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VOTER REG NO CANCEL

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MESSAGE/INSTRUCTIONS

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NO. DIST. OF CAL. S.J.

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8 Attorneys for Governor Pete Wilson
and the State of California

9 UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 PETE WILSON, Governor of the
State of California; STATE OF
13 CALIFORNIA

14 Plaintiffs,

15 v.

16 UNITED STATES OF AMERICA;
JANET RENO, Attorney General;
17 TREVOR POTTER, Chairman,
Federal Elections Commission;
18 FEDERAL ELECTIONS COMMISSION,

19 Defendants.

No C-95-20042-JW, C-94-20860 JW

³⁰
~~(PROPOSED)~~ STIPULATED ORDER

20 INTRODUCTION

21 On October 21, 1997, the United States filed a Notice of Motion and Motion for Further
22 Relief in the above case. In its motion, the United States contended that the operation of California's
23 Alternate Residency Confirmation procedure (California Elections Code sections 2224 and 2226)
24 and Fail-Safe Voting procedure (California Elections Code section 14311; California Code of
25 Regulations, tit. 2, div. 7, chp. 1, section 20107) do not comply with the NVRA. On November 12,
26 1997, with the agreement of counsel for the United States, counsel for Governor Pete Wilson wrote
27 to the court requesting that the December 8, 1997 hearing on the motion be taken off calendar to
28 allow the parties the opportunity to settle the issues encompassed by the motion.

1 The matter is now before the court to memorialize the parties' agreement regarding the issues
2 raised in the motion of the United States.

3 AGREEMENT AND STIPULATION


4 Accordingly, and without prejudice to the parties' right to seek modification of the
5 stipulation should Congress amend or otherwise modify the NVRA, 42 U.S.C. sections 1973gg
6 to 1973gg-10, the parties agree and stipulate and request that the court order as follows:


7 1. With regard to the alternate residency confirmation procedures: without conceding
8 that the California Elections Code sections which give effect to this procedure are contrary to the
9 NVRA, defendants agree not to cancel the voter registration of any voter pursuant to the
10 provisions of Elections Code section 2226, subsection (b).


11 2. With regard to the fail safe voting procedures: without conceding that California
12 Elections Code section 14311 or its implementing regulations promulgated by the Secretary of
13 State are contrary to the NVRA, defendants will modify the implementing regulations to provide
14 that for purposes of fail-safe voting at the office of the county elections official, written
15 affirmation of current residence shall constitute proof of residence. The modified implementing
16 regulations shall further provide that final acceptance of such written affirmation shall be
17 contingent upon verification of signature by comparison with the voter's registration document.
18 Procedures reflecting these modifications shall be in effect no later than May 4, 1998.

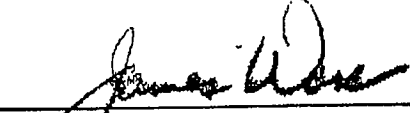
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1 3. Without conceding that the State of California is subject in any manner or to any extent to
 2 the preclearance provisions set forth in sections 4 and 5 of the federal Voting Rights Act, as
 3 amended (42 U.S.C. §§1973b(b); 1973c), and solely for purposes of expediting resolution of this
 4 litigation, the parties agree that this Stipulation will be submitted to the United States Department
 5 of Justice for preclearance insofar as implementation thereof affects, or might affect, the counties
 6 of Kings, Merced, Monterey, and Yuba.

7
 8 Date: 1/29/98

 9 CYRUS J. RICKARDS
 Deputy Attorney General
 Counsel for Governor Pete Wilson

10
 11 Date: 1/26/98

 12 BILL LANN LEE
 Acting Assistant Attorney General
 ELIZABETH JOHNSON
 BARRY WEINBERG
 MICHELE GILMAN
 Attorneys, Voting Section
 Civil Rights Division
 U.S. Department of Justice
 Attorneys for United States and Janet Reno

13
 14
 15
 16
 17 Date: 1/29/98

 18 ROBERT RUBIN
 NANCY STUART
 Lawyers Committee for Civil Rights of the
 San Francisco Bay Area
 Counsel for Voting Rights Coalition, et al.

19
 20
 21 The court hereby adopts this stipulation as its Order.
 22 IT IS SO ORDERED.
 23 DATED: 2/2/98

 24 JAMES WARE
 United States District Judge

25
 26
 27
 28

DECLARATION OF SERVICE

Case Name: *Voting Rights Coalition, et al., v. Pete Wilson, Governor of the State of California, et al., v. Janet Reno, Attorney General; United States of America*

United States District Court for the Northern District,
Nos. C-94-20860 JW and C-95-20042 JW

I declare:

I am employed in the County of Sacramento, California. I am 18 years of age or older and not a party to the within entitled cause; my business address is 1300 I Street, P.O. Box 944255, Sacramento, California 94244-2550.

On January 29, 1998, I served the attached

(PROPOSED) STIPULATED ORDER

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid by U.S. Mail at Sacramento, California, addressed as follows:

Robert Rubin
Lawyers Committee for Civil Rights
301 Mission Street, Suite 400
San Francisco, CA 94105

Michele Gilman
U.S. Department of
Justice
Civil Rights Division, Voting
Section
P.O. Box 66128
Washington, D.C. 20035-6128

I declare under penalty of perjury the foregoing is true and correct and that this declaration was executed on January 29, 1998, at Sacramento, California.

CYNTHIA BASINGER


Signature