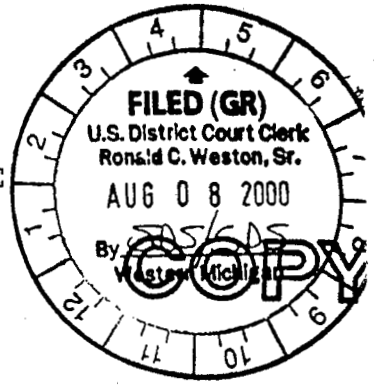


IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN



UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 STATE OF MICHIGAN AND)
 CANDICE S. MILLER, SECRETARY OF)
 STATE OF THE STATE OF MICHIGAN,)
)
 Defendants.)

CIVIL ACTION NO. 1:00CV583

CONSENT DECREE

Wendell A. Miles
Senior, U.S. District Judge

A. STIPULATIONS OF THE PARTIES

The United States of America, Plaintiff, and the State of Michigan and Candice S. Miller, Secretary of State of the State of Michigan, Defendants, stipulate and agree that:

1. This action is brought by the Attorney General on behalf of the United States pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff to 1973ff-6.

2. This Court has jurisdiction of this action pursuant to 42 U.S.C. 1973ff-4 and 28 U.S.C. 1345.

3. The United States, by this action, seeks injunctive relief to assure that citizens living abroad, who are qualified to vote in the August 8, 2000 federal primary election of the State of Michigan, and who have filed timely applications for absent voter ballots, will have their ballots counted in the August 8, 2000 federal primary election.

4. The Defendant State of Michigan is charged with the responsibility of assuring that Michigan election laws, as applied, comply with the provisions of the Uniformed and Overseas

Citizens Absentee Voting Act, 42 U.S.C. 1973ff to 1973ff-6.

5. The Defendant Candice S. Miller, sued in her official capacity as the Secretary of State of the State of Michigan, is the chief elections officer of the State and is responsible for assuring that elections in the State are conducted in accordance with the law. The principal office of the Secretary of State is located in Lansing, Michigan.

6. On August 8, 2000, a primary election will be conducted in Michigan. This primary election is part of a process for selecting nominees for several state and federal offices, including United States Senator and Representative in the United States Congress.

7. Election officials of the State of Michigan have received timely requests for absent voter ballots from overseas voters, who are entitled to vote pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act.

8. Under Michigan law, absent voter ballots received after the polls close at eight o'clock p.m. on the date of the election are not counted. Mich. Comp. Laws Ann. § 168.759a (1999).

9. On July 31, 2000, Defendant State of Michigan notified the Director of the United States Department of Defense Federal Voting Assistance Program that many counties in Michigan had experienced ballot printing delays that caused absent voter ballots to be available in many jurisdictions less than 30 days before the August 8, 2000 primary election. Defendant stated a

willingness to enter into a Consent Decree on the acceptance of late ballots from military personnel and citizens abroad.

10. In order to allow overseas citizens a fair opportunity to vote by absent voter ballot, election officials in Michigan must mail the ballots to the voters on a date sufficiently in advance of election day to allow the voter to receive the ballot, cast his or her vote, and return the ballot to the office of the appropriate election official by the time the polls close on election day. The United States Postal Service estimates that a period of 10 to 17 days is a reasonable benchmark from the time of posting to the time of delivery of international mail and that a period of 20 to 34 days is a reasonable benchmark for a round trip if the addressee responds on the day he or she receives the letter. The United States Department of State has estimated that 10 to 14 days is a reasonable one-way international benchmark. The Military Postal Service Agency estimates that at least 30 days are necessary for mail to military personnel to make a complete round trip to and from overseas locales. This estimate takes into account the fact that some military personnel are stationed in remote areas. The Federal Voting Assistance Program of the Department of Defense recommends that states allow 40 to 45 days for round trip mailing time for overseas ballots.

11. Election officials in a number of counties did not mail absent voter ballots to military and civilian overseas voters (who had made timely requests for such ballots) on a date sufficiently in advance of August 8, 2000, in light of the

estimates of the time it takes for mail to make a complete round trip to and from an overseas locale, to allow such voters to receive the ballot, cast a vote, and return the ballot to election officials by the time the polls close on August 8, 2000.

12. The failure of local election authorities in Michigan to mail absent voter ballots to military and civilian overseas voters on a date sufficiently in advance of August 8, 2000, so as to allow the voting and return of ballots by the deadline established by state law, may deprive United States citizens of an opportunity to vote in the August 8, 2000 federal primary election contrary to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act.

13. For purposes of this Consent Decree, jurisdictions that are not in compliance with the Act are (a) jurisdictions that did not have absent voter ballots available for delivery to military personnel and citizens located abroad on or before July 9, 2000; and (b) jurisdictions that did not mail absent voter ballots on or before July 9, 2000 to military personnel and citizens located abroad who made timely application for an absent voter ballot, even though absent voter ballots were available for delivery.

14. An order of this Court is necessary requiring election officials of the State of Michigan to take corrective action in order to protect the rights granted by the Uniformed and Overseas Citizens Absentee Voting Act.

13. To ensure that all citizens abroad who are protected under the Act, who are eligible to vote in the State of Michigan,

and have made timely requests for absent voter ballots, have a reasonable opportunity to have their ballots counted in the August 8, 2000 federal primary election, it is appropriate for this Court to enter an order authorizing the use of the federal write-in ballot provided by 42 U.S.C. 1973ff-2 and extending from the close of business on August 8, 2000 until the close of business on August 18, 2000 the deadline for the return of ballots.

This consent decree is final and binding as to all issues resolved herein.

B. ORDER

WHEREFORE, the parties having freely given their consent, and the terms of the decree being fair, reasonable, and consistent with the requirements of the Uniformed and Overseas Citizens Absentee Voting Act,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. All citizens abroad who are protected under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff to 1973ff-6, and who are eligible to vote in the State of Michigan, and have made timely applications for absent voter ballots, are hereby authorized to use the federal write-in ballot provided by 42 U.S.C. 1973ff-2, in the August 8, 2000 federal primary election.

2. The defendants shall take all steps necessary to ensure that all ballots cast in the August 8, 2000 federal primary

election received by the close of business on August 18, 2000 by the appropriate election officials are counted as validly cast ballots with respect to all federal offices, so long as the ballots would have been counted if they had been received by the close of business on August 8, 2000, the date of the federal primary election, if they are cast by citizens abroad who are protected under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff to 1973ff-6, and who made timely applications for absent voter ballots.

3. The defendants shall notify the Director of the Federal Voting Assistance Program (FVAP) of the Department of Defense as soon as this decree has been signed and request that the FVAP take such action as is necessary to notify overseas voters of the its provisions. The defendant shall assist the FVAP in whatever way necessary to publicize these provisions.

4. The Court retains jurisdiction of this action to enter such further relief as may be necessary for the effectuation of the terms of this Decree.

By J. Shank
Deputy Clerk

U.S. District Court
Western Dist. of Michigan

Date 8/8/00

ORDERED this 8th day of August, 2000.

Bruce A. Adelson
United States District Judge

The undersigned agree to the entry of this Decree.

For the Plaintiff
United States of America:

BILL LANN LEE
ASSISTANT ATTORNEY GENERAL

Bruce Adelson

JOSEPH D. RICH
GAYE L. TENOSO
BRUCE ADELSON
Attorneys, Voting Section
Civil Rights Division
Department of Justice
P.O. Box 66128
Washington, D.C. 20035-6128
(202) 307-6302

For the Defendants
State of Michigan and
Secretary of State:

Gary P. Gordon
GARY P. GORDON
Assistant Attorney General

MICHAEL H. DETTMER
UNITED STATES ATTORNEY FOR THE
WESTERN DISTRICT OF MICHIGAN

Robert I. Dodge

ROBERT I. DODGE
Assistant U.S. Attorney
P.O. Box 208
Grand Rapids, MI 49501-0208
(616) 456-2404

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN

COPY

UNITED STATES OF AMERICA,)
)
Plaintiff,)
v.)
)
STATE OF MICHIGAN AND)
CANDICE S. MILLER,)
SECRETARY OF STATE)
OF THE STATE OF MICHIGAN,)
)
Defendants.)

Case No. 1:00cv583

Hon.
United States District Judge

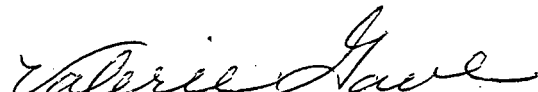
Wendell A. Miles
Senior U.S. District Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 8, 2000, she mailed via first class mail, postage prepaid, a copy of the Complaint and proposed Consent Decree filed in the above-captioned matter to the following:

Gary P. Gordon, Esquire
Assistant Attorney General
G. Mennen Williams Bldg., 7th Floor
525 West Ottawa
P O Box 30212
Lansing, MI 48909

Bill Lann Lee
Joseph D. Rich
Gaye L. Tenoso
Bruce Adelson
Attorneys, Voting Section
Civil Rights Division
Department of Justice
P O Box 66128
Washington, DC 20035-6128


VALERIE GAVE, Legal Secretary
United States Attorney's Office
Post Office Box 208
Grand Rapids, MI 49501-0208
616/456-2404