

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EDERL EDNA MOORE, TIARA
WILLIS-PITTMAN, CHINITA TERRY,
AND JOHN CONYERS, Jr.,

No. 14-cv-11903

Plaintiffs,
v.

Hon. Matthew J. Leitman

RUTH JOHNSON, in her official capacity as
Secretary of State, and CATHY M. GARRETT,
in her individual capacity and in her official
capacity as Wayne County Clerk,

Defendants.

CONSENT JUDGMENT

Based on the agreement of the parties, a final judgment and permanent injunction is hereby entered against Defendant Ruth Johnson, in her official capacity as Secretary of State, and Defendant Cathy M. Garrett, in her official capacity as Wayne County Clerk, on the following terms:

1. On May 23, 2014, this Court issued an Order Granting Preliminary Injunction based on the binding Sixth Circuit precedent of *Nader v. Blackwell*, 545 F.3d 459 (6th Cir. 2008). That Order has been complied with and is superseded by this Consent Judgment. As a result of that Order, the parties agree to these terms.

2. Defendants are permanently enjoined from enforcing the following provisions of Mich. Comp. Laws § 168.544c(3): “At the time of circulation, the circulator of a petition shall be a registered elector of this state. At the time of executing the certificate of circulator, the circulator shall be registered in the city or township indicated in the certificate of circulator on the petition.”
3. Defendants are permanently enjoined from enforcing any provision of Mich. Comp. Laws § 168.544c requiring a circulator to be a registered voter.
4. Defendants are permanently enjoined from enforcing the provision of Mich. Comp. Laws § 168.544c(1) mandating that the required form contain a space for circulators of nominating petitions to list his or her “City or Township Where Registered.” Pursuant to her duties as Michigan's chief election officer, the Secretary of State shall advise county, city and township clerks that registration requirements for circulators of petitions found in the portion of section 544c(3) herein quoted are no longer enforceable and that they shall not require petition circulators to be registered voters. The Secretary of State shall advise clerks to alter existing blank forms in their possession to block reference to the registration requirement for circulators prior to distributing the petition forms to candidates. Unless directed otherwise by a future amendment to Michigan Election Law, the Secretary of State shall create a nominating petition form without the reference to the registration requirement for circulators that is available for use by January 1, 2015.
5. Pursuant to Fed. R. Civ. P. 65(d)(2), this injunction is binding on Defendants, their agents and employees, and other persons who are in active concert or participation with them.
6. Plaintiffs shall have 60 days from the entry of this Order to file a motion for attorneys’ fees and costs if the parties are unable to resolve the matter out of court.

7. Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiffs' claim against Defendant Garrett in her individual capacity is dismissed with prejudice and without costs or fees.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: July 1, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 1, 2014, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(313) 234-5113

The parties consent to the filing of this order:

s/Michael J. Steinberg

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Dated: June 27, 2014

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Dated: June 27, 2014

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Dated: June 27, 2014

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Dated: June 27, 2014