

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

JUN 28 2006

Michael N. Mulby, Clerk

THE UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

BRAZOS COUNTY, TEXAS; KAREN
MCQUEEN, the COUNTY CLERK, in her
official capacity; the BRAZOS COUNTY
COMMISSIONERS COURT; and RANDY
SIMS, the COUNTY JUDGE, in his official
capacity,)

Defendants.)

CIVIL ACTION NO.

H-06-2165

JOINT STIPULATION REQUESTING
ENTRY OF PROPOSED CONSENT
DECREE, JUDGMENT, and ORDER

The United States and Defendants, through their undersigned counsel, respectfully request this Court to enter the accompanying Proposed Consent Decree, Order, and Judgment. In support of this stipulation, the parties state the following:

1. The Complaint in this action, alleging violations of Sections 4(f)(4) and 208 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973b(f)(4) and 1973aa-6, is being filed simultaneously with this stipulation requesting entry of the Proposed Consent Decree, Judgment, and Order.

2. The United States and Defendants have negotiated in good faith and have agreed to entry of this Proposed Consent Decree as a necessary and appropriate resolution of the claims alleged. The Proposed Consent Decree requires that all information that is disseminated by Brazos County in English about "registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots," 42 U.S.C. § 1973b(f)(4). The Proposed Consent Decree also requires Brazos County to allow "[a]ny voter

who requires assistance to vote by reason of blindness, disability, or inability to read or write . . . [to] be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union." 42 U.S.C. § 1973aa-6.

3. The accompanying Proposed Consent Decree is fair, reasonable, in the public interest, and serves to ensure compliance with the Voting Rights Act. See United States v. State of Colorado, 937 F.2d 505, 509 (10th Cir. 1991); Sierra Club, Inc. v. Electronic Controls Design, Inc., 909 F.2d 1350, 1355 (9th Cir. 1990). Entry of the Proposed Consent Decree, given the agreement of the parties, will save the time and expense that would be experienced in litigating the lawsuit. See United States v. Armour & Co., 402 U.S. 673, 681 (1971).

4. The United States and Defendants jointly request entry of their Proposed Consent Decree.

WHEREFORE, the parties request that the accompanying Proposed Consent Decree, Order, and Judgment be entered by this Court.