

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF MISSOURI**

MISSOURI STATE CONFERENCE OF	)	
THE NATIONAL ASSOCIATION FOR	)	
THE ADVANCEMENT OF COLORED	)	
PEOPLE, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 4:14-cv-02077-RWS
	)	
FERGUSON-FLORISSANT SCHOOL	)	
DISTRICT and ST. LOUIS COUNTY	)	
BOARD OF ELECTIONS	)	
COMMISSIONERS,	)	
Defendants.	)	

**Joint Amended Proposed Voter Education Program**

Come now Plaintiffs and Defendants and, in accordance with this Court's remedial order, ECF No. 212, jointly submit the following as their proposal for a voter education program on cumulative voting:

**Program Coordinator**

1. Defendant St. Louis County Board of Elections ("Board of Elections") shall assign one employee to act as Program Coordinator to ensure that Defendants' obligations are carried out and to serve as a resource for voters and election judges who have questions regarding cumulative voting. All notices and information disseminated shall include a phone number and email address at which the Program Coordinator can be reached to answer questions or address concerns. The Program Coordinator has been identified by the parties and shall work under the supervision of and report directly to the Board of Elections.

## **Cumulative Voting Information Dissemination/Training**

2. In materials and forums described herein for the April 2019 election, cumulative voting shall be described as follows: “In cumulative voting, voters cast as many votes as there are seats. You can give more than one vote to a single candidate. For instance, there are two seats open in this board election. You can cast both your votes for one candidate or one vote each to two different candidates.”
3. The Board of Elections shall hold at least three general public forums on cumulative voting in anticipation of the April 2, 2019 Ferguson-Florissant School District (“School District”) school board election.<sup>1</sup> At least one public forum shall be held at each McCluer North High School, McCluer High School, and McCluer South-Berkeley High School. The School District shall waive any fees associated with the use of its facilities for these forums. At least one forum shall be held before absentee voting begins on February 19, 2019, and at least one forum shall be held during the two weeks prior to the April 2, 2019 election. The entire cumulative voting process shall be described in detail at each forum and presenters shall offer time at the end of the forum to answer any and all questions those in attendance might have. Each forum must allow the public to practice cumulative voting on paper and electronic voting machine. Notice of each forum must be provided by both the Board of Elections and the School District on their websites and Facebook pages at least seven days prior. The Board of Elections shall also send notices to local newspapers, radio stations, and television stations at least seven days prior.

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<sup>1</sup> Currently, although the District is widely known and referred to as the Ferguson-Florissant School District, its official name with the St. Louis County Board of Elections is the Ferguson Reorganized School District R-2. Defendants will work together to change that name so that it will be identified on the April 2, 2019 ballot with the more commonly recognized name Ferguson-Florissant R-2 School District.

4. The Board of Elections shall hold at least three trainings for community organizations and members who wish to educate voters about cumulative voting unless, after the Board of Elections has made reasonable efforts to engage organizations and with the consent of Plaintiffs, fewer than three trainings are deemed sufficient to address community organizations' and members' interests. At least one training shall be held no later than February 1, 2019 and with no less than fourteen days' notice.
5. The School District shall send a letter home with each student who attends school in the School District regarding the cumulative voting process and the voter registration process no later than February 1, 2019. The letter shall include detailed instructions concerning the cumulative voting process. It shall be posted on the School District's website and Facebook page.
6. The School District, in consultation and collaboration with the other parties and the Program Coordinator, shall produce, or cause another organization or entity to produce, a video explaining the cumulative voting process. The video shall be made available to the public no later than February 1, 2019, including through YouTube.
7. For the 2019, 2020, and 2021 school board elections, the Board of Elections shall prepare a sample ballot for the school board election only with detailed instructions concerning the cumulative voting process. The Board of Elections shall mail a copy of the sample ballot to each registered voter in the School District's boundaries no later than one week prior to the beginning of absentee voting. Defendants shall use best efforts to post the sample ballots in public places within the School District's boundaries.
8. The Board of Elections shall prominently post a sample ballot with detailed

instructions concerning the cumulative voting process at each polling place on Election Day. Each voting booth for precincts included within the School District shall contain instructions explaining the cumulative voting process.

9. The School District, in consultation and collaboration with the other parties and the Program Coordinator, shall produce, or cause another organization or entity to produce, an informational brochure that describes the cumulative voting process in detail. The informational brochure shall include an image of a generic sample ballot with bubbles filled in along with detailed instructions on how to complete such a ballot. The brochure shall be produced as soon as possible, but no later than December 31, 2018. The Board of Elections shall mail a copy of the brochure to the household of each registered voter in the School District's boundaries no later than January 22, 2019.

#### **Training of Election Officials**

10. Prior to each school board election, in addition to any required state or county training, the Board of Elections shall provide training to all poll officials or other election personnel present for in-person absentee voting or polling locations that include precincts within the School District's boundaries, which shall include specific training on the cumulative voting process and the provisions of Section 208 of the Voting Rights Act, including the legal obligation to allow anyone to assist the voter at the polls other than the voter's employer or agent of that employer or officer or agent of the voter's union. The Board of Elections shall maintain a record of which poll officials or other election personnel attend training sessions, including the time, location and training personnel involved. Representatives of the School District,

Plaintiffs, or both shall be permitted to attend any training provided.

**Documentation and Reporting**

11. A copy of each notice, sample ballot, letter, video, training material, or brochure produced or used in conjunction with this plan shall be sent by mail or electronically to counsel for Plaintiffs at least 10 days before broader dissemination.
12. After each election, the Program Coordinator shall prepare a report detailing, by paragraph within this plan, the specific efforts made to comply with each provision of this plan. The Board of Elections shall submit the report to counsel for Plaintiffs and counsel for the School District not later than thirty days after the election. Any party may choose to file a copy of the report with the Court.

/s/ Anthony E. Rothert  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 21, 2018, I filed the foregoing document using the e-filing system, thereby serving electronic copies via email to all counsel of record.

/s/ Anthony E. Rothert