs' counsel as to the identity of that individual within twenty business days after execution of the Agreement and upon any change of the identity of the DHS NVRA

Coordinator during the term of this Agreement. The DHS NVRA Coordinator's responsibilities shall include:

- 1) maintaining an up-to-date list of Regional NVRA Coordinators (defined below), and if the DHS NVRA Coordinator learns at any time that a Regional NVRA Coordinator position is unfilled in any DHS region, the DFCS Director shall appoint an individual to fill that position within fifteen business days of the date of discovery. However, any final appointment to the position is subject to approval by the DHS Commissioner;
- 2) coordinating and overseeing compliance with the requirements of Section 7 of the NVRA and the provisions of this Agreement. Such coordination shall involve regular communication with the Secretary's State NVRA Coordinator and the Regional NVRA Coordinators to ensure that DHS fully complies with the requirements of Section 7 and the provisions of this Agreement;
- 3) serving as a liaison between the Regional NVRA Coordinators and the local election authorities regarding NVRA compliance at DFCS offices;
- 4) conducting reviews of compliance with Section 7 of the NVRA and the provisions of this Agreement at DFCS offices as discussed above (see Section IV);
- 5) preparation of reports of on-site visits for compliance with Section 7 of the NVRA and the provisions of this Agreement (see Section IV);
- 6) providing corrective action plans to Regional NVRA Coordinators for employees and/or offices not in compliance with Section 7 of the NVRA or the requirements of this Agreement;
- 7) reviewing the DHS monthly reports;
- 8) ensuring that DHS conducts an NVRA education and training program, as discussed below;
- 9) ensuring that each DHS office maintains an adequate supply of voter registration forms for distribution in the manner required by this Agreement;
- 10) preparing remedial mailings of voter registration forms in accordance with Section III.C.11; and
- 11) within fourteen business days after receiving the complete list of the last dates to register to vote in elections in Georgia for the year 2012 from the Secretary's State NVRA Coordinator, the DHS NVRA Coordinator shall provide every Regional NVRA Coordinator such list. Thereafter, the DHS NVRA Coordinator shall provide every Regional NVRA Coordinator with a complete list of such voter registration deadlines for the coming year by December 31 of each year and shall distribute promptly any supplemental lists of additional registration deadlines received from the Secretary throughout the year.

C. DHS shall also designate a "Regional NVRA Coordinator" for each existing DHS region to ensure implementation of and compliance with Section 7 of the NVRA. DHS shall notify Plaintiffs' counsel as to the identities of these individuals within twenty business days after execution of the Agreement and upon any change of the identity of a Regional NVRA Coordinator during the term of this Agreement. Regional NVRA Coordinators' responsibilities shall include:

- 1) reading and understanding the voter registration manual and other training materials to be prepared pursuant to this Agreement (see Section VI, below);
- 2) implementing corrective actions, as directed by the DHS NVRA Coordinator;
- 3) coordinating and overseeing implementation and compliance with the requirements of Section 7 of the NVRA and the provisions of this Agreement at the DFCS offices within their region, including providing support, guidance and timely training to DFCS employees at the offices within their region regarding proper DHS NVRA procedures;
- 4) answering questions from the public relating to voter registration at DFCS offices;
- 5) ensuring that signs are posted in prominent locations in their assigned DFCS offices advising the public of the right to register to vote at that site (see Section VII);
- 6) ensuring that local DFCS offices within their regions transmit all completed voter registration applications to the Secretary pursuant to the time frames specified in Section VII.A., below;
- 7) ensuring that his or her assigned offices have an adequate supply of voter registration forms for distribution in the manner required by this Agreement, and notifying the DHS NVRA Coordinator when supplies are low;
- 8) compiling and transmitting all data for the monthly reports, aggregated by office, to the DHS NVRA Coordinator; and
- 9) within seven business days after receiving the complete list of the last dates to register to vote in elections in Georgia for the year 2012 from the DHS NVRA Coordinator, Regional NVRA Coordinators shall provide every local DFCS office within their regions such list. Thereafter, Regional NVRA Coordinators shall provide every local DFCS office within their regions with a complete list of such voter registration deadlines for the coming year by December 31 of each year and shall distribute promptly any supplemental lists of additional registration deadlines received from the DHS NVRA Coordinator throughout the year.

In addition to the foregoing responsibilities in this Section V.C, Regional NVRA Coordinators shall be responsible for ensuring that the appropriate supervisory employee at each local DFCS office in his or her region complies with or implements the following:

- 1) reading and understanding the voter registration manual to be prepared pursuant to this Agreement (see Section VI, below);
- 2) implementing corrective actions, as directed by the DHS and Regional NVRA Coordinators;
- 3) answering questions from the public relating to voter registration at DFCS offices;
- 4) ensuring that signs are posted in prominent locations in their DFCS offices advising the public of the right to register to vote at that site (see Section VII);
- 5) transmitting all completed voter registration applications to the Secretary pursuant to the time frames specified in Section VII.A, below;
- 6) completing and transmitting the Agency Daily Recap Reporting Form, or some other mechanism that provides the relevant voter registration information and data, to the Regional NVRA Coordinator; and

- 7) retaining completed Voter Registration Declaration Statements for 24 months following their completion in a file separate from the clients' case files.

VI. TRAINING

- A. Within forty-five business days after the execution of this Agreement or, if DOJ has not precleared this Agreement by such time, as soon as DOJ preclears this Agreement, the Secretary and DHS, through their State NVRA Coordinators, together shall forward to Plaintiffs' counsel for review and comment DFCS's NVRA training materials, including a PowerPoint presentation to be used for training DFCS employees, and any other related training materials, regarding the requirements of Section 7 of the NVRA, all related Georgia state laws, and the procedures used by DFCS offices to comply with both. In addition, these newly-created and/or updated materials shall reflect the requirements of this Agreement, including, but not limited to, identifying public assistance programs subject to the NVRA and informing employees that, for each covered transaction, the NVRA requires them to:
 - 1) distribute voter registration applications;
 - 2) provide a Voter Registration Declaration Statement ;
 - 3) provide the same level of assistance to all clients in completing voter registration application forms as is provided with respect to every other service or application for benefits (unless the client specifically refuses such assistance);
 - 4) accept completed voter registration forms from clients; and
 - 5) transmit each completed voter registration application to the Secretary within the prescribed time frame.
- B. Before any manuals, PowerPoints, and any related training materials are finalized, the proposed manual and training materials will be provided to Plaintiffs' counsel for review and comment, and the Parties shall make every effort to ensure that the manual and training materials are finalized no later than sixty days after the execution of this Agreement or as soon thereafter as DOJ preclears this Agreement. The Coordinators shall update the training materials when needed, and provide proposed updates to Plaintiffs' counsel for review and comment at least fourteen days prior to distribution of the updated materials. Updated materials shall be provided in a "redline" format indicating areas of recommended changes.
- C. The Secretary's NVRA Coordinator shall be responsible for assisting in the development of training materials for DHS and for providing election-related expertise, guidance and support to DHS related to the training process (e.g., to communicate any changes in federal or state law that relate to voter registration at DHS offices, or to address any problems with NVRA compliance, as determined by the procedures set forth in Section IV of this Agreement).
- D. Subject to preclearance of this Agreement by DOJ, within one hundred days after the execution of this Agreement and annually thereafter for the term of this agreement, DHS shall conduct training of all DHS Regional NVRA Coordinators and all DFCS

employees. All DHS Regional NVRA Coordinators and DFCS employees shall complete and attest to having completed that training. All DHS Regional NVRA Coordinators and DFCS employees on annual, sick or other leave at the time when their annual training is scheduled shall be trained within thirty days after their return to active work status. All newly appointed DHS Regional NVRA Coordinators and all newly-hired DFCS employees shall receive training equivalent to the annual NVRA training program within thirty days after their appointment or hire if the Coordinator or employee has not previously received the annual training.

- E. DHS shall provide for special supplemental training for DHS Regional NVRA Coordinators and DFCS employees on new or amended DHS NVRA policies no later than thirty days after adoption of those policies.
- F. DHS and the Secretary shall maintain the NVRA training materials and other NVRA support information online.
- G. Within thirty days after execution of this Agreement, DHS shall provide notice of the Agreement to all DHS Regional NVRA Coordinators and DFCS employees, including a statement advising all such employees of DHS's requirement to provide voter registration pursuant to Section 7 of the NVRA. DHS shall submit to Plaintiffs' counsel for review and comment the notice to be provided to DHS Regional NVRA Coordinators and DFCS employees prior to execution of this Agreement.

VII. DFCS OFFICE PROCEDURES

- A. DFCS local office supervisors shall continue to transmit all completed voter registration applications to the Secretary at least once per week, and, during the fifteen days leading up to a registration deadline for a primary or election, registration applications shall be transmitted to the Secretary at the end of each business day.
- B. Each DFCS office shall prominently post a sign generally advising the public of the opportunity to register to vote when an individual submits a benefits application, recertification, renewal, or a change of address. The signs shall include language identifying the process for the applicant, that agency staff are available to assist clients who are filling out a voter registration application form, and that the decision whether or not to register to vote does not affect the amount of public assistance they will be provided by the agency.

VIII. ATTORNEYS' FEES AND EXPENSES

Plaintiffs shall be entitled to recover reasonable attorneys' fees, litigation expenses and costs related to the action. By no later than September 30, 2012, Defendants will pay Plaintiffs' counsel \$175,000 in full settlement of Plaintiffs' claim for attorneys' fees, litigation expenses and costs.

IX. ENFORCEMENT

A. The United States District Court for the Northern District of Georgia shall have continuing jurisdiction to enforce the terms of this Agreement.

B. If Plaintiffs conclude that Defendants are in breach of this Agreement, Plaintiffs shall notify Defendants in writing of the asserted breach. Any notice of breach shall specifically identify the breach of the Agreement. Plaintiffs shall then allow Defendants thirty days to respond to the notice and take action to cure the asserted breach before filing an enforcement action in this Court.

X. TERM

This Agreement shall become effective on the date of execution and shall remain in effect until September 30, 2015.

XI. PRECLEARANCE

Pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973c, Defendants shall seek administrative preclearance from the United States Department of Justice of this Agreement no later than five business days after its execution.

XII. EXECUTION IN COUNTERPARTS

This Agreement may be executed in two or more counterparts, each of which shall constitute an original instrument and all of which together shall constitute one and the same Agreement.

With agreement by the Parties,

On behalf of Plaintiffs' Georgia State Conference of the National Association for the Advancement of Colored People, Coalition for the Peoples' Agenda and Craig Murphy:



DECHERT LLP

Neil A. Steiner

1095 Avenue of the Americas

New York, New York 10036

April 6, 2012

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ACLU VOTING RIGHTS PROJ.

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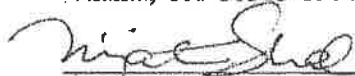
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For the Defendants:

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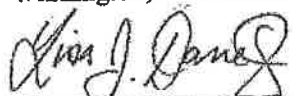
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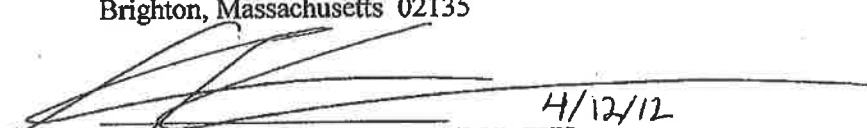
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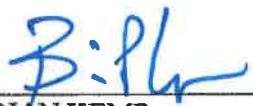
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For the Defendants:


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Secretary of State

 4/16/2012

CLYDE L. REESE, III
Commissioner,
Georgia Department of Human Services

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