

THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division

BENJAMIN B. WAGNER
United States Attorney

T. CHRISTIAN HERREN, JR.
ABEL GOMEZ
JAYE ALLISON SITTON (D.C. Bar # 453655)
OLIMPIA E. MICHEL (N.Y. Bar # 4358321)
Attorneys, Voting Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
NWB 7254
Washington, D.C. 20530
Telephone: (202) 305-4143
Facsimile: (202) 307-3961

Attorneys for the United States

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF CALIFORNIA; and DEBRA
BOWEN, SECRETARY OF STATE OF
CALIFORNIA, in her official capacity,

Defendants.

CASE NO. 2:

**UNOPPOSED MOTION FOR
EXPEDITED ENTRY OF CONSENT
DECREE**

Plaintiff United States of America and Defendant the State of California's Secretary of State, Debra Bowen, in her official capacity, through their undersigned counsel, respectfully request this Court to enter the accompanying Consent Decree. The Complaint in this action, alleging a violation of the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 42 U.S.C. §§ 1973ff to 1973ff-7, is being filed today simultaneously with this motion. The violation arises from the failure in 11 California

1 counties to transmit 8,249 absentee ballots to military and overseas voters at least 45 days before the
2 upcoming June 5, 2012 Federal primary election, as required by UOCAVA. The Secretary of State has
3 authority over the administration of elections in the State of California, including the upcoming June 5,
4 2012 election. The United States and the Secretary of State have negotiated in good faith and have agreed
5 to entry of this Consent Decree as a necessary and appropriate resolution of the claims alleged. Expedited
6 consideration and entry of the Consent Decree is necessary to timely implement the agreed upon remedies
7 in advance of California's June 5, 2012 Federal primary election.

8 Defendant State of California does not oppose the granting of this motion.

9 WHEREFORE, the parties request that the accompanying Consent Decree be entered by this
10 Court.

1 AGREED AND CONSENTED TO this 25th day of May, 2012.

2 For the Plaintiff:

3 THOMAS E. PEREZ
4 Assistant Attorney General
5 Civil Rights Division

BENJAMIN B. WAGNER
United States Attorney

6 /s/ Jaye Allison Sitton

7 T. CHRISTIAN HERREN, JR.

8 ABEL GOMEZ

JAYE ALLISON SITTON (D.C. Bar # 453655)

9 OLIMPIA E. MICHEL (N.Y. Bar # 4358321)

Attorneys, Voting Section

10 Civil Rights Division

U.S. Department of Justice

11 950 Pennsylvania Avenue, N.W.

NWB 7254

12 Washington, D.C. 20530

Telephone: (202) 305-4143

Facsimile: (202) 307-3961

13 For Defendant Secretary of State:

14 KAMALA HARRIS

15 California Attorney General

16
17 /s/ George Waters (as authorized on May 25, 2012)

18 GEORGE WATERS (Cal. Bar # 88295)

19 Deputy Attorney General

1300 I Street, Suite 125

20 P.O. Box 94244-2550

Sacramento, CA 94244

21 Telephone: (916) 323-8050

Facsimile: (916) 324-8835

1 SO ORDERED this ____ day of May, 2012.

2
3
4 United States District Judge

CERTIFICATE OF SERVICE

I certify that on May 25th, 2012, I served a copy of the foregoing Unopposed Motion for Expedited Entry of Consent Decree upon the following counsel of record via email:

COUNSEL FOR DEFENDANTS STATE OF CALIFORNIA AND DEBRA BOWEN, SECRETARY OF STATE OF CALIFORNIA

GEORGE WATERS (Cal. Bar # 88295)
Deputy Attorney General
1300 I Street, Suite 125
P.O. Box 94244-2550
Sacramento, CA 94244
Telephone: (916) 323-8050
Facsimile: (916) 324-8835
Email: George.Waters@doj.ca.gov