

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. 10-cv-06800
v.	)	Judge: Hibbler
	)	
THE STATE OF ILLINOIS;	)	
THE ILLINOIS STATE BOARD OF	)	
ELECTIONS; and RUPERT	)	
BORGSMILLER, Executive Director	)	
of the Illinois State Board of Elections,	)	
	)	
Defendants.	)	
_____	)	

**JOINT MOTION REQUESTING ENTRY OF**  
**SUPPLEMENTAL CONSENT DECREE**

Plaintiff United States of America and Defendants, through their undersigned counsel, respectfully request this Court enter the accompanying Supplemental Consent Decree. In October 2010, the United States initiated this action to enforce the requirements of the Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”), 42 U.S.C. §§ 1973ff to 1973ff-7, as amended by the Military and Overseas Voter Empowerment Act, Pub. L. No. 111-84, Subtitle H, §§ 575-589, 123 Stat. 2190, 2318-2335 (2009). On October 22, 2010, this Court entered a Consent Decree to resolve UOCAVA violations alleged by the United States. ECF No. 8.

To fully effectuate the future relief required by paragraph 11 of the Consent Decree, the United States and Defendants have agreed to the terms of the attached Supplemental Consent Decree. If entered, the Supplemental Consent Decree would require Defendants to: 1) ensure that Election Authorities in all Illinois Election Jurisdictions have sufficient absentee ballots and

technical capacity to timely transmit all UOCAVA ballots by the preferred method of transmission; 2) assist Illinois Election Authorities with the ballot transmission process, if appropriate and where reasonable; 3) obtain certifications from all Illinois Election Authorities that all UOCAVA ballots are timely transmitted; and 4) certify to the United States that those certifications are accurate to the best of their knowledge.

The United States and Defendants have negotiated in good faith and have agreed to entry of the proposed Supplemental Consent Decree as a necessary, appropriate, and adequate form of relief to prevent future UOCAVA violations and provide UOCAVA voters a fair and reasonable opportunity to participate in future Federal elections.

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

AGREED AND CONSENTED TO, January 19, 2012

For the Plaintiff:

PATRICK J. FITZGERALD  
United States Attorney  
Northern District of Illinois

THOMAS E. PEREZ  
Assistant Attorney General  
Civil Rights Division

By: /s/ Patrick W. Johnson  
PATRICK W. JOHNSON  
Assistant United States Attorney  
219 South Dearborn Street  
Chicago, Illinois 60604  
(312) 353-5327  
patrick.johnson2@usdoj.gov

/s/ Justin Weinstein-Tull  
T. CHRISTIAN HERREN JR.  
REBECCA WERTZ  
ABEL GOMEZ  
JUSTIN WEINSTEIN-TULL  
Attorneys, Voting Section  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530  
Telephone: (202) 353-0319  
Facsimile: (202) 307-3961

Attorney for the Defendants:

LISA MADIGAN  
Attorney General of Illinois

/s/ Thomas A. Ioppolo  
KATHLEEN KREISEL FLAHAVEN  
THOMAS A. IOPPOLO  
Assistant Attorneys General  
General Law Bureau  
100 W. Randolph Street, 13<sup>th</sup> Floor  
Chicago, Illinois 60601  
Telephone: (312) 814-2822  
Facsimile: (312) 814-4425

CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2012, I served a true and correct copy of the foregoing via mail to the following counsel of record:

KATHLEEN KREISEL FLAHAVEN

THOMAS A. IOPPOLO

General Law Bureau

100 W. Randolph Street, 13th Floor

Chicago, Illinois 60601

Telephone: (312) 814-3313

Facsimile: (312) 814-4425

STEVE SANDVOSS

1020 S. Spring St.

Springfield, IL 62704

Phone: (217) 782-4141

Fax: (217) 782-5959

/s/ Justin Weinstein-Tull

Justin Weinstein-Tull