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AUG 5 1995

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

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ASSOCIATION OF COMMUNITY)
ORGANIZATIONS FOR REFORM NOW)
(ACORN), et al.,)
)
Plaintiffs,)
)
v.)
)
JAMES R. EDGAR, etc., et al.,)
)
Defendants.)
_____)

No. 95 C 174

AGREED MODIFIED MEMORANDUM ORDER

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. To resolve all matters pending before this Court, defendants agree to entry of the following compliance plan:

A. GENERAL PROVISIONS

1. The purposes of the compliance plan are (a) to guide the defendants' compliance with the National Voter Registration Act of 1993, 42 U.S.C. 1973gg et seq. (NVRA), ~~(b) to streamline~~ ^{the number of parties,} and ~~(c)~~ to avoid further and costly litigation.

2. This compliance plan does not constitute a finding by this Court, or admission by defendants, of any fault, wrongdoing

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or violation in this case. All wrongdoing is expressly denied by defendants.

B. 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 permanently enjoined from administering or enforcing the regulations invalidated by this Court's September 6, 1995 Order. The Defendant, State Board of Elections, continues its objections to the September 6, 1995 order. The Clerk of the Court is directed to enter an appropriate judgment in accordance with Rule 58 of the Federal Rules of Civil Procedure.

C. REGISTRATION OPPORTUNITIES

Illinois shall take the following actions beginning not later than August 8, 1996 and continuing for the respective periods specified in the following portions of this order.¹

1. Until September 30, 1996 Illinois shall provide a toll-free telephone number and a TTY/TDD number through which English-speaking or Spanish-speaking individuals may arrange to register under the Act. Each person calling the toll-free number shall be provided an explanation that such registration may be

¹ Illinois shall also prepare and disseminate to all news media, in advance of the August 8 date, a press release covering the various aspects of the program of providing voter registration opportunities hereafter described in Paragraphs 1 through 9.

accomplished by requesting a mail-in registration form and shall upon request be provided with all necessary further assistance (in English or Spanish, at the case may be) for that purpose. Upon the request of any such individual, a mail-in registration form with prepaid postage shall be mailed to him or her. 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 the process provided for in this order. Forms shall be available in any version presently in use (including but not limited to Spanish language).

2. For three consecutive weeks commencing August 8, 1996, both (a) the toll-free telephone number and (b) a statement that explains the registration opportunities and the deadline for registering to vote in the November 1996 general election shall be published prominently in the attached list of 111 newspapers statewide (subject to any changes in that list that may be occasioned by any newspapers on that list having ceased publication).

3. Until the voter registration cutoff date for the November 1996 general election, mail-in voter registration forms shall be made available to anyone who enters an Act-mandated facility, regardless of the reason that the person enters the facility. Each Act-mandated facility shall prominently display posters setting forth the registration opportunities under the Act and the availability of voter registration assistance.

4. Until the voter registration cutoff date for the November 1996 general election, voter registration opportunities under the Act shall be offered at all of the Illinois Secretary of State's Department of Drivers Services facilities to each individual who applies for or renews a motor vehicle license plate or a motor vehicle registration sticker.

5. Until September 30, 1996 voter registration opportunities under the Act shall be extended (a) to all individuals who apply for or renew a motor vehicle license tag (for that purpose the Secretary of State's office shall attach a notice or sticker to, or shall include an informational insert in, the license tag renewal notices) and (b) to recipients of Illinois Department of Public Aid assistance checks (for that purpose that Department shall include an informational insert in the envelopes containing such checks). All such recipients shall be advised in both English and Spanish (a) that they have the opportunity to register to vote under the Act, (b) that such registration may be accomplished by calling the toll-free number and then by registering to vote by using the mail-in registration form and (c) that any questions in regard to the forms can be addressed by calling the toll-free number. Such recipients shall also be advised of the voter registration deadline for the November 1996 federal election.

6. For a three week period beginning on August 8, 1996 Illinois shall provide paid-for 30-second media spots in Spanish on Spanish-language radio and television stations providing

information as to voter registration opportunities under the Act and publicizing the toll-free number. Illinois shall provide plaintiffs' counsel with (a) the names of the Spanish-language radio and television stations that are selected and (b) the dates and times that the spots are planned to be shown or aired.

7. Until the voter registration cutoff date for the November 1996 general election, voter registration opportunities under the Act and the toll-free number shall be publicized through placards (in both English and Spanish) placed within approximately 3,500 Chicago Transit Authority buses and trains and PACE buses.

8. All mail-in registrations shall be sent to a single post office box maintained and controlled by the State Board of Elections ("Board"). All such forms shall be sorted by Board personnel expeditiously and shall promptly be routed to the appropriate local election authorities.

9. To implement all of the foregoing provisions in a manner that will facilitate the opportunity of new registrants to vote in the November 1996 federal election, Board's regulations shall be amended forthwith in the following respects, but solely with respect to that November 1996 election, 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 election), even though such corrections are completed less than 30 days before the election.

Other Special Provisions as to Bilingual Assistance

Illinois shall take all measures necessary to provide each applicant the same level of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, as required by the Act at 42 U.S.C. § 1973gg-5(C) and consistent with all other provisions of federal law (42 U.S.C. § 1973gg-9(d)(1)). Those measures shall include, inter alia:

1. In Cook County, provision of Spanish language written materials and oral assistance to registrants at all Act-mandated offices and agencies and all discretionary registration agencies.

- (a) "Written materials" shall include registration notices and forms, acknowledgement notices, confirmation mailings, declination forms and any other materials used to implement the Act.
- (b) "Oral assistance" shall mean verbal assistance necessary to effectively provide voter registration opportunities to limited English proficient Latinos.
- (c) Each registration site providing Spanish-language assistance shall post a sign in a conspicuous location stating that "voter registration forms and assistance are available in Spanish."

2. Throughout Illinois, provision of Spanish language written materials and oral assistance (as defined above) to applicants at any Act-mandated offices and agencies and all discretionary registration agencies where Spanish-language assistance is ordinarily provided.

Training

Illinois shall undertake whatever training sessions are or become necessary for its affected personnel to ensure implementation of the terms of this order.

Reporting Process

To facilitate the confirmation of Illinois' compliance with the provision of the 1995 Order as supplemented by the terms of this order, by September 1, 1996 each Act-mandated agency shall monthly report to the court and plaintiffs the total number of completed registration applications to the extent that such records are maintained by each Act-mandated agency, including (where available) site-by-site reports.

Illinois shall continue to file with this court (and to provide to plaintiffs) the monthly filing reports of Illinois' compliance with the Act by the first court day of each month through February 1, 1997. Those monthly filing reports shall continue to examine questions and issues that arise during the reporting period and shall also include the steps undertaken to implement the 1995 Order as supplemented by this order.

Continuing Jurisdiction

Plaintiffs' request for other and further relief are denied, except for fees, cost, and expenses. This Court retains jurisdiction of these actions. It contemplates reviewing their status promptly after February 1, 1997, when the November 1996 election will have been held and it should be possible to have evaluated Illinois' performance under the Act in that context.

ENTERED: August 1, 1996

Milton I. Shadur

Milton I. Shadur
Senior United States District Judge

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