

In the United States District Court
For the Northern District of Ohio

Carrie Harkless, et al.

Plaintiffs,

v.

Jennifer Brunner, et al.,

Defendants.

Case No. 1:06-CV-2284

Judge Gaughan

Magistrate Judge Vecchiarelli

Settlement Agreement

WHEREAS, Plaintiffs commenced this action on September 21, 2006, alleging violations of the National Voter Registration Act of 1993 ("NVRA") by the Ohio Secretary of State ("SOS" or "Secretary") and the Director of the Ohio Department of Job and Family Services ("ODJFS") as a result of the alleged failure of County Job and Family Services ("CDJFS") offices to provide voter registration services to persons applying or reapplying for public assistance benefits or changing their address; and

WHEREAS, the SOS moved to dismiss the Complaint on grounds including the contention that Plaintiffs failed to state a claim against the Secretary based upon the failure of local CDJFS offices to comply with their duties under the NVRA; and

WHEREAS, ODJFS moved to dismiss the Complaint on the ground that ODJFS had no control over CDJFS offices and was not responsible for enforcing the NVRA at CDJFS offices; and

WHEREAS, the Court dismissed Plaintiffs' Complaint on December 28, 2006; and

WHEREAS, Plaintiffs' appealed the dismissal of the Complaint; and

WHEREAS, by Opinion dated October 28, 2008, the United States Court of Appeals for the Sixth Circuit reversed the dismissal of the Complaint and remanded the action to this Court, holding that both the SOS and ODJFS were required to ensure compliance with the NVRA by CDJFS offices; and

WHEREAS, Plaintiffs allege that, prior to October 28, 2008, ODJFS made no attempts to ensure the provision of voter registration services by the CDJFS offices; and

WHEREAS, Plaintiffs allege that the Secretary has not enforced compliance with the NVRA by the CDJFS offices; and

WHEREAS, Plaintiffs allege that certain CDJFS offices failed to provide voter registration services as required by the NVRA;

NOW, THEREFORE, the Parties agree, and the Court ORDERS, as follows:

I. CDJFS Notification of settlement

Within 10 business days after the signing of this Agreement, ODJFS will notify all relevant ODJFS staff, CDJFS NVRA coordinators, CDJFS Supervisors of CDJFS caseworkers, and CDJFS Directors that ODJFS has entered into a Settlement Agreement to resolve all claims made against ODJFS in this lawsuit. ODJFS shall include in the notice an explanation of all changes brought about by this Settlement Agreement to ensure compliance by CDJFS offices with the requirements of the National Voter Registration Act, 42 U.S.C. § 1973gg *et seq.*

II. CREATION OF VOTER REGISTRATION MATERIALS

A. Voter Registration Application and Declination Form

1. Beginning on or before January 1, 2010, ODJFS will ensure that a voter registration application shall be attached to the ODJFS-mandated application and re-application forms used by ODJFS and all CDJFS offices. If ODJFS requires additional time due to technical difficulties, ODJFS may request a reasonable extension from plaintiffs' counsel.
2. The SOS shall, with ODJFS input, design a form that complies with the provisions established by 42 U.S.C. § 1973gg-5(a)(6)(B) (hereafter "declination/Notice of Rights form") that allows for the declination portion of the form to be detached from the Notice of Rights portion of the form and retained for CDJFS records. The SOS shall provide the Declination/Notice of Rights form to plaintiffs within 30 days of the execution of this Agreement for their review and comment.
3. Beginning on or before January 1, 2010, ODJFS shall include and place as the first question on the ODJFS-mandated application and re-application forms used by ODJFS and all CDJFS offices the voter registration question specified by 42 U.S.C. § 1973gg-5(a)(6)(B). In addition, at the top of the page and just above the voter registration question, the forms shall

read in bold and all capital letters, **“VOTER REGISTRATION APPLICATION ATTACHED – ASSISTANCE AVAILABLE.”**

4. Beginning on or before January 1, 2010, ODJFS shall reprogram the CRIS-E computer system to automatically print a notice of rights form when an individual, in person, applies for public benefits, reapplies for public benefits, changes their address or applies for Prevention, Retention and Contingency (PRC) with respect to the receipt of public benefits. If ODJFS requires additional time due to technical difficulties, ODJFS may request a reasonable extension from plaintiffs’ counsel.

B. Voter Registration Poster

The Secretary of State shall design and distribute to the ODJFS NVRA Coordinator and all CDJFS offices a poster that announces the availability of voter registration in the office. If the Secretary changes the text of this poster, the Secretary shall provide it to plaintiffs’ counsel for review and comment not less than 30 days prior to printing or distribution of the revised poster.

C. Training Materials

1. Within forty days of the signing of this Agreement, the Secretary shall modify the Designated Agency Voter Registration Instruction Manual to incorporate the procedures detailed in this Agreement. The Secretary shall update this Manual as needed. Among other items, the Manual shall include a recommendation that relevant personnel should verbally ask individuals applying or reapplying for public benefits or changing their address with respect to public benefits (“engaging in covered transactions”) if they wish to register to vote and offer assistance in doing so.
2. Within forty days of the signing of this Agreement, the Secretary and ODJFS shall create/update a PowerPoint presentation that includes the procedures detailed in this Agreement, for use in the training of the ODJFS NVRA Coordinator, CDJFS NVRA Coordinators, and other CDJFS personnel. The Secretary, with input from ODJFS, shall update this PowerPoint when needed. Among other items, the PowerPoint shall include a recommendation that CDJFS caseworkers and other relevant CDJFS personnel should verbally ask individuals applying or reapplying for public benefits or changing their address with respect to public benefits (“engaging in covered transactions”) if they wish to register to vote and offer assistance in doing so.

3. The Secretary shall provide the Voter Registration Instruction Manual and PowerPoint presentations to plaintiffs' counsel within 30 days of the signing of this Agreement for their review and comment. In addition, during the term of this Agreement, the Secretary shall provide any updates to such documents to plaintiffs' counsel for their review and comment no less than 30 days prior to the date such documents are to be used or distributed.
4. Availability of Training Materials –
 - a. At least annually, the Secretary shall provide the Designated Agency Voter Registration Instruction Manual and PowerPoint presentations to each CDJFS NVRA coordinator for his or her use in training CDJFS employees.
 - b. ODJFS shall maintain training materials and other NVRA support information on its intranet with other benefits program materials.
 - c. The Secretary shall maintain all training materials and other Section 7 NVRA support information on her website.

III. NVRA Staffing

- A. The Secretary shall designate someone within the Secretary's office whose responsibilities include management and conduct of NVRA Section 7 responsibilities within the Secretary's office, and oversight and monitoring of NVRA responsibilities within the ODJFS and CDJFS offices. "NVRA responsibilities" include the responsibilities set out in this Agreement, those set forth in federal law and regulations, and those set forth in state implementing law and regulations.
- B. ODJFS NVRA Coordinator — ODJFS shall designate an NVRA Coordinator whose duties shall include:
 1. Communication with the SOS's Office, CDJFS offices, and members of the public regarding issues concerning the NVRA. Plaintiffs' counsel may communicate with the NVRA Coordinator by contacting the department of legal services within ODJFS.
 2. Taking complaints regarding violations of the NVRA by CDJFS offices.

3. Maintaining a list of CDJFS NVRA coordinators whose responsibility it is to administer the voter registration program and therefore oversee the provision of voter registration services under the NVRA by each CDJFS. ODJFS shall direct the CDJFS offices to alert the NVRA Coordinator as to any change in the CDJFS NVRA Coordinator at that CDJFS within two weeks of such change. In addition, the list of CDJFS NVRA Coordinators shall be updated at least annually. The ODJFS NVRA Coordinator shall provide a list of any changes to the person with the SOS's office designated under III.A above.
4. Coordination of training with the SOS's Office and keeping records regarding any training conducted by the NVRA Coordinator with CDJFS staff including CDJFS NVRA Coordinators. These records will include the identities of those that participated in the training and any training materials provided. ODJFS will follow up with those CDJFS Coordinators that are not in attendance. In addition, ODJFS shall direct the CDJFS offices to notify the ODJFS NVRA Coordinator when the CDJFS has conducted a training of CDJFS staff regarding the NVRA.
5. Oversight of the monitoring of CDJFS offices' compliance with the NVRA and corrective action plans as needed. This oversight shall include review on a monthly basis of the tracking of the distribution of forms as described in Section V.A.2, below.
6. Be a member of the SOS NVRA Leadership Team.
7. The NVRA coordinator may delegate duties as appropriate.

IV. Training

- A. The Secretary's office and the ODJFS conducted a training for CDJFS NVRA Coordinators on August 14, 2009. At the next quarterly training following the signing of this Agreement, the Secretary and the ODJFS NVRA Coordinator shall provide a training update with respect to the requirements of this Agreement and any new or updated materials implemented in accordance with this Agreement, which may be conducted either in person or by video conference and may be part of an otherwise scheduled in person or video conference that includes all CDJFS NVRA Coordinators. In addition, within thirty days of notice of a change in the identity of the ODJFS NVRA Coordinator, the Secretary will provide training to the new ODJFS NVRA Coordinator.

- B. The Secretary shall provide ongoing guidance to the ODJFS NVRA Coordinator and CDJFS NVRA Coordinators. This shall include maintenance of a toll free telephone help line dedicated to voter registration questions. The phone number shall be provided to the ODJFS NVRA Coordinator and CDJFS NVRA Coordinators for their use, and for the use of other agency personnel, when questions regarding the NVRA or voter registration arise.

- C. Regular Training — ODJFS shall provide mandatory training in a train-the-trainer format to CDJFS NVRA coordinators on the requirements of the NVRA and Ohio's implementing law at least annually. The training may be done in cooperation with the Secretary, may include speakers from the Ohio NVRA Leadership Team, and shall include training on "best practices." ODJFS and the SOS shall recommend during trainings and in written materials that CDJFS personnel should verbally ask all clients if they would like to register to vote.

- D. County Training -- CDJFS NVRA Coordinators shall be directed to provide training (1) for all other CDJFS employees at least annually and to provide at least one such training within ninety days of the signing of this Agreement, and (2) for new staff, including those newly assigned to work or positions that include NVRA-related responsibilities, no later than one month after their start date or before their first public contact, whichever occurs first. These trainings shall include, among other items, a recommendation that CDJFS caseworkers and other relevant CDJFS personnel should verbally ask individuals engaging in covered transactions if they wish to register to vote and offer assistance in doing so. If CDJFS NVRA Coordinators use training materials other than that provided by ODJFS, the CDJFS shall provide such materials to the ODJFS NVRA Coordinator for review prior to such training. ODJFS shall direct CDJFS NVRA Coordinators to notify the ODJFS NVRA Coordinator whenever a training has occurred.

- E. Supplemental training — ODJFS shall provide quarterly training updates to CDJFS NVRA coordinators and shall keep track of the identities of those that participated in the training. These training updates may take place via video-conference or in person. Upon request by the SOS, the Director shall permit SOS staff to participate in the training updates. The training updates shall be held quarterly for two years from the date of entry into this settlement agreement and thereafter as needed.

V. Oversight

A. Data Review and Analysis

1. Modification of the CRIS-E System:

- a. By January 1, 2010, ODJFS shall modify the CRIS-E system so that, when processing an application for public benefits, a reapplication for public benefits or a change of address for a public benefits recipient, a CDJFS staff member must indicate how the voter registration form was distributed to the public beneficiary applicant or recipient. The CRIS-E system must allow CDJFS staff members to indicate whether a voter registration form was handed to the person, was mailed to the person, or was attached to an ODJFS application, reapplication or change of address form. When a CDJFS staff member indicates that an applicant or recipient was handed a voter registration form or that the voter registration form was attached to another form, the CRIS-E system shall automatically print a document that contains the notice of rights information. The CRIS-E system must also allow a CDJFS staff member to indicate if there is a reason that no voter registration form was provided including when there is an administrative reapplication or a pretermination. CRIS-E shall require the CDJFS staff member to provide a response to these questions before completing the transaction.
 - b. By January 1, 2010, ODJFS shall program the CRIS-E system to report, by county and by month, the following information:
 - i. the number of notice of rights information documents printed;
 - ii. the total number of voter registrations reported to have been provided as well as the breakdown of voter registrations reported to have been provided in person, by mail or attached to other forms; and
 - iii. the number of applications, reapplications, and changes of address (“covered transactions”).
2. The ODJFS NVRA Coordinator shall review data collected through the CRIS-E system as described in this section, as well as any data collected pursuant to Section VI.B.1, below, on a monthly basis to assess performance by CDJFS offices in providing voter registration services. If any specific county has an abnormally low number of voter registrations or the data

show any other significant anomalies, the NVRA Coordinator shall begin an inquiry of the CDJFS in question.

3. The SOS shall review and analyze data collected pursuant to VA.1.b, VI.B.1, and VI.B.2, and do the following:
 - a. On a quarterly basis, the SOS shall compare the reports of numbers of voter registration applications submitted collected pursuant to VI.B.1 and VI.B.2. If the data is not substantially equal, the SOS shall contact the relevant Board of Elections to review data collection procedures and shall take appropriate action to ensure the county Board of Elections institutes procedures for more accurate data collection.
 - b. The SOS shall use the data collected pursuant to Sections VI.B.1 and VI.B.2 as the basis for the federally-required biennial reporting to the United States Elections Assistance Commission.
 - c. The SOS shall begin further inquiries regarding NVRA compliance at CDJFS or county boards of elections, as appropriate, on the following basis:
 - i. On a quarterly basis, the Secretary will determine the rolling average of the number of voter registration forms submitted by each CDJFS to the appropriate county board of elections over the previous two quarters. The Secretary will then determine whether each county's current quarterly average is less than fifty percent of its rolling average for the previous two quarters.
 - ii. Plaintiffs' counsel may provide the Secretary a list of no more than three counties per month that they believe require further review.
 - iii. The Secretary shall inquire into the NVRA compliance of those counties whose rolling average of voter registration forms submitted is less than fifty percent of its previous rolling average, as determined by V.A.C.3.i, above, and those counties identified by Plaintiffs' counsel pursuant to V.A.C.3.ii, above. However, the Secretary shall not be obligated to review more than three counties per month. If there are more than nine counties identified at the end of the quarter, the Secretary, at its discretion, will

determine which nine counties to review over the upcoming quarter.

B. Observational Review and Analysis

1. Management evaluation reviews — ODJFS shall monitor CDJFS offices' compliance with the NVRA. ODJFS may include the monitoring of CDJFS offices' compliance with the NVRA with USDA-management evaluation reviews, which include site visits to the CDJFS offices under evaluation, or may conduct separate on-site reviews. ODJFS shall provide to the plaintiffs within thirty days of the signing of this Agreement, for review and comment, any worksheets or checklists used to evaluate CDJFS offices' compliance with NVRA. Deficiencies found by ODJFS during the review shall be cited in the National Voter Registration Worksheet form and a corrective action plan developed and implemented.
 - a. ODJFS will evaluate the compliance of CDJFS offices in counties with more than 15,000 food assistance cases annually.
 - b. ODJFS will evaluate the compliance of CDJFS offices in counties with 2,000-15,000 food assistance cases at least once every two years.
 - c. ODJFS will evaluate the compliance of CDJFS offices in counties with less than 2,000 food assistance cases at least once every three years.
2. Visits —
 - a. The ODJFS may conduct spot check visits to CDJFS offices as needed to determine or investigate NVRA compliance.
 - b. The SOS shall conduct unannounced spot checks in at least 20 CDJFS offices per year, which shall include offices in at least 4 counties with more than 15,000 food assistance cases. The Secretary may schedule and conduct unannounced "spot checks" at any CDJFS office flagged for further review pursuant to V.A.3.c above if it has determined after its investigation that further review is warranted.

3. Investigations — ODJFS and the SOS shall investigate NVRA violations that are reported or suspected, and maintain a log of such investigations. ODJFS and the SOS may coordinate investigations and either may review the county's records.
4. Self assessments — ODJFS has provided for a "self assessment" by CDJFS offices by requiring the CDJFS offices to complete an NVRA Compliance Review form for submission to ODJFS by February 1, 2010. This form has already been distributed to CDJFS agencies. Completed forms shall be provided to plaintiffs' counsel by February 15, 2010.

C. Enforcement —

1. If ODJFS finds that a CDJFS office is failing to comply with the requirements of the NVRA and this agreement, ODJFS shall notify the CDJFS NVRA Coordinator and CDJFS Director of the deficiency. If the CDJFS fails to timely correct the deficiency, ODJFS shall implement appropriate enforcement mechanisms found under R.C. 5101.24.
 2. If SOS finds that a CDJFS office is failing to comply with the requirements of the NVRA, the SOS shall notify the ODJFS NVRA Coordinator and the CDJFS NVRA Coordinator of the deficiency. If ODJFS or the CDJFS fails to timely correct the deficiency, the SOS shall employ the powers provided under the laws and constitution of Ohio, including Ohio Rev. Code § 3501.05, in order to ensure compliance by the CDJFS office.
- D. If SOS, ODJFS, or CDJFS staff find that an individual was not given the opportunity to register to vote, ODJFS or CDJFS staff, as appropriate, shall immediately send a letter, a voter registration application, and declination/notice of rights form to the individual, offering him/her the opportunity to register to vote. This mailing shall include instructions to the individual (1) advising the individual that s/he may receive assistance in filling out the voter registration form by calling or visiting ODJFS or a local CDJFS office; (2) advising the individual that s/he may return the completed form to the local CDJFS office or to the local election authority, and providing addresses for each; (3) advising the individual that s/he is receiving the mailing because the office has determined that the individual may not have been offered the opportunity to register to vote, and that the mailing does not affect the individual's registration status if the individual is already registered to vote at the individual's current address, and (4) advising the individual that receipt of this mailing does not indicate any information about the individual's eligibility to register to vote. A

copy of the letter/form shall be maintained by ODJFS or the particular CDJFS at issue, as appropriate.

- E. The Secretary shall maintain records on the results under V.A.3, V.B.2.b, V.B.3, and V.C.2 above as well as VI.B.2 below until the termination of this Agreement, in accordance with Ohio public records laws and all appropriate records retention schedules.

VI. Distribution of Forms

A. Distribution of Voter Registration Applications and Declination Forms

- 1. ODJFS will ensure that:
 - a. By January 1, 2010, an individual requesting an application for benefits – whether in-person at the office or by mail, Internet, or telephone – will receive a Voter Registration form attached to the benefits application. In addition, ODJFS shall adopt rules requiring declination forms be distributed at application until such time as the voter registration question is incorporated into the benefits application. In reviewing county written policies regarding the prevention, retention and contingency program pursuant to R.C. 5108.04, ODJFS shall assure that each county's written policies mandate that voter registration forms be provided at each application, reapplication or change of address.
 - b. By January 1, 2010, an individual completing a reapplication for public benefits shall also receive a copy of a voter registration form. In addition, ODJFS shall adopt rules requiring declination forms be distributed at reapplication until such time as the declination question is incorporated into the benefits reapplication form. Where either ODJFS or a CDJFS is mailing a reapplication form to the public benefits recipient, a voter registration form and a declination/notice of rights form shall be included in the mailing.
 - c. By January 1, 2010, an individual changing his or her address shall receive a voter registration form along with a declination/notice of rights form. Where the individual has notified the CDJFS of the change of address from outside the office (including by mail, telephone or internet), either the CDJFS or ODJFS shall mail a voter

registration form and a notice of rights form to the recipient.

2. Assistance in completing the voter registration form and declination form shall be provided to the same degree as is provided with regard to completion of public assistance benefits applications, reapplications or change of address processes unless the voter registration applicant refuses such assistance.
3. The SOS will ensure that each CDJFS, in its Voter Registration Agency Plan, shall indicate whether its practice is to have relevant personnel verbally ask individuals applying or reapplying for public benefits or changing their address with respect to public benefits if they wish to register to vote and offer assistance in doing so.

B. Tracking distribution and submission of voter registration applications.

1. ODJFS shall require each CDJFS on a monthly basis to report the number of completed voter registration applications submitted by the CDJFS to the county board of elections. ODJFS shall provide this information, by county, as well as the information generated by CRIS-E pursuant to V.A.1.b, above, to the SOS on a monthly basis.
2. The SOS shall require each county Board of Elections to report to it, on a quarterly basis, the number of voter registration applications originating from a CDJFS that were submitted to the Board of Elections during that quarter.

C. On-line processes — ODJFS shall ensure that all on-line applications, reapplications, or change of address processes concerning public assistance shall include voter registration opportunities including a voter registration application and declination/Notice of Rights form. Assistance in completing these forms shall be provided to the same degree as is provided with regard to completion of the on-line applications, re-applications, or change of address processes, unless the voter registration applicant refuses such assistance.

VII. Recapture

Because former public assistance clients and applicants may not have been offered the opportunity to register to vote, the SOS shall do the following to try to reach such people or a demographically similar group of people with the offer of voter registration services:

- A. Designate as a voter registration agency and seek the agreement to such designation, pursuant to 42 U.S.C. §1973gg-5(a)(3)(B), of medical services and services for homeless veterans and their dependents within the Department of Veterans Affairs. Plaintiffs' counsel shall provide a model letter for use by the Secretary as a starting point in seeking agreement by the Department of Veterans Affairs to the designation.
- B. Continue to work in partnership with the Ohio Department of Rehabilitation and Correction (ODRC) and other advocacy groups to educate inmates about to be discharged and recently released offenders about their voting rights in Ohio and to encourage voter registration upon release. In addition to the eight outlined "Proposed ODRC Initiatives – 2010" within the 11/2/09 Voting Rights Institute document entitled, "Enfranchising and Educating Offenders," the Secretary shall work with the ODRC to have voter registration applications made available by ODRC personnel to offenders upon their release from prison.

VIII. Reporting to Plaintiffs

ODJFS and SOS shall report to Plaintiffs' counsel as follows:

- A. Monthly Reporting –
 - 1. ODJFS shall provide to Plaintiffs' counsel, on a monthly basis within 20 days following the end of the month, the data, in Excel spreadsheet format and broken down by CDJFS office, collected by ODJFS pursuant to Section VI.B.1, as well as the data obtained from the CRIS-E system reports described in Section V.A.1.b. In the alternative, ODJFS may post this information on the internet and provide a link to Plaintiffs' counsel.
 - 2. In the first monthly report, the SOS shall identify the person designated pursuant to III.A above.
- B. Quarterly Reporting by SOS: – the SOS shall provide to Plaintiffs' counsel, on a quarterly basis within 15 days following the end of the quarter, a report that includes the following:
 - 1. Any change in the identity of the person within the office of the SOS whose responsibilities include management and conduct of NVRA Section 7 responsibilities within the Secretary's office, and oversight and monitoring of NVRA responsibilities within the ODJFS and CDJFS offices;

2. The data, in Excel spreadsheet format and broken down by county, collected pursuant to Section VI.B.2 above;
 3. All actions undertaken by the Secretary pursuant to V.A.3.a above, all inquiries undertaken by the Secretary pursuant to V.A.3.c above, all investigations undertaken by SOS pursuant to Section V.B.3 above, all site visits by SOS, whether such site visits uncovered NVRA compliance issues, and problems or failures with respect to provision of voter registration by any CDJFS.
 4. All notifications made by the SOS to the ODJFS Coordinator and CDJFS Coordinators regarding lack of compliance with Section 7 of the NVRA by a CDJFS, and any use made by the SOS of the powers provided under the laws and constitution of Ohio, including Ohio Rev. Code § 3501.05, in order to ensure compliance by the CDJFS office.
 5. Any changes to the substance of materials identified in Section II above.
 6. A general summary of all other NVRA Section 7 compliance efforts undertaken by SOS during the quarter.
- C. Quarterly Reporting by ODJFS - ODJFS shall provide to Plaintiffs' counsel, on a quarterly basis within 20 days following the end of the quarter, a report that includes the following:
1. Any change in the identity of the ODJFS NVRA Coordinator.
 2. Any change in the identity of any CDJFS NVRA Coordinator. The first quarterly report shall include a full list of CDJFS NVRA Coordinators.
 3. All trainings conducted by ODJFS during the quarter, including the date of the training, a list of all attendees, and copies of all materials used during such training.
 4. A list of each CDJFS whose NVRA Coordinator reported providing a training to CDJFS staff during the quarter
 5. All inquiries made pursuant to V.A.2, all investigations undertaken by ODJFS regarding suspected or reported NVRA violations, a list of counties evaluated pursuant to V.B.1 above, all evaluation reports of CDJFS offices that note any deficiencies, all other site visits by ODJFS or SOS that

uncovered NVRA compliance issues, problems or failures with respect to provision of voter registration by any CDJFS, all recommendations for improvement issued by ODJFS, all corrective action plans imposed by ODJFS and all enforcement referrals made by ODJFS during the quarter.

6. Copies of NVRA posters or educational and training materials, beyond those created under Section II.C, that have been used or are expected to be used by ODJFS or CDJFS offices.
7. A general summary of all other efforts undertaken by ODJFS to advance NVRA compliance or promote the provision of voter registration services.

VIII. Enforcement

- A. The United States District Court for the Northern District of Ohio shall have continuing jurisdiction to enforce the terms of this Agreement.
- B. Before bringing an enforcement action, plaintiffs shall provide defendants with written notice of any claim of breach of this agreement. Defendants shall have 30 days to respond to such notice. The parties shall then attempt to resolve plaintiffs' concerns within 30 days of the date that the plaintiffs receive the response. In the event that the parties are not able to resolve their dispute within 30 days, the parties shall submit the case to mediation of the dispute under the supervision of a mediator to be designated by U.S. District Judge Patricia Gaughan. If the mediator determines that the parties are unable to resolve the dispute then the mediator shall notify the parties and the plaintiffs' may file a motion for specific performance of the agreement within 15 days of the determination that the matter cannot be resolved by mediation.

IX. Term

This agreement shall remain in effect until June 30, 2013.

X. Costs/attorney fees

Plaintiffs shall be entitled to recover reasonable attorneys' fees and expenses related to the litigation. The parties shall participate in a mediation regarding the amount of fees and expenses on December 21, 2009, with Magistrate Judge Vecchiarelli. If the parties cannot agree to the amount of

fees and expenses at that mediation, Plaintiffs shall make an application for fees and expenses to Judge Gaughn.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be deemed executed as of the 25th day of November, 2009.

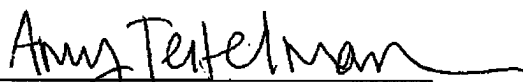
Plaintiffs:

Carrie Harkless
4658 Oberlin Avenue, #404
Lorain, OH 44053

On behalf of Tameca Mardis (Authorization for Settlement Attached):

Lisa J. Danetz
Demos: A Network for Ideas & Action
358 Chestnut Hill Ave., #303
Brighton, MA 02135
(617) 232-5885


On behalf of Association of Community Organizations for Reform Now:


Amy Teitelman, Head Organizer
Ohio ACORN
1025 Central Ave.
Cincinnati, OH 45202
(513) 221-1737

Plaintiffs shall be entitled to recover reasonable attorneys' fees and expenses related to the litigation. The parties shall participate in a mediation regarding the amount of fees and expenses on December 21, 2009, with Magistrate Judge Vecchiarelli. If the parties cannot agree to the amount of fees and expenses at that mediation, Plaintiffs shall make an application for fees and expenses to Judge Gaughn.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be deemed executed as of the 25th day of November, 2009.

Plaintiffs:



Carrie Harkless
4658 Oberlin Avenue, #404
Lorain, OH 44053

On behalf of Tameca Mardis (Authorization for Settlement Attached):



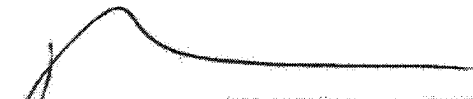
Neil Steiner
Dechert, LLP
1095 Avenue of the Americas
New York, NY 10036-6797

On behalf of Association of Community Organizations for Reform Now:

Amy Teitelman, Head Organizer
Ohio ACORN
1025 Central Ave.
Cincinnati, OH 45202

Defendants:

On behalf of Secretary of State Jennifer Brunner:



Richard N. Coglianese

On behalf of Director Douglas Lumpkin, Ohio Department of Job and Family Services:


[Fill in]

Defendants:

On behalf of Secretary of State Jennifer Brunner:

Jennifer Brunner, Ohio Secretary of State
180 E. Broad St.
Columbus, Ohio 43215

On behalf of Director Douglas E. Lumpkin, Ohio Department of Job and Family Services:



Douglas E. Lumpkin, Director
Ohio Department of Job and Family Services
30 E. Broad St., 32nd Fl
Columbus, Ohio 43215

Authorization for Settlement

I, Tameca Mardis, do hereby grant full authority to Attorneys Lisa Danetz, Robert Kengle and Neil Steiner to settle the matter of Harkless v. Brunner, Case No. 1:06-cv-2284, on terms they deem appropriate to achieve relief therein.



Tameca Mardis

Date: August 19, 2009