

OCT 12 2006

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

JAMES N. HATTEN, Clerk
By: *JHP* Deputy Clerk

The UNITED STATES OF AMERICA)

Plaintiff,)

v.)

The STATE of GEORGIA; and)
CATHY COX, Secretary of State,)
in her official capacity,)

Defendants.)

Civil Action No.

06 CV 2442

CONSENT JUDGMENT AND DECREE

The United States filed the Complaint in this action on this date pursuant to 42 U.S.C. §§ 1974b and 1974d, which authorize the Attorney General of the United States to bring suit when a jurisdiction fails to maintain and/or make available all records and papers relating to voter registration for federal elections. The Attorney General alleges that the defendants violated 42 U.S.C. § 1974b by failing to make available upon written demand the Georgia voter registration list with any social security numbers collected by the state for voter registration purposes, for inspection,

reproduction and copying. The defendants seek a declaration authorizing such inspection, reproduction and copying from a Court of the United States.

The parties are desirous of resolving this matter without the need for litigation. Accordingly, they have engaged in good faith negotiations and have agreed to the terms of this Consent Judgment and Decree as an appropriate resolution of all claims alleged in this litigation.

This Court has jurisdiction over the parties and the subject matter of this litigation. This agreement is final and binding between the parties, their successors in office, and their agents regarding the claims raised in this action.

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

1. Defendants are enjoined to take the actions specified below to comply with 42 U.S.C. § 1974b and to make available to the United States all records and papers relating to voter registration for federal elections, specifically the State's voter registration list, including Social Security numbers that the State has collected for voter registration purposes.

PROVISION OF INFORMATION BY THE STATE

2. Defendants shall immediately make available to the United States the full statewide voter registration list including each registered voters' full name, address, birth date and all additional voter identification information, including social security numbers or drivers license numbers as collected by the State for voter application and registration purposes. The State shall produce such data in electronic format on a CD-ROM or DVD formatted in consultation and full agreement with the United States.

SCOPE OF USE OF INFORMATION

3. The United States shall use the voter registration list information to assess the state's compliance with the federal voting laws, including, but not limited to, the National Voter Registration Act, 42 U.S.C. §1973gg *et seq.* ("NVRA") and the Help America Vote Act of 2002, 42 U.S.C. § 15301 *et seq.* ("HAVA").

4. Pursuant to 42 U.S.C. § 1974c, unless otherwise ordered by a court of the United States, neither the Attorney General, nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to 42 U.S.C. § 1974, or

any reproduction or copy, except to Congress and any committee thereof, or in the presentation of any case or proceeding before any court or grand jury.

5. The United States shall retain any and all records concerning the subject matter of this Decree during the term of its use of the information, and shall then destroy the information and any copies pursuant to appropriate and approved Department of Justice procedures for destruction of sensitive data.

6. In the event that the United States identifies information indicating an issue as to compliance with federal law, the United States agrees to provide the State with such information as is necessary and appropriate to offer an opportunity to address and correct such issue. Provision of such information will not be deemed to waive any attorney-client or attorney work product privileges. Plaintiff retains the right to take legal redress at any time, if necessary, to compel the State and/or the Secretary of State to comply with federal law.

7. Any notices sent by the respective parties pursuant to provisions of this Decree shall be sent to:

For the United States:

John K. Tanner
Chief, Voting Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave., N.W., Room 7254-NWB
Washington, D.C. 20530
Phone: (800) 253-3931
Fax: (202) 307-3961
Email: robert.popper@usdoj.gov
Email: christy.mccormick@usdoj.gov
Email: nicole.marrone@usdoj.gov

For the Defendants:

Dennis R. Dunn, Esq.
Deputy Attorney General
Department of Law
State of Georgia
40 Capitol Square, SW
Atlanta, Georgia 30334
Phone: (404) 656-5614
Fax: (404) 657-9932
Dennis.Dunn@LAW.State.GA.US

The provisions of this Decree shall expire on December 31, 2009. The Court retains jurisdiction of this action to enforce the terms of this Decree during the effective period of this Decree.

Entered this ____ day of _____, 2006.

JUDGE

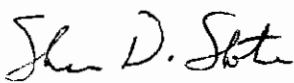
Approved as to form and content:


For the Plaintiff, United States of America:


ALBERTO R. GONZALES
Attorney General

DAVID E. NAHMIAS
United States Attorney

WAN J. KIM
Assistant Attorney General
Civil Rights Division

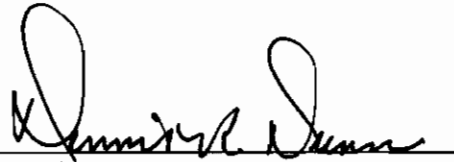

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**For the Defendants, the State of
Georgia and Cathy Cox,
Secretary of State,
in her official capacity::**

Thurbert E. Baker
Attorney General
State of Georgia

A handwritten signature in black ink, appearing to read "Dennis R. Dunn", written over a horizontal line.

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