

I THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FILED  
JUN 24 1996

MILTON I. SHADUR, JUDGE  
UNITED STATES DISTRICT COURT

ACORN, et al.,  
Plaintiffs,  
vs.  
JAMES R. EDGAR, et al.,  
Defendants.

No. 95 C 174  
Hon. Milton I. Shadur

PRIVATE PLAINTIFFS' PROPOSED COMPLIANCE PLAN

This matter is before the Court pursuant to the plaintiffs' and United States' motions to enforce, interpret and modify this Court's Order of March 28, 1995. The Court orders defendants to observe the following compliance plan:

A. EFFECT OF PRIOR ORDERS

1. The order of this Court entered March 28, 1995, as modified by the Court of Appeals of the Seventh Circuit, remains in force and effect.

2. Defendants are also permanently enjoined from administering or enforcing the regulations invalidated on September 6, 1995.

B. RECAPTURE PROGRAM

1. Defendants shall provide a toll-free telephone number and a TTY/TDD number through which English or Spanish speaking individuals may seek to register under the NVRA ("toll-free number"). Upon request, a mail-in registration form with pre-paid postage shall be mailed to each individual. Each such form shall include a code so that an election authority receiving the form shall be able to

identify the applicant as having registered during this recapture process. Forms shall be available in any version presently in use (including but not limited to Spanish language). The toll-free number shall operate between August 1 and September 30, 1996.

2. The Secretary of State shall insert information about the toll-free number in its mailings to state residents concerning the renewal of license plates. Other agencies that offer voter registration shall insert information about the toll-free number in any regular mailings made to persons obtaining services, including benefit checks.

3. Defendants shall publicize the toll-free number, the availability of mail-in registration for federal elections, and the deadline for registering for the November 1996 election by at least the following methods:

- a. Press releases to all news outlets.
- b. Public service announcements (in English and Spanish), made available to all radio and television stations. Television spots shall be open captioned. The defendants shall purchase air-time to run such announcements on (1) Spanish language television and radio broadcasting in Cook County; and (2) radio stations in all major Illinois markets, which shall include a variety of programming formats and stations with primarily African-American audiences.
- c. Placards (in English and Spanish) placed in metropolitan mass transit vehicles (e.g. Chicago Transit Authority and PACE buses and trains) throughout Illinois.
- d. Notification of persons with disabilities through State-funded facilities providing services

to persons with disabilities and notification of persons seeking.

The defendants may use additional methods in its discretion. For purposes of complying with this subsection of the compliance plan only, the defendants shall budget no less than \$\_\_\_\_\_.

4. The State Board of Elections regulations shall be amended as follows:

a. Voters who register by mail during the recapture process may vote by absentee ballot only in the November 1996 federal elections if they furnish a written verification of good cause to their local election authority. Good cause shall include bona fide absence from the state to attend a college, university or other school.

b. Local election authorities shall be permitted to correct erroneous mail-in registrations that are timely filed (i.e. postmarked 30 or more days before the elections).

5. State-funded offices that provide services to persons with disabilities (including the Department of Rehabilitation Services and the Department of Mental Health and Developmental Disabilities) shall provide assistance to such persons in completing mail-in registration.

6. Recapture mail-in registrations shall be sent to a single P.O. Box, maintained by the State Board of Elections, and defendants shall route the registrations to the appropriate local elections authorities.

C. ADDITIONAL DISCRETIONARY AGENCIES

Defendants shall add additional offices as voter registration agencies, pursuant to NVRA § 7(a)(3)(A), 42

U.S.C. § 1973gg-5(a)(3)(A).

D. BALLOT INTEGRITY RULES

The State Board of Elections shall issue an addenda to its NVRA manual to local elections authorities and amend its rules to reflect the following:

1. The mailing of confirmation notices under 42 U.S.C. § 1973gg-6(c)(1)(B)(i) (for change of address) and -6(d)(2) (for confirmation of address) must be completed no later than 90 days prior to any primary or general federal election.

2. The verbatim requirements of 42 U.S.C. § 1973gg-6(e), which allow a registrant who has moved to be permitted to vote "upon oral or written affirmation" of the fail-safe conditions provided by NVRA.

3. Amendment of the confirmation notice, SBE No. R-26, to meet the requirements of 42 U.S.C. § 1973gg-6(d)(2) by stating that a registrant not returning the card may be required to provide affirmation or confirmation of the registrant's address before voting, and specifying the date by which someone has to vote to avoid removal from the federal registration list.

4. Written materials used to canvass registrants for federal-only and for other elections shall clearly differentiate the respective requirements of the NVRA and state law to the extent that they are different.

E. SPANISH LANGUAGE MATERIALS AND APPROPRIATE ASSISTANCE

1. Section 203 Jurisdictions (Cook County).

Defendants shall take all necessary measures to ensure that Cook County, Illinois, there is full compliance with the bilingual portions of the Voting Rights Act of 1965, 42 U.S.C. §1973 et seq. and related regulations, as referenced at 42 U.S.C. § 1973gg-9-(d)(1). Thus, inter alia, Spanish language oral assistance shall be provided to voter registrants and written materials shall be provided as required by NVRA in the Spanish language.

a. Spanish language written materials shall be provided in Cook County with respect to registration assistance at (1) all NVRA mandated offices and agencies; (2) at all discretionary registration agencies; and (3) at all polling and other sites designated to effectuate fail-safe registration. "Written materials" include registration notices and forms, acknowledgement notices, confirmation mailings, declination forms, fail-safe voting notices and any other materials used to implement the NVRA.

b. Sufficient Spanish language oral assistance shall be provided, including but not limited to providing such assistance at every central agency site and at every site which falls in whole or in part in a census tract which is 5% Latino (or Hispanic) ("5% sites") according to the most recent census. At central agency sites and 5% sites, at least one person fluent in Spanish shall be available during office hours (or polling hours if a polling site).

c. Agencies shall post a sign in a conspicuous location at each registration site providing Spanish language assistance stating, in Spanish, that "voter registration forms and assistance are available in Spanish."

d. To the extent defendants do not have direct control over election authorities they should promulgate regulations that require:

(i) that relevant bilingual written materials be provided at each central office location where voter registration occurs and at each polling site;

(ii) that these materials shall include those outline in E.1.a above, as appropriate to the site;

(iii) that sufficient bilingual oral assistance be provided, including but not limited to providing such assistance at each central office location where voter registration occurs, and at polling sites which fall in whole or in part in a census tract which is 5% Latino (or Hispanic), according to the most recent census. At central agency sites and 5% sites, at least one person fluent in Spanish shall be available during normal office hours (or polling hours, if a polling site) to provide oral assistance; and

(iv) Conspicuous signs shall be posted at each site specified for oral assistance in (D)(iii) above, reflecting in the applicable language(s) stating in Spanish that Spanish language materials and assistance are available.

## 2. Statewide

a. Defendants shall take all necessary steps, including but not limited to promulgating regulations, to ensure that all agencies in Illinois which provide voter registration services under the NVRA, and which provide bilingual assistance in their normal course of business, provide the same degree of assistance when providing NVRA voter registration opportunities. This shall include the following:

(i) All such agencies shall post a sign in a conspicuous location at each registration site which provides non-English language assistance stating (in the applicable language) that "voter registration forms and assistance are available in [name of language]."

(ii) At any site required by law or state policy to provide non-English language assistance, defendants shall undertake all efforts to ensure that there is sufficient oral assistance available on site to anyone who wishes to register to vote

during normal agency hours.

F. REPORTING PROCESS

1. By August 15, 1996, each NVRA mandatory agency defendant shall implement and utilize a monthly voter registration tracking system which shall require the following information:

a. The number of persons with whom the agency had contact, by site, for purposes of applying for services, recertification, renewal or change of address;

b. The total number of completed voter registration applications taken at that site and transmitted to the local election authorities; and

c. the total number of declinations at the site during that month, including separate tallies of how many of the forms were checked "yes," "no" or unmarked.

2. At the end of each reporting month, these tracking forms shall be sent to the general counsel of each agency. The general counsel for each agency shall then compile a monthly report, including site-by-site information, and forward the report to the State Board of Elections and to the plaintiffs by the fifteenth day of each month, commencing no later than August 15, 1996.

3. The agencies shall maintain NVRA declination forms in a single place at each office offering voter registration opportunities and shall afford all parties prompt access to such forms upon request.

4. Defendants shall continue to file with the

district court and provide to plaintiffs, the monthly filing reports of Illinois' compliance with the NVRA by the first court day of each month. These monthly filing reports shall continue to examine questions and issues that arise during the reporting period and shall include the steps undertaken to implement this agreement regarding remedial relief and the dates up which these measures are implemented.

5. Defendants shall take all steps to correct performance at sites or agencies that have not complied with the NVRA or this order, taking into account the reports of performance indicating in ¶¶1-2, supra. Defendants shall provide a list of coordinators for each site to plaintiffs with periodic updates.

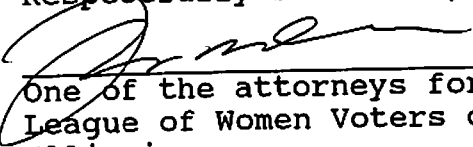
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United States District Court



Respectfully Submitted,

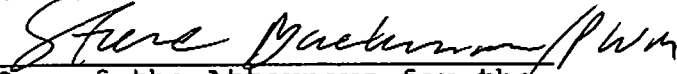
  
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