

## **MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding (MOU) is entered into between the United States of America, through the Civil Rights Division of the U.S. Department of Justice, and the State of Alabama, the Alabama Secretary of State (Secretary of State), and the Alabama Law Enforcement Agency (ALEA).

### **I. Statement of the Parties**

The United States and the State of Alabama hereby recognize the following:

1. By letter dated September 8, 2015, the United States notified the State of Alabama that the Principal Deputy Assistant Attorney General for the Civil Rights Division of the U.S. Department of Justice had authorized litigation against the State and appropriate State officials to enforce the Motor Voter provision of the National Voter Registration Act of 1993 (NVRA), 52 U.S.C. § 20504.
2. The Principal Deputy Assistant Attorney General authorized litigation following an investigation in which the United States gathered evidence that established noncompliance with the Motor Voter provision of the NVRA.
3. The United States and the State of Alabama share the goals of ensuring that the requirements of the Motor Voter provision of the NVRA are met and ensuring that Alabama's citizens enjoy the benefits envisioned by that provision.
4. The United States and the State of Alabama have negotiated in good faith and hereby agree to this MOU as an appropriate means to further their shared goals.

### **II. National Voter Registration Act of 1993**

5. The National Voter Registration Act of 1993 (NVRA), 52 U.S.C. §§ 20501-11, includes certain requirements with respect to voter registration procedures for elections for Federal office for States covered by the NVRA. The State of Alabama is covered by the NVRA and is obliged to ensure compliance with its requirements. 52 U.S.C. §§ 20502(4), 20503.
6. The NVRA requires that, "in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office . . . by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 20504" of Title 52 of the U.S. Code. 52 U.S.C. § 20503(a)(1).
7. The NVRA, in turn, further requires that "[e]ach State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter

registration application.” 52 U.S.C. § 20504(a)(1). This provision also requires that “[a]n application for voter registration submitted under [the provision] shall be considered as updating any previous voter registration by the applicant.” 52 U.S.C. § 20504(a)(2).

8. The NVRA defines “motor vehicle driver’s license” to include “any personal identification document issued by a State motor vehicle authority.” 52 U.S.C. § 20502(3). In Alabama, such personal identification documents include motor vehicle driver’s licenses, motor vehicle learner’s licenses, non-driver identification cards, and vessel licenses. In Alabama, ALEA and some county judges of probate, license commissioners, and revenue commissioners conduct driver’s license transactions.
9. The NVRA requires that “[t]he voter registration application portion of an application for a State motor vehicle driver’s license . . . may not require information that duplicates information required in the driver’s license portion of the form (other than a second signature or other information necessary under [52 U.S.C. § 20504(c)(2)(C)]).” 52 U.S.C. § 20504(c)(2)(A).
10. The NVRA requires that “[t]he voter registration application portion of an application for a State motor vehicle driver’s license . . . shall include” a statement of the eligibility requirements for registration, an attestation that the applicant meets each such requirement, and a signature under penalty of perjury. 52 U.S.C. § 20504(c)(2)(C).
11. The NVRA requires that the voter registration application portion of an application for a State motor vehicle driver’s license may require only the minimum amount of information necessary to prevent duplicate voter registrations and to enable State election officials both to assess the eligibility of the applicant and to administer voter registration and other parts of the election process. 52 U.S.C. § 20504(c)(2)(B).
12. The NVRA requires that any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver’s license must serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved, unless the registrant states on the form that the change of address is not for voter registration purposes. 52 U.S.C. § 20504(d).
13. The NVRA requires that a completed voter registration portion of an application for a State motor vehicle driver’s license accepted at a State motor vehicle authority must be transmitted to the appropriate election official not later than ten days after acceptance, and not later than five days after acceptance if accepted within five days before the last day of registration to vote in a Federal election. 52 U.S.C. § 20504(e).
14. The Secretary of State is the chief election officer of the State of Alabama. Ala. Code § 17-1-3(a). The Secretary is responsible for coordinating Alabama’s responsibilities under the NVRA. 52 U.S.C. § 20509; Ala. Code §§ 17-4-60(a), 17-4-63.

15. ALEA is responsible for integrating voter registration into any Alabama motor vehicle driver's license application, including any renewal application, and for ensuring that any change of address form related to a motor vehicle driver's license serves as notification of change of address for voter registration with respect to elections for Federal office, unless the registrant states on the form that the change of address is not for voter registration purposes. Ala. Code §§ 17-4-60(b), 41-27-2(a), 41-27-6(a)(3).

### **III. Terms of Agreement**

NOW, THEREFORE, for full and adequate consideration given and received, the United States, through the Civil Rights Division of the U.S. Department of Justice, and the State of Alabama, the Alabama Secretary of State, and ALEA agree as follows:

#### **A. General Provisions**

16. The Secretary of State and ALEA shall develop and implement uniform forms, policies, and procedures to ensure that each application for a driver's license or other personal identification document, including any renewal application, serves as an application for voter registration with respect to elections for Federal office unless the applicant declines to register or is objectively ineligible, based on an automated process, in accordance with 52 U.S.C. § 20504.
17. The Secretary of State and ALEA shall develop and implement uniform forms, policies, and procedures to ensure that the voter registration portion of each application for a driver's license or other personal identification document, including any renewal application, conforms to the specific requirements of 52 U.S.C. § 20504(a) and (c).
18. The Secretary of State and ALEA shall develop and implement uniform forms, policies, and procedures to ensure that any change of address form shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes, in accordance with 52 U.S.C. § 20504(d).
19. The Secretary of State and ALEA shall develop and implement uniform forms, policies, and procedures to ensure that the submitted voter registration portion of an application for a driver's license or other personal identification document, or the data associated therewith, shall be transmitted to the appropriate State election official under the timelines established by 52 U.S.C. § 20504(e).
20. For purposes of this MOU, the terms "application" and "form" include any computerized data intake process or procedure.
21. For purposes of this MOU, the term "form" includes any process or procedure by which an Alabama resident may change the address associated with a driver's license or other personal identification document.

## **B. Interim Paper-Based Solution for In-Person Transactions**

22. In consultation with the Secretary of State, ALEA shall integrate a paper voter registration application into the in-person applications for a driver's license or other personal identification document, including any renewal applications, and the in-person application for a duplicate issuance of a driver's license or other personal identification document that reflects a change of address but does not renew the affected document within 30 days of the effective date of this MOU.
23. At ALEA offices, this integration shall include the following process:
  - a. When any ALEA employee first identifies a customer as an applicant for a driver's license or other personal identification document, a renewal applicant, or an applicant for a duplicate issuance of a driver's license or other personal identification document that reflects a change of address but does not renew the affected document, the ALEA employee shall ask if the applicant wishes to register to vote or update his or her voter registration as part of the application or change of address process;
  - b. If the applicant indicates a desire to register to vote or update his or her voter registration, the ALEA employee shall provide a blank voter registration application and shall inform the applicant that the form will be used both to initiate the application process and for voter registration purposes. For such applicants, ALEA shall use the information contained in the completed voter registration application as the basis for completing the application for a driver's license or other personal identification document, and shall not request information from the applicant that duplicates information already provided in the applicant's voter registration form;
  - c. ALEA employees shall treat the voter registration application as a component of the driver's license or other personal identification document application, renewal application, or application for a duplicate issuance of a driver's license or other personal identification document that reflects a change of address for purposes of assisting the applicant and ensuring that the applicant completes the process properly;
  - d. At the conclusion of the application process, ALEA shall accept the completed voter registration application; and
  - e. ALEA offices shall deliver submitted paper applications to the appropriate boards of registrars on a weekly basis and shall specifically deliver any applications received within five days before the last day for registration to vote in a Federal election by no later than 5 days after the date of acceptance.
24. The interim procedures identified in Paragraphs 22 and 23 will no longer apply upon full implementation of the electronic solution outlined in Paragraphs 38, 39, and 41, below.

25. The Secretary of State and ALEA will take all reasonable and practicable steps to inform relevant county judges of probate, license commissioners, and revenue commissioners of the interim, paper-based process outlined in Paragraphs 22 and 23 and that this process is vital and necessary to assure the State's full compliance with the Motor Voter provision of the NVRA. The Secretary of State and ALEA shall use all reasonable and practicable efforts to facilitate implementation of the interim, paper-based process at the offices of such county officials until full implementation of the electronic solution outlined in Paragraphs 38, 39, and 41. Such efforts shall include, but need not be limited to:
- a. Conducting at least five training sessions, in locations spread geographically throughout the State, within 90 days of the effective date of this MOU, and strongly encouraging county judges of probate, license commissioners, and revenue commissioners who perform licensing transactions to send employees to such trainings;
  - b. Providing necessary forms to county officials at no cost to those officials; and
  - c. Communicating with county officials concerning the interim, paper-based process at least once every other month beginning in January 2016 and including in such communications any updates on the electronic solution and the number of voters registered by county under the interim solution.
26. The Secretary of State and ALEA will share with the United States any policies and procedures developed to implement the interim paper-based solution identified in Paragraphs 22 and 23 prior to the execution of this MOU and will be receptive to suggestions for appropriate changes. In the event that the Secretary of State and ALEA develop and implement any additional policies and procedures to comply with Paragraphs 22 and 23 after execution of this MOU, the Secretary of State and ALEA shall develop those policies and procedures in consultation with the United States.

### **C. Online Driver License Renewal**

27. In consultation with the Secretary of State, ALEA shall update the Alabama Online Driver License Issuance system to integrate an NVRA-compliant voter registration application into each online renewal of a driver's license or other personal identification document within 60 days of the effective date of this MOU.
28. The Secretary of State and ALEA shall develop and implement a mechanism to accept and transfer the voter registration component of an application to renew a driver's license or other personal identification document received through the Alabama Online Driver License Issuance system to appropriate State election officials within the timelines established in the Motor Voter provision of the NVRA, 52 U.S.C. § 20504(e), within 60 days of the effective date of this MOU.

29. In consultation with the United States, the Secretary of State and ALEA shall develop and implement uniform policies and procedures necessary to comply with Paragraphs 27 and 28 within 60 days of the effective date of this MOU.
30. At present, the Alabama Online Driver License Issuance system only permits current holders of driver's licenses or other personal identification documents to renew his or her driver's license or other personal identification document and only if the renewal does not include a change of address. In the event that ALEA seeks to expand the capability of this system to include initial applications or changes of address prior to the termination of this MOU, the Secretary of State and ALEA shall develop any such NVRA-compliant capability in consultation with the United States.

**D. Application for a Renewal or Duplicate License for Alabama Drivers Temporarily Out of State**

31. In consultation with the Secretary of State, ALEA shall update the Alabama Application for a Renewal or Duplicate License for Alabama Drivers Temporarily Out of State to integrate an NVRA-compliant voter registration application within 60 days of the effective date of this MOU.
32. The Secretary of State and ALEA shall develop and implement a mechanism to accept and transfer the voter registration component of an Application for a Renewal or Duplicate License for Alabama Drivers Temporarily Out of State to appropriate State election officials within the timelines established in the Motor Voter provision of the NVRA, 52 U.S.C. § 20504(e), within 60 days of the effective date of this MOU.
33. In consultation with the United States, the Secretary of State and ALEA shall develop and implement uniform policies and procedures necessary to comply with Paragraphs 31 and 32 within 60 days of the effective date of this MOU.

**E. Change of Address without a New Identification Document**

34. Within 60 days of the effective date of this MOU, in consultation with the Secretary of State, ALEA shall update the process by which an Alabama resident may change the address associated with a driver's license or other personal identification document without obtaining a new identification document. This updated change of address process shall serve as notification of change of address for voter registration unless the registrant states on the form that the change of address is not for voter registration purposes.
35. Once the State of Alabama has developed and promulgated an NVRA-compliant form that Alabama residents may use to change the address associated with a driver's license or other personal identification document without obtaining a new identification document, ALEA shall accept only this or another NVRA-compliant form for submission of a change of address associated with a driver's license or other personal identification document without obtaining a new identification document and shall provide this NVRA-

compliant form to any Alabama resident who sends ALEA a letter containing updated address information related to a driver's license or other personal identification document.

36. The Secretary of State and ALEA shall within 60 days of the effective date of this MOU develop and implement a mechanism to transfer change of address information submitted on the form described in Paragraph 34 to appropriate State election officials.
37. In consultation with the United States, the Secretary of State and ALEA shall within 60 days of the effective date of this MOU develop and implement uniform policies and procedures necessary to comply with Paragraphs 34 to 36.

#### **F. Electronic System for In-Person Applicants**

38. In consultation with the Secretary of State, ALEA shall integrate an electronic, NVRA-compliant voter registration application into each in-person application for an Alabama driver's license or other personal identification document, including any renewal application, within seven months of the effective date of this MOU.
39. In consultation with the Secretary of State, ALEA shall ensure that the integration of an electronic, NVRA-compliant voter registration application into each in-person application for a driver's license or other personal identification document applies to the submission of information to ALEA employees and the submission of information to an in-office kiosk.
40. In consultation with the Secretary of State, ALEA shall, on a schedule mutually agreeable to the parties, ensure an electronic, NVRA-compliant voter registration application for each in-person application for a driver's license or other personal identification document shall be integrated with any other in-person electronic method used to apply for a driver's license or other personal identification document that the State develops prior to the termination of this MOU.
41. The Secretary of State and ALEA shall develop and implement a mechanism to accept and transfer the voter registration component of an in-person application or renewal of a driver's license or other personal identification document to appropriate State election officials within the timelines established in the Motor Voter provision of the NVRA, 52 U.S.C. § 20504(e), within seven months of the effective date of this MOU.
42. In consultation with counsel for the United States, the Secretary of State and ALEA shall, within seven months of the effective date of this MOU, develop and implement uniform policies and procedures necessary to comply with Paragraphs 38, 39, and 41.
43. In the event that the State develops any other in-person electronic method used to apply for a driver's license or other personal identification document prior to the termination of this MOU, as contemplated by Paragraph 40, then, in consultation with counsel for the United States, the Secretary of State and ALEA shall, on a schedule mutually agreeable to

the parties, develop and implement uniform policies and procedures necessary to comply with Paragraph 40.

### **G. Change of Address with Duplicate Identification Document**

44. Within seven months of the effective date of this MOU, and in consultation with the Secretary of State, ALEA shall update the in-person process by which an Alabama resident may request a duplicate driver's license or other personal identification document that reflects a change of address without renewing such document. This updated change of address process shall serve as notification of change of address for voter registration, including changes of address to other counties within the State, unless the registrant states on the form that the change of address is not for voter registration purposes. For persons not already registered to vote, the State shall include an opportunity to register to vote in connection with such transaction, and shall promptly forward the voter registration information to appropriate State election officials.
45. Within seven months of the effective date of this MOU, the Secretary of State and ALEA shall develop and implement a mechanism to transfer change of address information submitted through the procedure described in Paragraph 44 to appropriate State election officials.
46. In consultation with counsel for the United States, the Secretary of State and ALEA shall, within seven months of the effective date of this MOU, develop and implement uniform policies and procedures necessary to comply with Paragraphs 44 and 45.

### **H. Electronic Integration Status Reports**

47. Beginning January 2016, the State of Alabama will provide the United States with monthly status reports concerning the technical process to implement the procedures set out in Paragraphs 38, 39, and 41. The State of Alabama will email these reports to counsel for the United States on the 20th of the month or—in the event that the 20th or a subsequent day falls on a weekend, State or Federal holiday, or other day on which the offices of the Alabama Attorney General, the Secretary of State, and/or ALEA are closed—on the next business day. The State of Alabama will continue to provide such monthly status reports until the State of Alabama has completed work to integrate an NVRA-compliant voter registration application into each in-person application for an Alabama driver's license or other personal identification document, including any updates and patches anticipated at the time of the initial integration.
48. In the event that the State of Alabama, Secretary of State, and/or ALEA conclude that unforeseen technological or economic factors have rendered impracticable integration of the procedures set out in Paragraphs 38, 39, and 41 into the computerized systems currently used by the State of Alabama for in-person transactions, the Alabama Attorney General's Office will notify the United States of the technological or economic impediments and the conclusion of impracticability. Following such notice, the parties shall consult in good faith and may consent to an effective alternative in-person solution



that complies with the Motor Voter provision of the NVRA. The United States shall not unreasonably withhold consent to an effective alternative in-person solution following a showing of good cause by the State, Secretary of State, and/or ALEA.

## **I. Training, Monitoring, and Public Education**

49. In consultation with the United States and the Secretary of State, ALEA shall within 60 days of the effective date of this MOU develop, implement, and offer an NVRA education and training program designed to facilitate compliance with the NVRA and the procedures set out in Paragraphs 22 and 23, 27 and 28, 31 and 32, and 34 to 36.
50. In consultation with the United States, and with the cooperation of the Secretary of State, ALEA shall within seven months of the effective date of this MOU develop, implement, and offer annual NVRA education and training programs for every ALEA employee and every county employee or agent responsible for providing services related to driver's licenses and other personal identification documents to Alabama residents. The training shall be mandatory for ALEA employees who provide services related to driver's licenses and other personal identification documents.
51. In consultation with ALEA, the Secretary of State shall use all reasonable and practicable efforts to facilitate implementation of the provisions set out in Paragraphs 38, 39, 41, 44, and 45 at the offices of relevant county judges of probate, license commissioners, and revenue commissioners. Such efforts shall include, but need not be limited to:
  - a. Communicating with the relevant county officials and/or his or her employees and agents concerning the availability of annual NVRA education and training programs and strongly encouraging attendance at such programs;
  - b. Providing signs that relevant county officials may display in their offices to advertise the availability of voter registration as a component of an application for a driver's license or other personal identification document;
  - c. Encouraging county officials to provide information on any website that they maintain regarding the availability of voter registration opportunities as a component of applications for a driver's license or other personal identification card; and
  - d. Communicating with county officials on at least an annual basis concerning the requirements of the Motor Voter provision of the NVRA and including information regarding the impact of successful implementation of this MOU.
52. ALEA shall designate an ALEA NVRA Coordinator and shall notify the United States as to the identity of the ALEA NVRA Coordinator within 30 days of the effective date of this MOU. The position of ALEA NVRA Coordinator shall continue to exist for at least one year beyond the termination of this MOU.

53. In the event of a vacancy in the position of ALEA NVRA Coordinator, ALEA shall fill the vacancy within 45 days and shall within 10 days of the appointment notify the United States of the appointee's name and contact information. In the event that ALEA elects to hire a new employee to serve as NVRA Coordinator, it may appoint an interim NVRA Coordinator while it complies with the hiring requirements and regulations of the State Personnel System.
54. The duties of the ALEA NVRA Coordinator shall include, but need not be limited to:
- a. Coordinating Statewide compliance with the Motor Voter provision of the NVRA and the provisions of this MOU, in consultation with the Secretary of State;
  - b. Ensuring that, once the electronic system is in place, each application for a driver's license application or other personal identification document accepted by ALEA or a county judge of probate, license commissioner, or revenue commissioner, including any renewal application, incorporates an application for voter registration with respect to elections for Federal office;
  - c. Ensuring that, once the electronic system is in place, each completed voter registration application submitted in connection with applications for driver's licenses and other personal identification documents is accepted by ALEA or a county judge of probate, license commissioner, or revenue commissioner and is transmitted to the appropriate State election officials under the timelines established in the Motor Voter provision of the NVRA, 52 U.S.C. § 20504(e);
  - d. Ensuring that changes of address associated with a driver's license or other personal identification document submitted when renewing such document serve as notification of a change of address for voter registration with respect to elections for Federal office unless the registrant states that the change of address is not for voter registration purposes;
  - e. Gathering information from the newly-implemented electronic system indicative of the State's compliance with the Motor Voter provision of the NVRA on a monthly basis, by county, including:
    - i. The number of online and mail-based renewal applications for driver's licenses and other personal identification documents received;
    - ii. The number of completed voter registration applications accepted and transmitted to election officials as part of such remote applications;
    - iii. The number of in-person (non-kiosk) applications for driver's licenses and other personal identification documents received, including renewal applications;

- iv. The number of completed voter registration forms accepted and transmitted to election officials as part of such in-person (non-kiosk) applications;
  - v. The number of in-person kiosk-based applications for driver's licenses and other personal identification documents received, including renewal applications;
  - vi. The number of completed voter registration forms accepted and transmitted to election officials as part of such kiosk-based applications;
  - vii. The number of changes of address submitted regarding a driver's license or other identification document without obtaining a duplicate identification document or renewing the identification document;
  - viii. The number of changes of address transmitted to election officials for voter registration purposes derived from such changes of address without a request for a duplicate identification document;
  - ix. The number of changes of address submitted regarding a driver's license or other identification document along with a request for a duplicate identification document but without renewing the identification document; and
  - x. The number of changes of address transmitted to election officials for voter registration purposes derived from such changes of address along with a request for a duplicate identification document.
- f. Reviewing the data set out in Paragraphs 54(e) and 56(c) and evaluating whether the data reflect potential or actual implementation problems;
  - g. Sharing the data set out in Paragraphs 54(e) and 56(c) with the United States, subdivided by office, on a monthly basis until the termination of this MOU;
  - h. Determining the necessity for any Statewide or office-specific corrective action plan and directing the implementation of any such corrective plan; and,
  - i. Ensuring that ALEA websites and offices provide applicants for driver's licenses and other personal identification documents with prominent notice of opportunities to register to vote and update registration information as a component of an application, renewal application, or change of address.
55. Each ALEA Driver License Region Commander shall be responsible for ensuring ALEA offices within his or her Region remain in compliance with NVRA. This responsibility shall remain in place for at least one year following the termination of this MOU.

56. The duties of ALEA Driver License Region Commanders for the purposes of this agreement shall include but need not be limited to:
- a. Coordinating compliance with the Motor Voter provision of the NVRA and the provisions of this MOU in his or her ALEA Region;
  - b. Identifying and resolving NVRA implementation problems;
  - c. While the Interim Paper-Based Solution outlined in Paragraphs 22 and 23 remains in place, gathering and transmitting NVRA compliance data concerning each office in his or her Region to the ALEA NVRA Coordinator on a monthly basis, which shall include:
    - i. The number of applications for driver's licenses and other personal identification documents received, including renewal applications;
    - ii. The number of completed voter registration forms accepted and transmitted to election officials as part of such applications and renewals;
    - iii. The number of changes of address submitted in concert with any procedure for issuance of a duplicate of a driver's license or other personal identification document that reflects a change of address but does not constitute a renewal of that document;
    - iv. The number of completed voter registration forms accepted and transmitted to election officials as part of such a change of address procedure;
  - d. Taking all reasonable steps to ensure that ALEA employees follow the NVRA-compliant procedures; and
  - e. Ensuring that new ALEA employees with responsibilities related to driver's licenses or other personal identification documents within his or her Region receive information and training concerning the Motor Voter provisions of the NVRA and the requirements of this MOU within 14 days of the new employee's start date.

#### **J. Remedial Recapture Plan**

57. The Secretary of State shall, by no later than July 31, 2016, contact by mail and provide an application to register to vote by mail to every individual who:
- a. Holds an Alabama driver's license or other personal identification document and
  - b. Does not appear to be registered to vote in the State of Alabama.

58. The State of Alabama is not required to send the mailing to anyone objectively ineligible to register to vote as of the date of the mailing.
59. The Secretary may work with the Electronic Registration Information Center to identify individuals who meet the criteria set out in Paragraph 57(a)-(b).
60. Should the Secretary of State adopt an online voter registration method for Alabama residents who have an active driver's license or other personal identification document prior to the mailing described in Paragraph 57, the mailing will also include notice of the availability of online voter registration and instructions to complete voter registration online. However, any notice of the availability of online voter registration cannot supplant the provision of mail-in voter registration applications under Paragraph 57.

#### **K. Reporting and Monitoring**

61. Beginning on July 15, 2016, on January 15 and July 15 of each year that this MOU remains effective, the Secretary of State and ALEA shall submit to the United States a report for the six-month period ending December 31 and June 30 respectively, which shall include the following components:
  - a. A summary of efforts to implement the requirements of this agreement;
  - b. A description of any corrective action plans devised and implemented pursuant to Paragraph 54(h) of this MOU or copies of any such corrective action plans; and
  - c. Copies of all new or revised NVRA policies or procedures, rules or regulations, advertisements, notices, and training materials used in the preceding reporting period and not previously disclosed or to be used in the future.

#### **L. Deadlines and Tolling**

62. Any deadline in this MOU may be extended by the consent of the parties. The United States shall not unreasonably withhold consent following a showing of good cause by the State, Secretary of State, or ALEA.
63. With regard to any provision of this MOU under which the parties are required to consult, any failure by any party to respond to a request for consultation within seven calendar days shall toll all related deadlines for the number of days beyond the initial seven days until the appropriate party provides its response.

#### **IV. Enforcement**

64. If at any time the United States obtains information that the State of Alabama is, or is about to be, in breach of any of the terms of this MOU, the United States shall advise the Governor, the Secretary of State, ALEA, and the Alabama Attorney General in writing by notice sent via overnight mail and email. The State shall have five business days

following transmittal of such notice to respond to the United States and shall reasonably endeavor to address the full scope of the potential breach. The parties shall thereafter attempt immediately to resolve any issue of potential noncompliance.

65. If the parties are unable to agree on a resolution of the issue under the procedures set out in Paragraph 64, the United States may take appropriate action to enforce the terms of this MOU.
66. Nothing in this MOU shall prevent the United States from taking any actions required to enforce any and all other applicable provisions of the NVRA.
67. This MOU creates no additional causes of action pursuant to the NVRA.
68. Any legal proceeding arising in connection with this MOU may be brought only in the United States District Court for the Middle District of Alabama, and all parties consent to venue in that court.
69. Any legal proceeding to enforce this MOU may seek specific performance of the terms therein.
70. In the event of litigation to enforce this MOU or the Motor Voter provision of the NVRA, the United States and the State of Alabama reserve the right to assert all appropriate claims, counterclaims, and defenses in that proceeding.
71. This MOU creates no third-party rights and may not be enforced by any individual, organization, or entity not a party thereto.

**V. Effective Date**

72. This MOU shall be effective immediately upon the execution of the last signatory.
73. In the event that the last signatory is for the United States, the United States shall notify the State of the final signature within two business days.

**VI. Termination**

74. This MOU shall terminate three years from its effective date, unless extended by consent of the parties.
75. Any legal proceeding to enforce the terms of this MOU brought before the MOU's termination date shall toll the termination of the specific provisions of the MOU at issue in the enforcement proceeding during the pendency of such proceeding.
76. In the event that the parties have attempted in good faith to resolve an issue of potential noncompliance under the procedures set out in Paragraph 64 and have failed to do so, the United States may, upon ten days' written notice to the Governor, the Secretary of State,

ALEA, and the Alabama Attorney General, terminate this MOU and enforce the Motor Voter provision of the NVRA, 52 U.S.C. § 20504, pursuant to Section 11 of the Act, 52 U.S.C. § 20510.

**VII. Construction**

77. This MOU shall be interpreted as if jointly written by all parties, and the rule of construction providing that any ambiguities are to be resolved against the drafting party shall not be used in interpreting this MOU.

78. Prior drafts of this MOU may not be used to construe this MOU.

The undersigned agree to the terms of this Memorandum of Understanding.

FOR THE UNITED STATES OF AMERICA:



VANITA GUPTA  
Principal Deputy Assistant Attorney General  
Civil Rights Division

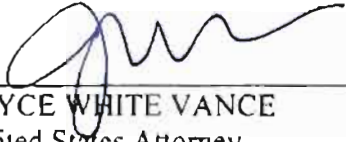


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Northern District of Alabama  
1801 4th Avenue North  
Birmingham, Alabama 35203

11.12.2015

Date

*George L. Beck, Jr.*

GEORGE L. BECK, JR.

United States Attorney  
Middle District of Alabama  
131 Clayton Street  
Montgomery, Alabama 36104

*11-12-15*

Date



KENYON R. BROWN

United States Attorney

Southern District of Alabama

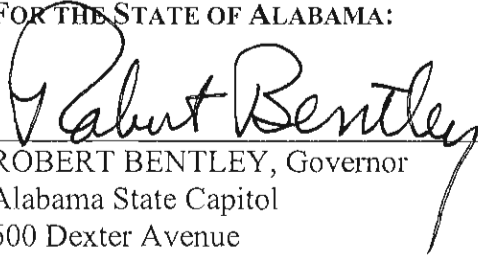
63 South Royal Street, Suite 600

Mobile, Alabama 36602

11-12-15

Date


FOR THE STATE OF ALABAMA:

A handwritten signature in cursive script that reads "Robert Bentley". The signature is written in black ink and is positioned above a horizontal line.

ROBERT BENTLEY, Governor  
Alabama State Capitol  
600 Dexter Avenue  
Montgomery, Alabama 36130

NOV 13, 2015  
Date

FOR THE ALABAMA SECRETARY OF STATE:

  
\_\_\_\_\_  
JOHN W. MERRILL, Secretary of State  
Alabama State Capitol  
600 Dexter Avenue  
Montgomery, Alabama 36130

NOVEMBER 12, 2015  
Date

FOR THE ALABAMA LAW ENFORCEMENT AGENCY:



SPENCER COLLIER, Secretary of ALEA  
201 S. Union Street, Suite 300  
Montgomery, Alabama 36104

11 / 12 / 15  
Date