

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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THE STATE OF NEW HAMPSHIRE,)	
)	
Plaintiff,)	
)	
v.)	
)	
ERIC HOLDER,)	No. 1:12-CV-01854
Attorney General of the)	EGS -TBG-RMC
United States of America;)	Three-Judge Court
THOMAS E. PEREZ,)	
Assistant Attorney General,)	
Civil Rights Division, United States)	
Department of Justice, Washington, DC,)	
)	
Defendants.)	
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JOINT MOTION FOR ENTRY OF CONSENT JUDGMENT AND DECREE

Plaintiff State of New Hampshire on behalf of its ten covered towns and townships and Defendants Eric H. Holder, Jr., Attorney General of the United States, and Thomas E. Perez, Assistant Attorney General, Civil Rights Division, through counsel, respectfully move this three-judge Court for entry of the attached Consent Judgment and Decree. As grounds for this motion, the parties would show the following:

1. The complaint in this action was filed on November 15, 2012, by the State, on behalf of its ten covered towns and townships, against the Attorney General and Assistant Attorney General, pursuant to Section 4(a) of the Voting Rights Act, 42 U.S.C. §1973b(a). In this litigation, the State seeks to demonstrate that its ten covered towns and townships meet the statutory requirements of Section 4(a), to allow for bailout from coverage under Section 4(b) of the Act, 42 U.S.C. §1973b(b). A declaratory judgment granting bailout exempts the covered

jurisdiction from the preclearance requirements of Section 5 of the Act, 42 U.S.C. §1973c.

2. As required by Section 4(a)(9) of the Act, 42 U.S.C. §1973b(a)(9), the Attorney General has conducted an independent investigation of the ten covered towns and townships to determine if they have satisfied the necessary requirements for a bailout under Section 4(a). As a result of that investigation, and also based on information provided to the Attorney General by the State and the ten covered towns and townships, the Attorney General has determined that the ten covered towns and townships meet all of the requirements of Section 4(a) and has determined that the Attorney General would consent to a declaratory judgment granting bailout to the ten covered towns and townships under Section 4(a).

3. The parties have conferred concerning a resolution of this litigation and have agreed on the terms of the attached Consent Judgment and Decree, which if entered by this Court, will grant the requested bailout to the ten covered towns and townships.

4. The enclosed Consent Judgment and Decree is similar to those that have been entered by three-judge courts in other declaratory judgment actions brought in this Court under Section 4 of the Voting Rights Act. *See, e.g., Carroll Cnty. v. Holder*, No. 12-1166 (D.D.C. Nov. 30, 2012); *Craig Cnty. v. Holder*, No. 12-1179 (D.D.C. Nov. 29, 2012); *Merced Cnty. v. Holder*, No. 12-0354 (D.D.C. Aug. 31, 2012); *Grayson Cnty. v. Holder*, No. 12-718 (D.D.C. July 20, 2012); *Wythe Cnty. v. Holder*, No. 12-719 (D.D.C. June 18, 2012); *City of Williamsburg v. Holder*, No. 11-1415 (D.D.C. Nov. 28, 2011); *James City Cnty. v. Holder*, No. 11-1425 (D.D.C. Nov. 9, 2011); *Culpeper Cnty. v. Holder*, No. 11-1477 (D.D.C. Oct. 3, 2011); *City of Bedford v. Holder*, No. 11-0473 (D.D.C. Aug. 31, 2011); *Bedford Cnty. v. Holder*, No. 11-0499 (D.D.C. Aug. 30, 2011); *Rappahannock Cnty. v. Holder*, No. 11-1123 (D.D.C. Aug. 9, 2011); *City of*

Manassas Park v. Holder, No. 11-749 (D.D.C. Aug. 3, 2011); *Amherst Cnty. v. Mukasey*, No. 08-780 (D.D.C. Aug. 13, 2008); *Middlesex Cnty. v. Gonzales*, No. 07-1485 (D.D.C. Jan. 7, 2008).

Information on bailout cases is available on the Department of Justice's website at

www.justice.gov/crt/about/vot/misc/sec_4.php

5. The parties respectfully request that this Court delay entry of the enclosed Consent Judgment and Decree for 30 days after the filing of this Joint Motion, so that the ten covered towns and townships can publish notice of the proposed settlement pursuant to Section 4(a)(4) of the Act, 42 U.S.C. §1973b(a)(4).

For the reasons above and as set forth in the attached Consent Judgment and Decree, the parties respectfully request that this Court grant the Joint Motion and enter the attached Consent Judgment and Decree.

Respectfully submitted,

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Dated: December 21, 2012

Respectfully submitted,

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Attorney General of the United States and
Assistant Attorney General,
Civil Rights Division

Dated: December 21, 2012

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of December, 2012, I served a copy of the foregoing Joint Motion for Entry of Consent Judgment and Decree by filing the same in this Court's ECF system, which will provide electronic notice to all counsel of record.

/s/ SaraBeth Donovan
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