

Tucker, Rachael (OAG)

From: Tucker, Rachael (OAG)
Sent: Tuesday, December 19, 2017 9:58 PM
To: Zadrozny, John A. EOP/WHO
Cc: Gore, John (CRT); Boyd, Stephen E. (OLA); Hamilton, Gene (OAG)
Subject: Re: Census Question Request

Not at all. Have forwarded. Either she or her designee can join.

Sent from my iPhone

On Dec 19, 2017, at 9:54 PM, Zadrozny, John A. EOP/WHO (b) (6) wrote:

10-4.

Objection to Sarah being in on the call? No worries if the answer is yes, but one of you is going to need to talk to her offline later.

JZ

w: (202) 456-4677

c: (b) (6)

From: Tucker, Rachael (OAG) [<mailto:Rachael.Tucker@usdoj.gov>]
Sent: Tuesday, December 19, 2017 9:50 PM
To: Zadrozny, John A. EOP/WHO <(b) (6)>
Cc: Gore, John (CRT) <(b) (6)>; Boyd, Stephen E. (OLA) <Stephen.E.Boyd@usdoj.gov>; Hamilton, Gene (OAG) <Gene.Hamilton@usdoj.gov>
Subject: Re: Census Question Request

Dropping DC at her request. Dial-in below. Would prefer 8:30.

(b) (6)

Sent from my iPhone

On Dec 19, 2017, at 9:48 PM, Zadrozny, John A. EOP/WHO (b) (6) wrote:

All:

I have an update for the group. (b) (5)

(b) (5)

I can talk at either 8:00 a.m. or 8:30 a.m. tomorrow (Wednesday 12/20) morning. Can anyone lend a conference line for this call? I'm happy to send out a calendar invite to this group if someone can get me a dial-in and access code.

(If those times don't work for this group, the next window I can do is noon-12:30 p.m. Also, unless anyone objects, I'd like to invite Sarah Flores to be on the call. (b) (5)

(b) (5)

JZ

w: (202) 456-4677

c: (b) (6)

From: Gore, John (CRT) [mailto:(b) (6)]
Sent: Tuesday, December 19, 2017 9:00 PM
To: Boyd, Stephen E. (OLA) <Stephen.E.Boyd@usdoj.gov>
Cc: Zadrozny, John A. EOP/WHO (b) (6); Tucker, Rachael (OAG) <Rachael.Tucker@usdoj.gov>; Hamilton, Gene (OAG) <Gene.Hamilton@usdoj.gov>; Cutrona, Danielle (OAG) <Danielle.Cutrona@usdoj.gov>
Subject: Re: Census Question Request

Agreed. I'm free tomorrow morning and can provide more details, including an update I received this evening. Just name a time.

Sent from my iPhone

On Dec 19, 2017, at 8:56 PM, Boyd, Stephen E. (OLA) <seboyd@jmd.usdoj.gov> wrote:

I was called by Commerce and (b) (5)
(b) (5)
(b) (5)

SB

Sent from my iPhone

On Dec 19, 2017, at 8:53 PM, Zadrozny, John A. EOP/WHO <(b) (6)> wrote:

(b) (5)

JZ

w: (202) 456-4677

c: (b) (6)

From: Gore, John (CRT) [mailto:(b) (6)]
Sent: Tuesday, December 19, 2017 6:47 PM
To: Tucker, Rachael (OAG) <Rachael.Tucker@usdoj.gov>
Cc: Zadrozny, John A. EOP/WHO <(b) (6)> Hamilton, Gene (OAG) <Gene.Hamilton@usdoj.gov>; Cutrona, Danielle (OAG) <Danielle.Cutrona@usdoj.gov>; Boyd, Stephen E. (OLA) <Stephen.E.Boyd@usdoj.gov>
Subject: Re: Census Question Request

As Rachael mentioned, (b) (5)
(b) (5)

My contact at Commerce is the GC, Peter Davidson. His cell is (b) (6)

My cell is (b) (6) if anyone wants to connect.

Sent from my iPhone

On Dec 19, 2017, at 6:40 PM, Tucker, Rachael (OAG) <ratucker@imd.usdoj.gov> wrote:

Adding Gore and Stephen Boyd. Removing Iris and Chad.

I defer to you. I haven't been in touch with anyone at
Commerce (b) (5)
(b) (5)

Tucker, Rachael (OAG)

From: Tucker, Rachael (OAG)
Sent: Tuesday, December 19, 2017 7:04 PM
To: Cutrona, Danielle (OAG)
Subject: Re: Census Question Request

K

Sent from my iPhone

On Dec 19, 2017, at 7:03 PM, Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov> wrote:

Can drop me off too

From: Tucker, Rachael (OAG)
Sent: Tuesday, December 19, 2017 6:41 PM
To: Zadrozny, John A. EOP/WHO <(b) (6)>; Hamilton, Gene (OAG) <gghamilton@jmd.usdoj.gov>
Cc: Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov>; Gore, John (CRT) <(b) (6)>; Boyd, Stephen E. (OLA) <seboyd@jmd.usdoj.gov>
Subject: RE: Census Question Request

Adding Gore and Stephen Boyd. Removing Iris and Chad.

I defer to you. I haven't been in touch with anyone at Commerce. (b) (5)
(b) (5)

From: Zadrozny, John A. EOP/WHO [[\(b\) \(6\)](mailto:(b) (6))]
Sent: Tuesday, December 19, 2017 6:38 PM
To: Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>; Hamilton, Gene (OAG) <gghamilton@jmd.usdoj.gov>
Cc: Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov>; Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>; Mizelle, Chad (ODAG) <cmizelle@jmd.usdoj.gov>
Subject: RE: Census Question Request

I just talked to Brian Lenihan in Census, (b) (5)

(b) (5)

(b) (5)

JZ

w: (202) 456-4677

c: (b) (6)

From: Tucker, Rachael (OAG) [<mailto:Rachael.Tucker@usdoj.gov>]
Sent: Tuesday, December 19, 2017 6:25 PM
To: Hamilton, Gene (OAG) <Gene.Hamilton@usdoj.gov>
Cc: Zadrozny, John A. EOP/WHO <(b) (6)>; Cutrona, Danielle (OAG) <Danielle.Cutrona@usdoj.gov>; Lan, Iris (ODAG) <Iris.Lan3@usdoj.gov>; Mizelle, Chad (ODAG) <Chad.Mizelle@usdoj.gov>
Subject: RE: Census Question Request

Yes. To clarify my point (b) (5)

(b) (5)

From: Hamilton, Gene (OAG)
Sent: Tuesday, December 19, 2017 6:24 PM
To: Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>
Cc: Zadrozny, John A. EOP/WHO <(b) (6)>; Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov>; Lan, Iris (ODAG) <irian@jmd.usdoj.gov>; Mizelle, Chad (ODAG) <cmizelle@jmd.usdoj.gov>
Subject: Re: Census Question Request

Rachael is completely right. (b) (5)

Gene P. Hamilton
Counselor to the Attorney General
U.S. Department of Justice

On Dec 19, 2017, at 6:22 PM, Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov> wrote:

I spoke with Gore about this earlier. (b) (5)

(b) (5)

From: Zadrozny, John A. EOP/WHO [[\(b\) \(6\)](mailto:(b) (6))]
Sent: Tuesday, December 19, 2017 6:18 PM
To: Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov>
Cc: Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov>; Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>; Mizelle, Chad (ODAG) <cmizelle@jmd.usdoj.gov>; Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>
Subject: RE: Census Question Request

Thanks, Gene.

JZ
w: (202) 456-4677
c: (b) (6)

From: Hamilton, Gene (OAG) [<mailto:Gene.Hamilton@usdoj.gov>]
Sent: Tuesday, December 19, 2017 6:16 PM
To: Zadrozny, John A. EOP/WHO <(b) (6)>

Cc: Cutrona, Danielle (OAG) <Danielle.Cutrona@usdoj.gov>; Lan, Iris (ODAG) <Iris.Lan3@usdoj.gov>; Mizelle, Chad (ODAG) <Chad.Mizelle@usdoj.gov>; Tucker, Rachael (OAG) <Rachael.Tucker@usdoj.gov>
Subject: Re: Census Question Request

Adding Rachael.

Gene P. Hamilton
Counselor to the Attorney General
U.S. Department of Justice

On Dec 19, 2017, at 6:14 PM, Zadrozny, John A. EOP/WHO <(b) (6)> wrote:

Team DOJ:

Please see below.

I am working on this. Happy to discuss further offline.

JZ

w: (202) 456-4677

c: (b) (6)

From: Lenihan, Brian (Federal) [<mailto:8Lenihan@doc.gov>]

Sent: Tuesday, December 19, 2017 6:02 PM

To: Page, Ben J. EOP/OMB <(b) (6)>

Cc: Simms, Cindy B. EOP/WHO <(b) (6)>

Anderson, Jessica C. EOP/OMB <(b) (6)>

Platt, Mike (Federal) <MPlatt@doc.gov>; Lai, Joseph G. EOP/WHO

<(b) (6)>; Swonger, Amy H. EOP/WHO

<(b) (6)>; Zadrozny, John A. EOP/WHO

<(b) (6)>; Flynn, Matthew J. EOP/WHO

<(b) (6)>; Kraninger, Kathleen L. EOP/OMB

<(b) (6)>; Enger, Michelle A. EOP/OMB

<(b) (6)>; Marten, Lexi N. EOP/OMB

<(b) (6)>

Subject: Re: Census Question Request

That is my understanding and I appreciate the advisement.

Brian J. Lenihan

Commerce O/S

(b) (6)

On Dec 19, 2017, at 5:52 PM, Page, Ben J. EOP/OMB

<(b) (6)> wrote:

+ others from OMB

(b) (5)

(b) (5)

From: Simms, Cindy B. EOP/WHO
[mailto:(b) (6)]
Sent: Tuesday, December 19, 2017 5:44 PM
To: Lenihan, Brian (Federal) <BLenihan@doc.gov>; Page, Ben J. EOP/OMB <(b) (6)>; Anderson, Jessica C. EOP/OMB <(b) (6)>
Cc: Platt, Mike (Federal) <MPlatt@doc.gov>; Lai, Joseph G. EOP/WHO <(b) (6)>; Swonger, Amy H. EOP/WHO <(b) (6)>; Zadrozny, John A. EOP/WHO <(b) (6)>; Flynn, Matthew J. EOP/WHO <(b) (6)>
Subject: RE: Census Question Request

Adding Ben Page and Jessica Anderson from OMB.

From: Lenihan, Brian (Federal)
[mailto:BLenihan@doc.gov]
Sent: Tuesday, December 19, 2017 5:10 PM
To: Simms, Cindy B. EOP/WHO <(b) (6)>
Cc: Platt, Mike (Federal) <MPlatt@doc.gov>; Lai, Joseph G. EOP/WHO <(b) (6)>; Swonger, Amy H. EOP/WHO <(b) (6)>; Zadrozny, John A. EOP/WHO <(b) (6)>; Flynn, Matthew J. EOP/WHO <(b) (6)>
Subject: Re: Census Question Request

I believe we have a reprieve but we should still visit on this matter.

Brian J. Lenihan
Commerce O/S
(b) (6)

On Dec 19, 2017, at 4:56 PM, Simms, Cindy B. EOP/WHO <(b) (6)> wrote:

(b) (6)

John Zadrozny from our DPC team is going to reach out to you. Not sure we'd be able to clear an official position that quickly but I know John will follow up.

From: Lenihan, Brian (Federal)
[mailto:BLenihan@doc.gov]
Sent: Tuesday, December 19, 2017 3:39 PM
To: Platt, Mike (Federal)
<MPlatt@doc.gov>; Simms, Cindy B.
EOP/WHO <(b) (6)>
Cc: Lai, Joseph G. EOP/WHO
<(b) (6)>; Swonger,
Amy H. EOP/WHO
<(b) (6)>
Subject: RE: Census Question Request

This is a short fuse – before COB, we need to advise the Secretary of the WH view on notifying Congress on the DOJ request and how that would affect the agenda for the remainder of the week.

From: Platt, Mike (Federal)
Sent: Tuesday, December 19, 2017 3:36 PM
To: Simms, Cindy B. EOP/WHO
<(b) (6)>
Cc: Lenihan, Brian (Federal)
<BLenihan@doc.gov>; Lai, Joseph G.
EOP/WHO <(b) (6)>;
Amy H. EOP/WHO Swonger
<(b) (6)>
Subject: Re: Census Question Request

Any feedback on this.

On Dec 19, 2017, at 10:29 AM, Simms, Cindy B. EOP/WHO
<(b) (6)> wrote:

Thanks, Brian. Let me do some internal outreach before I put everyone on an email. Will be in touch.

From: Lenihan, Brian (Federal)
[mailto:BLenihan@doc.gov]
Sent: Tuesday, December 19,
2017 10:14 AM
To: Simms, Cindy B. EOP/WHO
<(b) (6)>
<(b) (6)> EOP/WHO

>: Lai, Joseph G. EOP/WHO

(b) (6)

Cc: Platt, Mike (Federal)

<MPlatt@doc.gov>

Subject: Census Question
Request

Cindy/Joe –

The Census Bureau has received a request from DOJ to reinstate the citizenship question on the 2020 Decennial. Can you assist with looping in the policy and legal staff that can assist with addressing this matter.

Regards,
Brian

Brian J. Lenihan

Deputy Assistant Secretary

Office of Legislative and

Intergovernmental Affairs

U.S. Department of Commerce

D: 202.482.3001 C:

(b) (6)

Gore, John (CRT)

From: Gore, John (CRT)
Sent: Tuesday, December 19, 2017 6:49 PM
To: Zadrozny, John A. EOP/WHO
Cc: Tucker, Rachael (OAG); Hamilton, Gene (OAG); Cutrona, Danielle (OAG); Boyd, Stephen E. (OLA)
Subject: Re: Census Question Request

I'm available either time. Thanks.

Sent from my iPhone

On Dec 19, 2017, at 6:45 PM, Zadrozny, John A. EOP/WHO <(b) (6)> wrote:

Thanks, Rachael.

John and Stephen:

Happy to discuss at your convenience in a call, either later tonight (after 8:00 p.m.) or first thing tomorrow. (b) (5)

JZ

w: (202) 456-4677

c: (b) (6)

From: Tucker, Rachael (OAG) [<mailto:Rachael.Tucker@usdoj.gov>]
Sent: Tuesday, December 19, 2017 6:41 PM
To: Zadrozny, John A. EOP/WHO <(b) (6)>; Hamilton, Gene (OAG) <Gene.Hamilton@usdoj.gov>
Cc: Cutrona, Danielle (OAG) <Danielle.Cutrona@usdoj.gov>; Gore, John (CRT) <(b) (6)>; Boyd, Stephen E. (OLA) <Stephen.E.Boyd@usdoj.gov>
Subject: RE: Census Question Request

Duplicative Records

Tucker, Rachael (OAG)

From: Tucker, Rachael (OAG)
Sent: Tuesday, December 19, 2017 6:23 PM
To: John Gore (CRT) ((b) (6))
Subject: FW: Census Question Request

From: Tucker, Rachael (OAG)
Sent: Tuesday, December 19, 2017 6:23 PM
To: 'Zadrozny, John A. EOP/WHO' ((b) (6)); Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov>
Cc: Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov>; Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>; Mizelle, Chad (ODAG) <cmizelle@jmd.usdoj.gov>
Subject: RE: Census Question Request

Duplicative Records

**RESPONSE OF THE DEPARTMENT OF JUSTICE TO
INTERROGATORIES AND DOCUMENT REQUESTS PROPOUNDED BY
THE UNITED STATES COMMISSION ON CIVIL RIGHTS**

Without waiving any applicable privileges or objections, the Department of Justice (“the Department”) pursuant to 42 U.S.C. §1975b(e) hereby responds to interrogatories and document requests propounded by the United States Commission on Civil Rights (“the Commission”) on October 20, 2017.

GENERAL OBJECTIONS

1. The Department objects to each and every Interrogatory and Document Request to the extent they seek information the disclosure of which would violate a statute, regulation, or Executive Order.
2. The Department objects to each and every Interrogatory and Document Request to the extent they seek information protected from disclosure by the Privacy Act.
3. The Department objects to each and every Interrogatory and Document Request to the extent they seek information protected by the attorney-client, attorney-work product, deliberative process, law enforcement, or other recognized privilege.
4. The Department objects to each and every Interrogatory and Document Request to the extent they seek disclosure of work product contained in litigation files.
5. The Department objects to each and every Interrogatory and Document Request to the extent they seek information not reasonably related to or in furtherance of the Commission’s exercise of its statutory authority set forth in 42 U.S.C. §1975a.
6. The Department objects to each and every Interrogatory and Document Request to the extent they impose burdens inconsistent with or in addition to those required by 42 U.S.C. §1975b(e).

Notwithstanding the General Objections, each of which is incorporated by reference as if set forth fully in each Response below, and using November 20, 2017 (the date of the Commission’s request) as the date by which to search for and provide information, the Department states as follows, reserving the right to supplement or later amend its response:

RESPONSES TO INTERROGATORIES

Interrogatory No. 1:

Provide the number of attorneys assigned to the Department’s VRS, the number of active VRA investigations, the number of VRA investigations initiated and VRA investigations resolved or concluded. For each investigation described above, please indicate the VRA provision/s involved, and subject matter of the investigation, the nature of any resolution, and the State or City or subdivision where the investigation arose.

Response: The Voting Section is authorized for 38 attorneys. The Department objects to the remainder of this Interrogatory because it seeks information about internal deliberations and decisionmaking, attorney work product, and ongoing investigations. See General Objections.

Interrogatory No. 2:

Please describe the basis for the Department’s decision to (a) drop its intent challenge to Texas SB 14 and (b) for taking the position that Texas SB 5 removes any discriminatory effect or intent identified in Texas SB 14.

Response: The Department objects to this Interrogatory because it seeks privileged information about internal Division and Department deliberations and decisionmaking. *See* General Objections. To the extent this interrogatory seeks publicly-available information about the Department’s position in this case, the Division directs the Commission to briefs filed by the United States in *Veasey v. Abbott*, copies of which are produced in Attachment Q. 2.

Interrogatory No. 3:

What is the appropriate remedy for a judicial finding of intentional discrimination? Is there justification for a remedy other than repeal, given the finding that the statute or policy to be modified was tainted by an impermissible design to discriminate?

Response: In addition to the General Objections, the Department specifically objects to this Interrogatory on the grounds that it is vague and overbroad and that it seeks a legal opinion from the Department.

Interrogatory No. 4:

What is the appropriate remedy for repeated or multiple judicial findings of intentional discrimination within the same jurisdiction, over similar time periods?

Response: In addition to the General Objections, the Department specifically objects to this Interrogatory on the grounds that it is vague and overbroad and that it seeks a legal opinion from the Department.

Interrogatory No. 5:

What is the appropriate timing for relief after a judicial determination of illegality? How many elections should be conducted under a practice found to be unlawful?

Response: In addition to the General Objections, the Department specifically objects to this Interrogatory on the grounds that it is vague and overbroad and that it seeks a legal opinion from the Department.

Interrogatory No. 6:

In 2013, DOJ intervened in a redistricting challenge in Texas, claiming that congressional and state house districts were drawn with the intent to discriminate based on race, in violation of the Voting Rights Act.¹ And in light of that claim, and Texas’s history, DOJ sought bail-in relief under Section 3 of the VRA. Several decisions have now found that congressional and state house districts were indeed drawn with the intent to discriminate

¹ Department of Justice, Justice Department to File New Lawsuit Against State of Texas Over Voter I.D. Law, Aug. 22, 2013, available at <https://www.justice.gov/opa/pr/justice-department-file-new-lawsuit-against-state-texas-over-voter-id-law>.

based on race. If those findings are upheld on appeal, will DOJ continue to seek bail-in relief? And if not, why not? And what would it take to seek bail-in relief?

Response: The Department objects to this Interrogatory to the extent that it asks the Department to speculate about future decisions, which would entail the disclosure of privileged pre-decisional and deliberative information, and to the extent that it concerns pending litigation, about which the Department does not comment. *See* General Objections.

Interrogatory No. 7:

The Supreme Court declared the formula for applying Section 5 to be unlawful,² but that decision did not have an impact on the application of Section 2 of the VRA. Does DOJ plan to evaluate the multitude of both statewide and local redistricting plans coming in 2021, and if so, how does it plan to do so? Please describe how resources, including staffing, will be allocated to complete this task.

Response: The Department objects to this Interrogatory to the extent that it asks the Department to speculate about future decisions, which would entail the disclosure of privileged pre-decisional, deliberative information and attorney work product. *See* General Objections. However, in an effort to assist the Commission, the Department notes that, unlike other provisions of the VRA, Section 2 has no expiration date. Therefore, the Department will continue enforcing it where appropriate.

Interrogatory No. 8:

Please identify any and all VRA cases in which the Department changed its position by withdrawing its opposition to a voting change; state the VRA basis and analysis supporting that change; and describe the underlying VRA issues presented by the cases.

Response: The Department objects to this Interrogatory to the extent that it seeks internal analyses that are protected by various privileges, including the law enforcement, deliberative process and attorney work product privileges. Notwithstanding this objection, the Department notes that Voting Rights Act cases involving “voting changes” generally concern Section 5 of the VRA. There have been a large number of cases under Section 5 or relating to Section 5 since 2006, and these cases are a matter of public record, where the pleadings are generally available on PACER. In a number of these Section 5-related cases, the Department either did not oppose the court granting preclearance, or precleared a voting change as part of a parallel administrative submission.

In some instances, the Department initially stated that a jurisdiction had not satisfied its burden of proof under Section 5 regarding a voting change, and later precleared that change or did not object to preclearance of that change following the receipt of additional information, a change in circumstances, or a modification of the voting change at issue. For example, in *State of Florida v. United States*, No. 1:11-cv-1428 (D.D.C. 2012), the Department initially argued that the jurisdiction had not satisfied its burden of

² See *Shelby Cty. v. Holder*, 570 U.S. 2 (2013), available at https://www.supremecourt.gov/opinions/12pdf/12-96_6k47.pdf.

proof under Section 5 with respect to certain voting changes that were part of an omnibus election law and, after modification of the underlying voting changes, the Department later precleared some of those changes.

In other instances, the Department sought to enjoin a voting change and interposed an objection under Section 5 to a voting change, but later withdrew that objection during the course of litigation. For example, in the course of *United States v. City of Calera*, No. 2:08-cv-1982 (N.D. Ala. 2009), the Department brought suit to enjoin implementation of certain voting changes under Section 5, administratively objected to those voting changes under Section 5, and later entered into a consent decree and withdrew the objection after modification of the underlying method of election. Likewise, during the course of *Nix v. Holder*, No. 1:10-cv-561 (D.D.C. 2012), the Department reconsidered and withdrew an objection it had previously interposed under Section 5 based on receipt of additional information involving a significant change in the underlying factual circumstances.

The Department is not able to catalog all such examples comprehensively in the time available. The Department does not concede that any of these examples necessarily involve a change of position per se. To the extent that the Department's analyses are public, they are stated in the pleadings filed by the Department in litigation, and the letters sent by the Department in the course of its review of administrative submissions.

Interrogatory No. 9:

Please describe all policy guidance, written instructions, or directives developed or disseminated regarding the enforcement of Sections 2, 5, 203 and 208 of the Voting Rights Act.

Response: The Department objects to this Interrogatory to the extent that it seeks privileged pre-decisional, deliberative material and attorney work product. It further objects to the vagueness of the phrase “written instructions, or directives developed or disseminated”. In an effort to assist the Commission, the Department refers the Commission to the guidance documents contained in Attachment Q. 9.

Interrogatory No. 10:

Please explain the Department's criteria for selecting cases for enforcement of Sections 2, 5, 203, and 208 of the Voting Rights Act.

Response: The Department objects to this Interrogatory. The Department's criteria for selecting cases are privileged as part of the deliberative, pre-decisional process. *See* General Objections. It is the Department's long-standing practice to assess the facts and law specific to each case when deciding whether to bring an enforcement action.

Interrogatory No. 11:

Please explain the rationale behind who signs legal filings for the Department in voting rights cases. Are there particular individuals who are required to sign on? Is there a process an attorney has to go through in order to sign on to a filing or, if they have previously been on a filing for an earlier filing in a case, not remain on subsequent filings?

Response: The Assistant Attorney General for the Civil Rights Division has delegated authority to enforce “all Federal statutes affecting civil rights, including those pertaining to elections and voting . . . and authorization of litigation in such enforcement, including criminal prosecutions and civil actions and proceedings on behalf of the Government and appellate proceedings in all such cases.” *See* 28 C.F.R. § 0.50(a). While the Assistant Attorney General approves the filing of complaints in voting and other civil cases, it is longstanding Division practice to delegate to career staff in each section the ability to sign pleadings, briefs and other court documents. That continues to be the Division’s practice and there is no Division or Department policy dictating which career attorneys can or should sign court documents in cases in which they make appearances. *See* General Objections.

ELECTION MONITORING AND OBSERVING

Interrogatory No. 12:

Identify the number of federal *election observers* deployed by the DOJ on election days and throughout the year. What are the Department’s federal election observer deployment plans for the 2018 and how do they compare to federal election observer deployment in 2016 and 2017?

Response: Please see the document contained in Attachment Q. 12-13 for information about the number of federal election observers deployed by the Department since 2006. The Department objects to the remainder of this Interrogatory to the extent that it asks the Department to speculate on future decisions, which would entail the disclosure of privileged pre-decisional and deliberative information. *See* General Objections.

Interrogatory No. 13:

Identify the number of federal *election monitors* deployed by the DOJ on election days and throughout the year. What are the Department’s federal election monitor deployment plans for the 2018 and how do they compare to federal election monitor deployment in 2016 and 2017?

Response: Please see the document contained in Attachment Q. 12-13 for information about the number of federal election monitors deployed by the Department since 2006. The Department objects to the remainder of Interrogatory to the extent that it asks the Department to speculate on future decisions, which would entail the disclosure of privileged pre-decisional and deliberative information. *See* General Objections.

Interrogatory No. 14:

In a recent statement, the Department stated that it monitored sixty-seven jurisdictions in the recent presidential election to gather information on “whether voters are subject to different voting qualifications or procedures on the basis of race, color or membership in a language minority group; whether jurisdictions are complying with the minority language provisions of the Voting Rights Act; whether jurisdictions permit voters to receive assistance by a person of his or her choice if the voter is blind, has a disability or is unable to read or write; whether jurisdictions provide polling locations and voting systems

allowing voters with disabilities to cast a private and independent ballot.”³ Please summarize the subject matter and nature of complaints received, organized by state and city, in all elections monitored by the Department. Please indicate which, if any, of the complaints were submitted as evidence in a voting right case.

Response: The Division’s records indicate that no complaints have been submitted as evidence in a voting rights case since 2006. The Department objects to the remainder of this Interrogatory to the extent that it seeks attorney work product, law enforcement sensitive, and other privileged information. The Department further objects to the extent that disclosure of the information would violate the privacy interests of individuals who have made complaints. *See* General Objections.

Interrogatory No. 15:

What are DOJ’s plans for deploying federal election observers and monitors to monitor the election process at the polls on and before Election Day? How will the Department make determinations about where to send observers and monitors?

Response: The Department objects to this Interrogatory to the extent that it asks the Department to speculate about future decisions, which would entail the disclosure of privileged pre-decisional and deliberative information. *See* General Objections.

Interrogatory No. 16:

In a recent statement,⁴ the Department stated that it expanded its election monitoring to include assessments of physical accessibility of polling places, which included accessibility surveys of over two hundred polling places in 2012. What were the findings of this survey? Was a similar survey conducted during the 2016 presidential election? If so, what were the findings?

Response: The Department objects to this Interrogatory to the extent that it seeks attorney work product, deliberative, law enforcement sensitive, and other privileged information. The Department further objects to the extent that disclosure of the information would violate the privacy interests of individuals who have made complaints. *See* General Objections.

SECTION 2 OF THE VOTING RIGHTS ACT

17. To the extent not captured in other requests, please provide any documents that indicate the relative prioritization of Section 2 enforcement among other priorities, or the prioritization of particular types of Section 2 cases above other Section 2 cases.

Response: Documents responsive to this request are contained in Attachment Q. 17. To the extent that this Interrogatory seeks information about internal Department

³ Department of Justice, Justice Department to Monitor Polls in 28 States on Election Day, Press Release, Nov. 7, 2016 available at <https://www.justice.gov/opa/pr/justice-department-monitor-polls-28-states-election-day>.

⁴ Department of Justice, The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities, available at <https://www.justice.gov/file/69411/download>.

decisionmaking, the Department objects on the grounds that such information is privileged.

18. Identify the Section 2 cases that the Department filed, or in which it intervened, filed an amicus brief, or statement of interest, or took some other action. For each relevant case, provide the case name, the case number, the court, the year the case was initiated, the year that the Department joined the case, the subject matter of the case, and the maximum and minimum number of DOJ lawyers assigned to the case, noting the applicable year of such staffing level assignments. If applicable, provide whether there was a judgment, settlement, dismissal, or other resolution, and whether any such resolution was in DOJ's favor.

Response: The Section 2 claims brought by the Department since 2006 are described in the following list of cases. A number of the referenced cases also included claims under other sections of the Voting Rights Act or other federal election laws. For cases in which the Department filed an amicus brief or statement of interest, see response to Q32.

During the specified period of time, Voting Section staff has been assigned as necessary to investigate, and as appropriate, litigate Section 2 matters. The Department's website contains more information about the Department's cases under Section 2 of the Voting Rights Act at <https://www.justice.gov/crt/voting-section-litigation>. To the extent that this Interrogatory seeks information about specific staffing levels on individual cases, the Department objects on the grounds that disclosure of such information would reveal internal deliberations and attorney work product.

United States v. City of Eastpointe, No. 2:17-cv-10079 (E.D. Mich. 2017)

On January 10, 2017, the Department filed a complaint against the City of Eastpointe. The complaint alleges that the method of electing the Eastpointe City Council violates Section 2 of the Voting Rights Act. The litigation remains pending.

United States v. State of North Carolina, No. 1:13-cv-00861 (M.D.N.C. 2013)

On September 30, 2013, the Department filed a complaint against the State of North Carolina alleging that certain provisions of North Carolina's H.B. 589 (2013), violated Section 2 of the Voting Rights Act. On July 29, 2016, the Fourth Circuit reversed and remanded the district court's April 25, 2016 decision rejecting Section 2 claims brought by the United States and private plaintiffs. On May 15, 2017, the Supreme Court denied the defendants' petition for certiorari, leaving in place the Fourth Circuit's decision.

United States v. State of Texas, No. 5:11-cv-00360 (W.D. Tex. 2013)

On September 25, 2013, the Department filed a complaint in intervention against the State of Texas in *Perez v. Perry* (W.D. Tex.), challenging Texas's 2011 statewide redistricting plans for the Texas State House of Representatives and for Texas's delegation to the U.S. House of Representatives under Section 2 of the Voting Rights Act. The Department had earlier participated as amicus in the *Perez* case. The litigation remains pending.

United States v. State of Texas, No. 2:13-cv-00263 (S.D. Tex. 2013)

On August 22, 2013, the Department filed a complaint against the State of Texas, challenging certain provisions of Texas’s Senate Bill 14 (2011), under Section 2 of the Voting Rights Act. The litigation remains pending.

United States v. Town of Lake Park, No. 9:09-cv-80507 (S.D. Fla. 2009)

On March 31, 2009, the Department filed a complaint against the Town of Lake Park alleging the town’s method of election violates Section 2 of the Voting Rights Act. On October 26, 2009, the Court entered a consent judgment and decree resolving the litigation.

United States v. Euclid City School District Board of Education, No. 1:08-cv-02832 (N.D. Ohio 2008)

On December 2, 2008, the Department filed a complaint against the Euclid City School District Board of Education alleging that the method of electing members of the school board violates Section 2 of the Voting Rights Act. Simultaneously with the complaint, the parties filed stipulations that the election method violated Section 2. Additional litigation concerning the appropriate remedy followed. On July 13, 2009, the Court entered a remedial plan.

United States v. Salem County and the Borough of Penns Grove, No. 1:08-cv-03276 (D.N.J. 2008)

On July 28, 2008, the Department filed a complaint against Salem County and the Borough of Penns Grove, along with a proposed settlement agreement and order to resolve allegations that various election practices and procedures violated Section 2 and other provisions of the Voting Rights Act. On July 29, 2008, the Court entered the settlement agreement and order to resolve the action.

United States v. School Board of Osceola County, No. 6:08-cv-582 (M.D. Fla. 2008)

On April 16, 2008, the Department filed a complaint against the School Board of Osceola County alleging that the method for electing school board members violated Section 2 of the Voting Rights Act. On April 23, 2008, the Court approved a consent judgment and decree, filed simultaneously with the complaint, in which the parties stipulated that the existing districts violated Section 2, and provided for a new plan that remedied the Section 2 violation.

United States v. Georgetown County School District, No. 2:08-00889 (D.S.C. 2008)

On March 14, 2008, the Department filed a complaint alleging that the method of electing the Georgetown County School Board violated of Section 2 of the Voting Rights Act. On March 21, 2008, the Court entered a consent decree that provided for a change in the method of election that remedied the violation.

United States v. City of Philadelphia, No. 2:06-cv-04592 (E.D. Pa. 2007)

On October 13, 2006, the Department filed a complaint against the City of Philadelphia, under Sections 203 and 208 of the Voting Rights Act. On April 26, 2007, the Department filed an amended complaint, contemporaneously with the signing of a settlement agreement. The amended complaint alleged violations of Sections 2 and 4(e) of the Voting Rights Act, the Help America Vote Act, and the National Voter Registration Act. The settlement agreement resolved all of the claims in the case. On June 4, 2007, the Court entered an order retaining jurisdiction to enforce the terms of the settlement agreement until July 1, 2009.

United States v. Village of Port Chester, No. 1:06-cv-15173 (S.D.N.Y. 2006)

On December 15, 2006, the Department filed a complaint against the Village of Port Chester, alleging that the method of electing its governing board of trustees violated Section 2 of the Voting Rights Act. On March 2, the Court entered a preliminary injunction enjoining the 2007 trustee elections. Following trial, the Court issued a ruling on liability in favor of the Department and in 2009 approved a remedial plan and a consent decree concerning implementation of the remedial plan.

United States v. City of Euclid, No. 1:06-cv-01652 (N.D. Ohio 2006)

On July 10, 2006, the Department filed a complaint against the City of Euclid, OH, alleging that the method of electing the city council violated Section 2 of the Voting Rights Act. On April 16, 2008, following trial, the Court ruled in the Department's favor, holding that the election system violated Section 2, and subsequently entered a remedial order.

United States v. Long County, No. 2:06-cv-00040 (S.D. Ga. 2006)

On February 8, 2006, the Department filed a complaint against Long County, GA, alleging that county officials had engaged in conduct that violated Section 2 of the Voting Rights Act. On February 10, 2006, the Court entered a consent decree that resolved the claims.

19. Please identify any notice letters of intent to sue for alleged Section 2 violations, the subject matter of the voting practice in the putative challenge, and identify any instances in which a jurisdiction that received a notice letter of intent to sue changed its voting practice prior to the initiation of a Department suit, noting whether that change addressed the Department's voting rights concern.

Response: Any notice letters of intent to sue that resulted in the filing of a complaint and/or entry of a settlement are described in the response to Question 18 (describing Section 2 cases that the Department filed, intervened in, or submitted an amicus brief or statement of interest or otherwise entered into a settlement). For matters where a complaint has not yet been filed, the Department objects to this Interrogatory because notice letters in these matters are non-public and consist of information compiled for law

enforcement purposes, the disclosure of which may reasonably be expected to interfere with the Department’s ongoing law enforcement work. Additionally, under 5 U.S.C. § 552(b)(7)(C), disclosure of portions of those documents may constitute an unwarranted invasion of personal privacy. *See* General Objections.

20. Please identify any investigation of an alleged Section 2 violation the Department undertook which did not result in a DOJ action including but not limited to a notice letter of intent to sue, an intervention in a case, an amicus brief, a statement of interest, or DOJ filing suit.

Response: The Department objects to this Interrogatory because it seeks information compiled for law enforcement purposes the disclosure of which may reasonably be expected to interfere with the Department’s ongoing law enforcement work, may consist of pre-decisional deliberative material and/or work product material, and is exempt from access as a privileged document that would not be discoverable in litigation. Additionally, under 5 U.S.C. § 552(b)(7)(C), disclosure of portions of those documents may constitute an unwarranted invasion of personal privacy. *See* General Objections.

SECTION 5 OF THE VOTING RIGHTS ACT

21. Identify the Section 5 declaratory judgment cases in which the Department has litigated an objection to a voting change, consented to a voting change, or filed an enforcement action for each fiscal year from 2006 to the 2013. For each relevant case, provide the case name, the case number, the court, subject matter of the voting change or subdivision seeking the change, the year the case was initiated, and, if applicable, identify the outcome of the matters described indicating whether it was resolved in DOJ’s favor.

Response: The enforcement actions under Section 5 of the Voting Rights Act that the Department has filed since 2006 are described below. The Department’s website contains more information about Section 5 of the Voting Rights Act at <https://www.justice.gov/crt/voting-section-litigation>.

United States v. The City of Calera, No. 2:08-cv-01982 (N.D. Ala. 2008)

On October 24, 2008, the Department simultaneously filed a complaint and proposed consent decree against the City of Calera, alleging violations of Section 5 of the Voting Rights Act. The Section 5 enforcement action sought to enjoin implementation of numerous annexations and the 2008 redistricting plan to which the Attorney General had interposed objection under Section 5 on August 25, 2008, unless and until the necessary preclearance was obtained. The consent decree, which was entered by the Court on October 9, entered an injunction until Section 5 preclearance was obtained. On October 23, 2009, the Court entered an order modifying the consent decree to enable the City to adopt a new method of election that complied with Sections 2 and 5 of the Voting Rights Act.

United States v. Waller County, No. 4:08-cv-03022 (S.D. Tex. 2008)

On October 9, 2008, the Department simultaneously filed a complaint and consent decree against Waller County, regarding the County's voter registration practices and procedures that violated Section 5 of the Voting Rights Act and the Civil Rights Act. On October 17, 2008, the Court entered a consent decree which enjoined the County from further implementation of registration practices that had not been precleared under Section 5, among other relief.

United States v. North Harris Montgomery Community College District, No. 4:06-cv-02488 (S.D. Tex. 2006)

On July 27, 2006, the Department filed a complaint against the North Harris Montgomery Community College District in Harris and Montgomery Counties, alleging a violation of Section 5 of the Voting Rights Act. The complaint alleged that the district attempted to reschedule its trustee and bond election without obtaining the requisite preclearance under Section 5. The consent decree, which was entered by a three-judge court on August 4, 2006, required the district to refrain from implementing any voting change without first obtaining preclearance pursuant to Section 5. The decree also required defendants to reschedule the cancelled election to November 7, 2006.

In addition, Attachment Q. 21 contains information for those declaratory judgment actions under Section 5 of the Voting Rights Act filed by covered jurisdictions in the United States District Court for the District of Columbia seeking judicial review of changes affecting voting since 2006.

22. Identify all Section 5 information letters sent in connection with voting changes, the subject matter of the voting change, the jurisdiction seeking the change and the date of the Department letter. Relatedly, please identify all instances in which the jurisdiction changed the voting practice at issue following the issuance of the Department letter and note whether that change satisfied the Department's voting rights concern.

Response: Documents responsive to this request are contained in Attachment Q. 22. The Submission numbers for each objection interposed pursuant to Section 5 of the Voting Rights Act since 2006 are included in parentheses at the end of each entry.

Alabama

- Mobile County, 01/08/2007. Change in method of election for filling vacancies occurring on the Mobile County Commission from special election to gubernatorial appointment (2006-6792)
- City of Calera (Shelby Cty.), 8/25/2008. One hundred and seventy seven annexations and a redistricting plan (2008-1621)

Georgia

- Randolph County, 09/12/2006. Change in voter registration and candidate eligibility (2006-3856)
- State of Georgia, 5/29/2009. Voter information verification program (2008-5243)

- Lowndes County, 11/30/2009. 2009 redistricting plan (2009-1965)
- Greene County, 4/13/2012. 2011 redistricting plan for the Board of Commissioners and Board of Education (2011-4687)
- Long County, 8/27/2012. 2012 redistricting plan for the Board of Commissioners and Board of Education (2012-2733)
- State of Georgia, 12/21/2012. Act 718 (2012) - Section 9; election date (2012-3262)

Louisiana

- State of Louisiana, 8/10/2009. Act. No. 136 (2008), designation of time period during which voting precinct boundaries cannot be changed (2008-3512)
- East Feliciana Parish, 10/3/2011. 2011 redistricting plan and voting precincts (2011-2055)

Michigan

- Buena Vista Township (Saginaw Cty.), 12/26/2007. Closure of a Secretary of State branch office that offered voter registration services and provided Michigan drivers licenses and personal identification cards (2007-3837)

Mississippi

- State of Mississippi, 3/24/2010. Chapter No. 469 (H.B. 877 (2009)) majority vote requirement for County Boards of Education and the Boards of Trustees of certain municipal and special municipal separate school districts embracing an entire county (2009-2022)
- City of Natchez (Adams Cty.), 4/30/2011. 2011 redistricting plan (2011-5368)
- Amite County, 10/4/2011. 2011 redistricting plan for the board of supervisors and election commission districts (2011-1660)
- City of Clinton (Hinds Cty.), 12/3/2012. Redistricting plan (2012-3120)

North Carolina

- City of Fayetteville (Cumberland Cty.), 6/25/2007. Method of election from nine single-member districts to six and 2007 City Council redistricting plan (2007-2233)
- City of Kinston (Lenoir Cty.), 8/17/2009. Nonpartisan method of election for mayor and council members (2009-0216). Withdrawn 2/10/12
- Pitt County School District, 4/30/2012. Method of election from twelve single-member districts to seven (2011-2474)

South Carolina

- Fairfield County School District, 8/16/2010. Act Number R136, (4432)(2010), number of officials, method of election (2010-0970)
- State of South Carolina, 12/23/2011. Act Number R54 - Section 5, which requires presentation of a photographic identification to cast a ballot (2011-2495)

South Dakota

- Charles Mix County, 2/11/2008. Referendum on the increase of county commissioners from three to five members and the 2007 redistricting plan (2007-6012)

Texas

- North Harris Montgomery Community College District, 05/05/2006. Reduction in polling places and early voting locations (2006-2240)
- State of Texas, 08/21/2008. Candidate qualifications (2007-5032)
- Gonzales County, 3/24/2009. Bilingual election procedures for the November 2, 2004, November 7, 2006, and November 4, 2008 general elections (2008-3588)
- Gonzales County, 3/12/2010. Bilingual election procedures (2009-3078)
- Runnels County, 6/28/2010. Bilingual election procedures (2009-3672)
- Galveston (Galveston Cty.), 10/3/2011. Method of election to four single-member districts and two at-large seats, the adoption of numbered posts for the at-large seats, and the proposed redistricting criteria (98-2149). The objection to the majority-vote requirement had been withdrawn, but the objection to the remaining changes was continued.
- Nueces County, 2/7/2012. Redistricting plan for the commissioners court (2011-3992)
- Galveston County, 3/5/2012. Redistricting plan for the commissioners court; reduction in the number of justice of the peace and constable precincts and redistricting plans for those offices (2011-4317; 4374)
- State of Texas, 3/12/2012. Voter registration and photographic identification procedures contained in Chapter 123 (S.B. 14) (2011) (2011-2775)
- Beaumont Independent School District (Jefferson Cty.), 12/21/2012. Method of election from seven single-member districts to five single-member districts (2012-4278)
- Beaumont Independent School District (Jefferson Cty.), 4/8/2013. Term of office; general election date; qualification procedures; and implementation of qualification procedures at May 2013 election (2013-0895)

To the extent that the question refers to letters sent to jurisdictions informing them that the information provided in the initial submission was insufficient for the Attorney General to make a determination and requesting additional information with respect to those submissions, the Department sent 144 such letters affecting 601 voting changes from 2006 to 2013.

23. Identify any case, in 2014 and after, in which the Department participated relating to a Section 5 precleared voting change. Please describe the subject matter of the case, any resolution of the case, and whether that resolution was in favor of the Department.

Response: The Department did not participate in any new cases, in 2014 and after, arising under Section 5 of the Voting Rights Act related to preclearance of a voting change.

24. Describe what the Department’s actions were after a Section 5 objection was lodged between 2006 and the Supreme Court’s decision in *Shelby County v. Holder*. In particular, please describe whether the Department continued to monitor the jurisdictions for which an objection was lodged and what activities were encompassed in the monitoring, including, if applicable, the monitoring of Section 2 litigation in those jurisdictions.

Response: All letters informing a jurisdiction that the Attorney General had interposed an objection requested that local officials inform the Department of the steps that they intended to take to comply with federal law and provided the name of an attorney to whom they should convey that information. The Department’s practice was to contact local officials shortly after the decision and determine what the jurisdiction’s course of action would be.

Based upon the information received following the objection, the Department would determine the most effective means of ensuring compliance with the objection, which included a review of pending litigation, if any, that might be related to the change. The Department’s criteria for selecting cases or taking additional enforcement steps are privileged as part of the deliberative, pre-decisional process. *See* General Objections. It is the Department’s long-standing practice to assess the facts and law specific to each matter when deciding what enforcement steps are appropriate.

SECTION 203 OF THE VOTING RIGHTS ACT

25. Identify the Section 203, 4(e), or 4(f)(4) cases that the Department filed, or in which it intervened, filed an amicus brief, or statement of interest, for each fiscal year from 2006 to the present. For each relevant case, provide the case name, the case number, the court, the year the case was initiated, the year that the Department joined the case, the subject matter of the case, and the maximum and minimum number of DOJ lawyers assigned to the case, noting the applicable year of such staffing level assignments. If applicable, provide whether there was a judgment, settlement, dismissal, or other resolution, and whether any such resolution was in DOJ’s favor.

Response: The Section 203, 4(e), or 4(f)(4) cases that the Department has filed during the specified time period are described below. For cases in which the Department filed an amicus brief or statement of interest, see response to Question 32. The Department’s [website](#) contains more information about Section 203, 4(e), or 4(f)(4) cases and out-of-court settlements.

During the specified period of time, Voting Section staff has been assigned as necessary to investigate, and, where appropriate, litigate Section 203, 4(e), or 4(f)(4) matters. To the extent that this Interrogatory seeks information about specific staffing levels on individual cases, the Department objects on the grounds that disclosure of such information would reveal internal deliberations and attorney work product, and reveal investigative techniques.

United States v. Orange County, No. 7:12-cv-03071 (S.D.N.Y. 2012)

On April 18, 2012, the Department filed a complaint against Orange County, alleging a violation of 4(e) of the Voting Rights Act. On April 19, 2012, the Court approved a consent decree to resolve the case. On March 9, 2015, the Court entered a stipulation to extend the existing consent decree until January 31, 2017.

United States v. Colfax County, No. 8:12-cv-00084 (D. Neb. 2012)

On February 27, 2012, the Department filed a complaint against Colfax County, alleging a violation of Section 203 of the Voting Rights Act. On March 2, 2012, the Court entered a consent order and decree to resolve the case.

United States v. Lorain County, No. 1:11-cv-02122 (N.D. Ohio 2011)

On October 7, 2011, the Department filed a complaint against Lorain County, along with a memorandum of agreement, to resolve a violation of Section 4(e) of the Voting Rights Act. On October 7, 2011, the Court entered the parties' requested order and agreement to resolve the case.

United States v. Alameda County, No. 3:11-cv-03262 (N.D. Cal. 2011)

On June 30, 2011, the Department filed a complaint against Alameda County, alleging violations of Section 203 of the Voting Rights Act. On October 19, 2011, the Court entered a consent decree to resolve the case.

United States v. Cuyahoga County, No. 1:10-cv-01949 (N.D. Ohio 2010)

On September 1, 2010, the Department filed a complaint against Cuyahoga County, along with a settlement agreement, to resolve a violation of Section 4(e) of the Voting Rights Act. On September 3, 2010, the Court entered an agreement, judgment, and order to resolve the case.

United States v. Riverside County, No. 2:10-cv-01059 (C.D. Cal. 2010)

On February 12, 2010, the Department filed a complaint against Riverside County, along with a memorandum of agreement, to resolve a violation of Section 203 of the Voting Rights Act. On April 30, 2010, the Court entered an order granting the parties' requested order and agreement to resolve the case.

United States v. Fort Bend County, No. 4:09-cv-01058 (S.D. Tex. 2009)

On April 9, 2009, the Department filed a complaint against Fort Bend County, along with a proposed consent decree, to resolve a violation of Section 4(f)(4) of the Voting Rights Act. The complaint also alleged violations of Section 208 of the Voting Rights Act and the Help America Vote Act. On April 13, 2009, the court entered the consent decree to resolve all the claims in the case.

United States v. Salem County and the Borough of Penns Grove, No. 1:08-cv-03276 (D.N.J. 2008)

On July 28, 2008, the Department filed a complaint against Salem County and the Borough of Penns Grove, along with a proposed settlement agreement and order, to resolve allegations of violations of the Voting Rights Act. The complaint alleged a violation of Section 4(e) of the Voting Rights Act. The complaint also alleged violations of Sections 2 and 208 of the Voting Rights Act. On July 29, 2008, the Court entered the settlement agreement and order to resolve all of the claims in the case.

United States v. Kane County, IL, No. 1:07-cv-05451 (N.D. Ill. 2007)

On September 26, 2007, the Department filed a complaint against Kane County, IL, along with a memorandum of agreement, to resolve a violation of Section 203 of the Voting Rights Act. The complaint also included a claim under Section 208 of the Voting Rights Act. On November 7, the Court entered an order granting the parties' requested order and agreement to resolve the claims in the case.

United States v. City of Earth, No. 5:07-cv-00144 (N.D. Tex. 2007)

On July 16, 2007, the Department filed a complaint against the City of Earth alleging a violation of Section 203 of the Voting Rights Act. On September 4, 2007, the Court entered a consent decree to resolve the case.

United States v. Littlefield ISD, No. 5:07-cv-00145 (N.D. Tex. 2007)

On July 16, 2007, the Department filed a complaint against the Littlefield ISD alleging a violation of Section 203 of the Voting Rights Act. On September 4, 2007, the Court entered a consent decree to resolve the case.

United States v. Post ISD, No. 5:07-cv-00146 (N.D. Tex. 2007)

On July 16, 2007, the Department filed a complaint against the Post ISD alleging a violation of Section 203 of the Voting Rights Act. On September 4, 2007, the Court entered a consent decree to resolve the case.

United States v. City of Seagraves ISD, No. 5:07-cv-00147 (N.D. Tex. 2007)

On July 16, 2007, the Department filed a complaint against the Seagraves ISD alleging a violation of Section 203 of the Voting Rights Act. On September 4, 2007, the Court entered a consent decree to resolve the case.

United States v. Smyer ISD, No. 5:07-cv-00148 (N.D. Tex. 2007)

On July 16, 2007, the Department filed a complaint against the Smyer ISD alleging a violation of Section 203. On September 4, 2007, the Court entered a consent decree to resolve the case.

United States v. Galveston County, No. 3:07-cv-00377 (S.D. Tex. 2007)

On July 16, 2007, the Department filed a complaint against Galveston County, alleging a violation of Section 4(f)(4) of the Voting Rights Act. The complaint also included a claim under the Help America Vote Act. On July 20, 2007, the Court entered a consent decree to resolve all the claims in the case.

United States v. City of Walnut, No. 2:07-cv-02437 (C.D. Ca. 2007)

On April 12, 2007, the Department filed a complaint against the City of Walnut, alleging violations of Section 203 of the Voting Rights Act. On November 9, 2007, the Court entered a consent decree to resolve the case.

United States v. City of Philadelphia, No. 2:06-cv-4592 (E.D. Pa. 2006)

On October 13, 2006, the Department filed a complaint against the City of Philadelphia, under Sections 203 and 208 of the Voting Rights Act. On April 26, 2007, the Department filed an amended complaint, contemporaneously with the signing of a settlement agreement. The amended complaint alleged violations of Sections 2 and 4(e) of the Voting Rights Act, the Help America Vote Act and the National Voter Registration Act. The settlement agreement resolved all the claims in the case. On June 4, 2007, the Court entered an order retaining jurisdiction to enforce the terms of the settlement agreement until July 1, 2009.

United States v. City of Springfield, No. 3:06-cv-30123 (D. Mass. 2006)

On August 2, 2006, the Department filed a complaint against the City of Springfield, alleging a violation of Section 203 of the Voting Rights Act. The complaint also alleged a violation of Section 208 of the Voting Rights Act. On November 9, 2007, the Court entered an agreed settlement order that resolved all the claims the case. On January 16, 2008, the Court granted an extension of the settlement order until January 31, 2010.

United States v. Brazos County, No. 4:06-cv-02165 (S.D. Tex. 2006)

On June 28, 2006, the Department filed a complaint against Brazos County, alleging a violation of Section 4(f)(4) of the Voting Rights Act for failure to provide election-related information and language assistance in Spanish effectively. The complaint also alleged a violation of Section 208 of the Voting Rights Act. On June 29, 2006, the Court entered a consent decree that resolved all the claims in the case.

United States v. Cochise County, No. 4:06-cv-00304 (D. Ariz. 2006)

On June 16, 2006, the Department filed a complaint against Cochise County, alleging a violation of Section 203 of the Voting Rights Act. The complaint also alleged a violation of the Help America Vote Act. On October 12, 2006, the Court entered a consent decree that resolved all the claims in the case.

United States v. Hale County, No. 5:06-cv-00043 (N.D. Tex. 2006)

On February 27, 2006, the Department filed a complaint against Hale County, alleging a violation of Section 203 of the Voting Rights Act. The complaint also alleged a violation of Section 208 of the Voting Rights Act. On April 27, 2006, the Court entered a consent decree that resolved all the claims in the case.

The three out-of-court settlements listed below were entered to resolve alleged violations of the language minority provisions of the Voting Rights Act. Because no complaint was ever filed, there is no court docket number for these cases. Documents concerning these settlements are contained in Attachment Q. 25 and are available online at <https://www.justice.gov/crt/voting-section-litigation>.

United States and Napa County, California, May 31, 2016 Memorandum of Agreement (Section 203 of the Voting Rights Act)

United States and Shannon County, South Dakota, April 23, 2010 Memorandum of Agreement (Section 4(f)(4) of the Voting Rights Act)

United States and the Commonwealth of Massachusetts (on behalf of the City of Worcester, MA), September 22, 2008 Memorandum of Understanding (Section 4(e) of the Voting Rights Act)

26. Please identify any notice letters of intent to sue for alleged Section 203, 4(e), or 4(f)(4) violations, the subject matter of the voting practice in the putative challenge, and identify any instances in which a jurisdiction that received a notice letter of intent to sue changed its voting practice prior to the initiation of a Department suit, noting whether that change ameliorated the Department’s voting rights concern.

Response: Any notice letters of intent to sue that resulted in the filing of a complaint and/or entry of a settlement are described in the response to Question 25 (describing Section 203, 4(e) or 4(f)(4) cases and settlements). For matters where a complaint has not yet been filed, the Department objects to this Interrogatory because the notice letters in these matters are non-public and consist of information compiled for law enforcement purposes, the disclosure of which may reasonably be expected to interfere with the Department’s ongoing law enforcement work. Additionally, under 5 U.S.C. § 552(b)(7)(C), disclosure of portions of those documents may constitute an unwarranted invasion of personal privacy. *See* General Objections.

27. Please identify any investigation of an alleged Section 203, 4(e), or 4(f)(4) violation the Department undertook which did not result in a DOJ action including but not limited to a notice letter of intent to sue, an intervention in a case, an amicus brief, a statement of interest, or DOJ filing suit.

Response: The Department objects to this Interrogatory because it seeks information compiled for law enforcement purposes, the disclosure of which may reasonably be expected to interfere with the Department’s ongoing law enforcement work, may consist of pre-decisional deliberative material and/or work product material, and that is exempt from access as a privileged document that would not be discoverable in litigation.

Additionally, under 5 U.S.C. § 552(b)(7)(C), disclosure of portions of those documents may constitute an unwarranted invasion of personal privacy.

28. What efforts has the DOJ made to assess jurisdictions’ compliance with the December 2016 language determinations under Section 203, including jurisdictions newly subject to Section 203 and jurisdictions that had already been subject to 203 but now have a new language responsibility?

Response: Section 203 of the Voting Rights Act requires that when a covered state or political subdivision provides registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language. The Civil Rights Division has provided guidance to local election officials on how to comply with language minority provisions. These guidelines are entitled “Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups.” 28 C.F.R. Part 55.

After the 2006 amendments to the Voting Rights Act, the Census Bureau makes its Section 203 coverage determinations every five years based on data from the American Community Survey. The latest round of Census coverage determinations were issued in December 2016. Following the determinations, the Department undertook an extensive program of outreach to covered jurisdictions. The Department sent letters to all of the covered jurisdictions, including tailored letters for jurisdictions covered for the first time and jurisdictions covered for new or additional languages. The letters advised them of their Section 203 responsibilities, provided guidelines and best practices for developing a successful language program, and a contact for additional assistance. In the weeks and months following the determinations, the Department has continued its outreach to election officials and members of minority language communities, focusing particularly on jurisdictions with new Section 203 obligations. The Department has also monitored elections in the field in a number of covered jurisdictions since the 2016 determinations.

SECTION 208 OF THE VOTING RIGHTS ACT

29. Identify the Section 208 cases that the Department filed, or in which it intervened, filed an amicus brief, or statement of interest, or took some other action, for each fiscal year from 2006 to the present. For each relevant case, provide the case name, the case number, the court, the year the case was initiated, the year that the Department joined the case, the subject matter of the case, and the maximum and minimum number of DOJ lawyers assigned to the case, noting the applicable year of such staffing level assignments. If applicable, provide whether there was a judgment, settlement, dismissal, or other resolution, and whether any such resolution was in DOJ’s favor.

Response: The Section 208 claims that the Department has filed during the time period specified are described in the list of cases below. The Department’s website contains more information about Section 208 cases at <https://www.justice.gov/crt/cases-raising-claims-under-section-208-voting-rights-act>. For cases in which the Department filed an

amicus brief or statement of interest, see response to Question 32. During the specified period of time, Voting Section staff has been assigned as necessary to investigate, and as appropriate, to litigate Section 208 matters. To the extent that this Interrogatory seeks information about specific staffing levels on individual cases, the Department objects on the grounds that disclosure of such information would reveal internal deliberations and attorney work product.

United States v. Fort Bend County, No. 4:09-cv-01058 (S.D. Tex. 2009)

On April 9, 2009, the Department filed a complaint against Fort Bend County, along with a proposed consent decree, to resolve a violation of Section 208 of the Voting Rights Act. The complaint also alleged a violation of Section 4(f)(4) of the Voting Rights Act, and violations of the Help America Vote Act. On April 13, 2009, the court entered the consent decree to resolve all the claims in the case.

United States v. Salem County and the Borough of Penns Grove, No. 1:08-cv-03276 (D.N.J. 2008)

On July 28, 2008, the Department filed a complaint against Salem County and the Borough of Penns Grove, along with a proposed settlement agreement and order, to resolve a violation of Section 208 of the Voting Rights Act. The complaint also alleged violations of Sections 2 and 4(e) of the Voting Rights Act. On July 29, 2008, the Court entered the settlement agreement and order to resolve all the claims in the case.

United States v. Kane County, No. 1:07-cv-05451 (N.D. Ill. 2007)

On September 26, 2007, the Department filed a complaint against Kane County, along with a memorandum of agreement, to resolve a violation of Section 208 of the Voting Rights Act. The complaint also included a claim under Section 203 of the Voting Rights Act. On November 7, the Court entered an order granting the parties' requested order and agreement to resolve the claims in the case.

United States v. City of Philadelphia, No. 2:06-cv-4592 (E.D. Pa. 2006)

On October 13, 2006, the Department filed a complaint against the City of Philadelphia under Sections 203 and 208 of the Voting Rights Act. On April 26, 2007, the Department filed an amended complaint, contemporaneously with the signing of a settlement agreement. The amended complaint alleged violations of Sections 2 and 4(e) of the Voting Rights Act, the Help America Vote Act, and the National Voter Registration Act. The settlement agreement resolved all of the claims in the case. On June 4, 2007, the Court entered an order retaining jurisdiction to enforce the terms of the settlement agreement until July 1, 2009.

United States v. City of Springfield, No. 3:06-cv-30123 (D. Mass. 2006)

On August 2, 2006, the Department filed a complaint against the City of Springfield, alleging a violation of Section 208 of the Voting Rights Act. The complaint also alleged

a violation of Section 203 of the Voting Rights Act. On November 9, 2007, the Court entered an agreed settlement order that resolved all the claims the case. On January 16, 2008, the Court granted an extension of the settlement order until January 31, 2010.

United States v. Brazos County, No. 4:06-cv-02165 (S.D. Tex. 2006)

On June 28, 2006, the Department filed a complaint against Brazos County, alleging a violation of Section 208 of the Voting Rights Act. The complaint also alleged a violation of Section 4(f)(4) of the Voting Rights Act. On June 29, 2006, the Court entered a consent decree that resolved all claims in the case.

United States v. Hale County, No. 5:06-cv-00043 (N.D. Tex. 2006)

On February 27, 2006, the Department filed a complaint against Hale County, alleging a violation of Section 208 of the Voting Rights Act. The complaint also alleged a violation of Section 203 of the Voting Rights Act. On April 27, 2006, the Court entered a consent decree that resolved all the claims in the case.

30. Please identify any notice letters of intent to sue for alleged Section 208 violations, the subject matter of the voting practice in the putative challenge, and identify any instances in which a jurisdiction that received a notice letter of intent to sue changed its voting practice prior to the initiation of a Department suit, noting whether that change ameliorated the Department’s voting rights concern.

Response: Any notice letters of intent to sue that resulted in the filing of a complaint and/or entry of a settlement are described in the response to Question 29 (describing Section 208 cases and settlements). For matters where a complaint has not yet been filed and are in the pre-investigation or investigation stage, the Department objects to this Interrogatory because the notice letters are non-public, and consist of information compiled for law enforcement purposes, the disclosure of which may reasonably be expected to interfere with the Department’s ongoing law enforcement proceedings. Additionally, under 5 U.S.C. § 552(b)(7)(C), disclosure of portions of those documents may constitute an unwarranted invasion of personal privacy.

31. Please identify any investigation of an alleged Section 208 violation the Department undertook which did not result in a DOJ action including but not limited to a notice letter of intent to sue, an intervention in a case, an amicus brief, a statement of interest, or DOJ filing suit.

Response: The Department objects to this Interrogatory because it seeks information compiled for law enforcement purposes, the disclosure of which may reasonably be expected to interfere with the Department’s ongoing law enforcement work, may consist of pre-decisional deliberative material and/or work product material, and is exempt from access as a privileged document that would not be discoverable in litigation. Additionally, under 5 U.S.C. § 552(b)(7)(C), disclosure of portions of those documents may constitute an unwarranted invasion of personal privacy.

DOJ VOTING RIGHTS AMICUS BRIEFS AND STATEMENTS OF INTEREST

32. Provide a summary of all voting rights cases where the Department submitted an amicus brief or statement of interest related to the VRA for each fiscal year from 2006 to the present. For each relevant case, provide the case name, the case number, the court, the year the case was initiated, the subject matter of the brief or statement and, if applicable, describe the resolution of the matter and whether it was in DOJ's favor.

Response: The Department submitted a statement of interest or an amicus brief in the following cases involving the Voting Rights Act:

- *OCA Greater Houston v. Texas*, No. 16-51126 (5th Cir. 2017)
- *McCrary v. Harris*, No. 15-1262 (S.Ct. 2016)
- *Bethune-Hill v. Virginia State Board of Elections*, No. 15-680 (S.Ct. 2016)
- *Wittman v. Personhuballah*, No. 14-1504 (S. Ct.)
- *Sanchez v. Cegavske*, No. 3:16-cv-00523 (D. Nev. 2016)
- *Greater Birmingham Ministries v. Alabama*, No. 2:15-cv-02193 (N.D. Ala. 2016)
- *Poor Bear v. Jackson County*, No. 5:14-cv-05059 (D.S.D. 2016)
- *Harris v. Arizona Independent Redistricting Commission*, No. 14-232 (S.Ct. 2015)
- *Evenwel v. Abbott*, No. 14-940 (S.Ct. 2015)
- *Ohio State Conference of the NAACP v. DeWine*, No. 14-3877 (6th Cir. 2014)
- *Alabama Legislative Black Caucus v. Alabama and Alabama Democratic Conference v. Alabama*, Nos. 13-895 and 13-1138 (S.Ct. 2014)
- *Frank v. Walker and LULAC of Wisconsin v. Deininger*, Nos. 14-2058 & 14-2059 (7th Cir. 2014)
- *Montes v. City of Yakima*, No. 2:12-cv-03108 (E.D. Wash. 2014)
- *NAACP v. Husted*, No. 2:14-cv-00404 (S.D. Ohio 2014)
- *Toyukak v. Treadwell*, No. 3:13-cv-00137 (D. Alaska 2014)
- *Wandering Medicine v. McCulloch*, No. 1:12-cv-00135 (D. Mt. 2012 and 2014), No. 12-35926 (9th Cir. 2013)
- *Mi Familia Vota v. Detzner*, No. 8:12-cv-01294 (M.D. Fla. 2012)
- *Samuelson v. Treadwell*, No. 3:12-cv-00118 (D. Alaska 2012)
- *Petteway v. Galveston County*, No. 3:11-cv-00511 (S.D. Tex. 2012)
- *Perez v. Perry*, No. 5:11-cv-00360 (W.D. Tex. 2011, 2012, 2013), Nos. 11-713, 11-714 and 11-715 (S.Ct. 2011)
- *State of Florida v. United States*, No. 4:12-mc-00003 (N.D. Fla. 2012)
- *Lepak v. City of Irving*, No. 3:10-cv-00277 (N.D. Tex. 2010), No. 11-10194 (5th Cir. 2011)
- *Simmons v. Galvin*, No. 09-920 (S. Ct. 2010)
- *Perez-Santiago v. Volusia County*, No. 6:08-cv-01868 (M.D. Fla. 2009)
- *Morales v. Handel*, No. 1:08-cv-03172 (N.D. Ga. 2008, 2009)
- *Myers v. City of McComb*, No. 3:05-cv-00481 (S.D. Miss. 2007)

A list of district court cases involving participation by amicus brief or statement of interest, and a copy of the relevant briefs, is available at <https://www.justice.gov/crt/voting-section-litigation>.

A list of court of appeals and Supreme Court cases involving participation by amicus brief or statement of interest, and a copy of the relevant briefs, is available at <https://www.justice.gov/crt/appellate-briefs-and-opinions>.

Additional documents responsive to this request are contained in Attachment Q. 32.

DOCUMENT REQUESTS

1. Please provide any and all policy guidance, written instructions, or directives developed or disseminated regarding the enforcement of Sections 2, 5, 203, and 208 of the Voting Rights Act created or in use since fiscal year 2006.

Response: The Department objects to this Document Request to the extent that it seeks privileged pre-decisional, deliberative material and attorney work product. It further objects to the vagueness of the phrase “written instructions, or directives developed or disseminated”. In an effort to assist the Commission, the Department refers the Commission to the guidance documents contained in Attachment Q. 9.

2. Please provide any and all policy guidance, written instructions, or directives developed or disseminated regarding voting rights enforcement after the *Shelby County v. Holder* decision.

Response: The Department objects to this Document Request to the extent that it seeks privileged pre-decisional, deliberative material and attorney work product. It further objects to the vagueness of the phrase “written instructions, or directives developed or disseminated”. In an effort to assist the Commission, the Department refers the Commission to the guidance document contained in Attachment D.R. 2 and to the information provided at the following link: <https://www.justice.gov/crt/voting-section>.

3. Please provide any memoranda, documents or analyses discussing whether to bring or continue litigation or other Department action in connection with VRA enforcement cases.

Response: The Department objects to this Document Request because it seeks information compiled for law enforcement purposes, the disclosure of which may reasonably be expected to interfere with the Department’s ongoing law enforcement work, may consist of pre-decisional deliberative material and/or work product material, and that is exempt from access as a privileged document that would not be discoverable in litigation. Additionally, under 5 U.S.C. § 552(b)(7)(C), disclosure of portions of those documents may constitute an unwarranted invasion of personal privacy.

4. Collect and provide documents, including evaluations or notes, created by DOJ's federal election observers in the 2016 Presidential Election.⁵

Response: The Department objects to this Document Request because it seeks information compiled for law enforcement purposes, the disclosure of which may reasonably be expected to interfere with the Department's ongoing law enforcement work, may consist of pre-decisional deliberative material and/or work product material, and that is exempt from access as a privileged document that would not be discoverable in litigation. Additionally, under 5 U.S.C. § 552(b)(7)(C), disclosure of portions of those documents may constitute an unwarranted invasion of personal privacy.

5. To the extent not covered by the document requests above, please provide any and all documents relied on to prepare responses to interrogatories.

Response: The Department objects to this Document Request because it seeks information compiled for law enforcement purposes, the disclosure of which may reasonably be expected to interfere with the Department's ongoing law enforcement work, may consist of pre-decisional deliberative material and/or work product material, and that is exempt from access as a privileged document that would not be discoverable in litigation. Additionally, under 5 U.S.C. § 552(b)(7)(C), disclosure of portions of those documents may constitute an unwarranted invasion of personal privacy.

⁵ Department of Justice, About Federal Observers and Election Monitoring, <https://www.justice.gov/crt/about-federal-observers-and-election-monitoring> (last visited Oct. 11, 2017) (noting that federal election observers write reports of the activities they witness in polling places and provide those reports to the Division).

**RESPONSE OF THE DEPARTMENT OF JUSTICE TO
INTERROGATORIES AND DOCUMENT REQUESTS PROPOUNDED BY
THE UNITED STATES COMMISSION ON CIVIL RIGHTS**

Without waiving any applicable privileges or objections, the Department of Justice (“the Department”) pursuant to 42 U.S.C. §1975b(e) hereby responds to interrogatories and document requests propounded by the United States Commission on Civil Rights (“the Commission”) on October 20, 2017.

GENERAL OBJECTIONS

1. The Department objects to each and every Interrogatory and Document Request to the extent they seek information the disclosure of which would violate a statute, regulation, or Executive Order.
2. The Department objects to each and every Interrogatory and Document Request to the extent they seek information protected from disclosure by the Privacy Act.
3. The Department objects to each and every Interrogatory and Document Request to the extent they seek information protected by the attorney-client, attorney-work product, deliberative process, law enforcement, or other recognized privilege.
4. The Department objects to each and every Interrogatory and Document Request to the extent they seek disclosure of work product contained in litigation files.
5. The Department objects to each and every Interrogatory and Document Request to the extent they seek information not reasonably related to or in furtherance of the Commission’s exercise of its statutory authority set forth in 42 U.S.C. §1975a.
6. The Department objects to each and every Interrogatory and Document Request to the extent they impose burdens inconsistent with or in addition to those required by 42 U.S.C. §1975b(e).

Notwithstanding the General Objections, each of which is incorporated by reference as if set forth fully in each Response below, and using November 20, 2017 (the date of the Commission’s request) as the date by which to search for and provide information, the Department states as follows, reserving the right to supplement or later amend its response:

RESPONSES TO INTERROGATORIES

Interrogatory No. 1:

Provide the number of attorneys assigned to the Department’s VRS, the number of active VRA investigations, the number of VRA investigations initiated and VRA investigations resolved or concluded. For each investigation described above, please indicate the VRA provision/s involved, and subject matter of the investigation, the nature of any resolution, and the State or City or subdivision where the investigation arose.

Response: The Voting Section is authorized for 38 attorneys. The Department objects to the remainder of this Interrogatory because it seeks information about internal deliberations and decisionmaking, attorney work product, and ongoing investigations. See General Objections.

Interrogatory No. 2:

Please describe the basis for the Department’s decision to (a) drop its intent challenge to Texas SB 14 and (b) for taking the position that Texas SB 5 removes any discriminatory effect or intent identified in Texas SB 14.

Response: The Department objects to this Interrogatory because it seeks privileged information about internal Division and Department deliberations and decisionmaking. *See* General Objections. To the extent this interrogatory seeks publicly-available information about the Department’s position in this case, the Division directs the Commission to briefs filed by the United States in *Veasey v. Abbott*, copies of which are produced in Attachment Q. 2.

Interrogatory No. 3:

What is the appropriate remedy for a judicial finding of intentional discrimination? Is there justification for a remedy other than repeal, given the finding that the statute or policy to be modified was tainted by an impermissible design to discriminate?

Response: In addition to the General Objections, the Department specifically objects to this Interrogatory on the grounds that it is vague and overbroad and that it seeks a legal opinion from the Department.

Interrogatory No. 4:

What is the appropriate remedy for repeated or multiple judicial findings of intentional discrimination within the same jurisdiction, over similar time periods?

Response: In addition to the General Objections, the Department specifically objects to this Interrogatory on the grounds that it is vague and overbroad and that it seeks a legal opinion from the Department.

Interrogatory No. 5:

What is the appropriate timing for relief after a judicial determination of illegality? How many elections should be conducted under a practice found to be unlawful?

Response: In addition to the General Objections, the Department specifically objects to this Interrogatory on the grounds that it is vague and overbroad and that it seeks a legal opinion from the Department.

Interrogatory No. 6:

In 2013, DOJ intervened in a redistricting challenge in Texas, claiming that congressional and state house districts were drawn with the intent to discriminate based on race, in violation of the Voting Rights Act.¹ And in light of that claim, and Texas’s history, DOJ sought bail-in relief under Section 3 of the VRA. Several decisions have now found that congressional and state house districts were indeed drawn with the intent to discriminate

¹ Department of Justice, Justice Department to File New Lawsuit Against State of Texas Over Voter I.D. Law, Aug. 22, 2013, available at <https://www.justice.gov/opa/pr/justice-department-file-new-lawsuit-against-state-texas-over-voter-id-law>.

based on race. If those findings are upheld on appeal, will DOJ continue to seek bail-in relief? And if not, why not? And what would it take to seek bail-in relief?

Response: The Department objects to this Interrogatory to the extent that it asks the Department to speculate about future decisions, which would entail the disclosure of privileged pre-decisional and deliberative information, and to the extent that it concerns pending litigation, about which the Department does not comment. *See* General Objections.

Interrogatory No. 7:

The Supreme Court declared the formula for applying Section 5 to be unlawful,² but that decision did not have an impact on the application of Section 2 of the VRA. Does DOJ plan to evaluate the multitude of both statewide and local redistricting plans coming in 2021, and if so, how does it plan to do so? Please describe how resources, including staffing, will be allocated to complete this task.

Response: The Department objects to this Interrogatory to the extent that it asks the Department to speculate about future decisions, which would entail the disclosure of privileged pre-decisional, deliberative information and attorney work product. *See* General Objections. However, in an effort to assist the Commission, the Department notes that, unlike other provisions of the VRA, Section 2 has no expiration date. Therefore, the Department will continue enforcing it where appropriate.

Interrogatory No. 8:

Please identify any and all VRA cases in which the Department changed its position by withdrawing its opposition to a voting change; state the VRA basis and analysis supporting that change; and describe the underlying VRA issues presented by the cases.

Response: The Department objects to this Interrogatory to the extent that it seeks internal analyses that are protected by various privileges, including the law enforcement, deliberative process and attorney work product privileges. Notwithstanding this objection, the Department notes that Voting Rights Act cases involving “voting changes” generally concern Section 5 of the VRA. There have been a large number of cases under Section 5 or relating to Section 5 since 2006, and these cases are a matter of public record, where the pleadings are generally available on PACER. In a number of these Section 5-related cases, the Department either did not oppose the court granting preclearance, or precleared a voting change as part of a parallel administrative submission.

In some instances, the Department initially stated that a jurisdiction had not satisfied its burden of proof under Section 5 regarding a voting change, and later precleared that change or did not object to preclearance of that change following the receipt of additional information, a change in circumstances, or a modification of the voting change at issue. For example, in *State of Florida v. United States*, No. 1:11-cv-1428 (D.D.C. 2012), the Department initially argued that the jurisdiction had not satisfied its burden of

² *See Shelby Cty. v. Holder*, 570 U.S. 2 (2013), available at https://www.supremecourt.gov/opinions/12pdf/12-96_6k47.pdf.

proof under Section 5 with respect to certain voting changes that were part of an omnibus election law and, after modification of the underlying voting changes, the Department later precleared some of those changes.

In other instances, the Department sought to enjoin a voting change and interposed an objection under Section 5 to a voting change, but later withdrew that objection during the course of litigation. For example, in the course of *United States v. City of Calera*, No. 2:08-cv-1982 (N.D. Ala. 2009), the Department brought suit to enjoin implementation of certain voting changes under Section 5, administratively objected to those voting changes under Section 5, and later entered into a consent decree and withdrew the objection after modification of the underlying method of election. Likewise, during the course of *Nix v. Holder*, No. 1:10-cv-561 (D.D.C. 2012), the Department reconsidered and withdrew an objection it had previously interposed under Section 5 based on receipt of additional information involving a significant change in the underlying factual circumstances.

~~The Department is not able to catalog all such examples comprehensively in the time available. These are just a few examples and~~ The Department does not concede that any of these examples necessarily involve a change of position per se. To the extent that the Department's analyses are public, they are stated in the pleadings filed by the Department in litigation, and the letters sent by the Department in the course of its review of administrative submissions.

Commented [TRJ(1):(b) (5)]

Interrogatory No. 9:

Please describe all policy guidance, written instructions, or directives developed or disseminated regarding the enforcement of Sections 2, 5, 203 and 208 of the Voting Rights Act.

Response: The Department objects to this Interrogatory to the extent that it seeks privileged pre-decisional, deliberative material and attorney work product. It further objects to the vagueness of the phrase "written instructions, or directives developed or disseminated". In an effort to assist the Commission, the Department refers the Commission to the guidance documents contained in Attachment Q. 9.

Commented [TRJ(2):(b) (5)]

Interrogatory No. 10:

Please explain the Department's criteria for selecting cases for enforcement of Sections 2, 5, 203, and 208 of the Voting Rights Act.

Response: The Department objects to this Interrogatory. The Department's criteria for selecting cases are privileged as part of the deliberative, pre-decisional process. *See* General Objections. It is the Department's long-standing practice to assess the facts and law specific to each case when deciding whether to bring an enforcement action.

Interrogatory No. 11:

Please explain the rationale behind who signs legal filings for the Department in voting rights cases. Are there particular individuals who are required to sign on? Is there a

process an attorney has to go through in order to sign on to a filing or, if they have previously been on a filing for an earlier filing in a case, not remain on subsequent filings?

Response: The Assistant Attorney General for the Civil Rights Division has delegated authority to enforce “all Federal statutes affecting civil rights, including those pertaining to elections and voting . . . and authorization of litigation in such enforcement, including criminal prosecutions and civil actions and proceedings on behalf of the Government and appellate proceedings in all such cases.” *See* 28 C.F.R. § 0.50(a). While the Assistant Attorney General approves the filing of complaints in voting and other civil cases, it is longstanding Division practice to delegate to career staff in each section the ability to sign pleadings, briefs and other court documents. That continues to be the Division’s practice and there is no Division or Department policy dictating which career attorneys can or should sign court documents in cases in which they make appearances. *See* General Objections.

ELECTION MONITORING AND OBSERVING

Interrogatory No. 12:

Identify the number of federal *election observers* deployed by the DOJ on election days and throughout the year. What are the Department’s federal election observer deployment plans for the 2018 and how do they compare to federal election observer deployment in 2016 and 2017?

Response: Please see the document contained in Attachment Q. 12-13 for information about the number of federal election observers deployed by the Department since 2006. The Department objects to the remainder of this Interrogatory to the extent that it asks the Department to speculate on future decisions, which would entail the disclosure of privileged pre-decisional and deliberative information. *See* General Objections.

Interrogatory No. 13:

Identify the number of federal *election monitors* deployed by the DOJ on election days and throughout the year. What are the Department’s federal election monitor deployment plans for the 2018 and how do they compare to federal election monitor deployment in 2016 and 2017?

Response: Please see the document contained in Attachment Q. 12-13 for information about the number of federal election monitors deployed by the Department since 2006. The Department objects to the remainder of Interrogatory to the extent that it asks the Department to speculate on future decisions, which would entail the disclosure of privileged pre-decisional and deliberative information. *See* General Objections.

Interrogatory No. 14:

In a recent statement, the Department stated that it monitored sixty-seven jurisdictions in the recent presidential election to gather information on “whether voters are subject to different voting qualifications or procedures on the basis of race, color or membership in a language minority group; whether jurisdictions are complying with the minority language provisions of the Voting Rights Act; whether jurisdictions permit voters to receive

assistance by a person of his or her choice if the voter is blind, has a disability or is unable to read or write; whether jurisdictions provide polling locations and voting systems allowing voters with disabilities to cast a private and independent ballot.”³ Please summarize the subject matter and nature of complaints received, organized by state and city, in all elections monitored by the Department. Please indicate which, if any, of the complaints were submitted as evidence in a voting right case.

Response: The Division’s records indicate that no complaints have been submitted as evidence in a voting rights case since 2006. The Department objects to the remainder of this Interrogatory to the extent that it seeks attorney work product, law enforcement sensitive, and other privileged information. The Department further objects to the extent that disclosure of the information would violate the privacy interests of individuals who have made complaints. *See* General Objections.

Interrogatory No. 15:

What are DOJ’s plans for deploying federal election observers and monitors to monitor the election process at the polls on and before Election Day? How will the Department make determinations about where to send observers and monitors?

Response: The Department objects to this Interrogatory to the extent that it asks the Department to speculate about future decisions, which would entail the disclosure of privileged pre-decisional and deliberative information. *See* General Objections.

Interrogatory No. 16:

In a recent statement,⁴ the Department stated that it expanded its election monitoring to include assessments of physical accessibility of polling places, which included accessibility surveys of over two hundred polling places in 2012. What were the findings of this survey? Was a similar survey conducted during the 2016 presidential election? If so, what were the findings?

Response: The Department objects to this Interrogatory to the extent that it seeks attorney work product, deliberative, law enforcement sensitive, and other privileged information. The Department further objects to the extent that disclosure of the information would violate the privacy interests of individuals who have made complaints. *See* General Objections.

SECTION 2 OF THE VOTING RIGHTS ACT

17. To the extent not captured in other requests, please provide any documents that indicate the relative prioritization of Section 2 enforcement among other priorities, or the prioritization of particular types of Section 2 cases above other Section 2 cases.

³ Department of Justice, Justice Department to Monitor Polls in 28 States on Election Day, Press Release, Nov. 7, 2016 available at <https://www.justice.gov/opa/pr/justice-department-monitor-polls-28-states-election-day>.

⁴ Department of Justice, The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities, available at <https://www.justice.gov/file/69411/download>.

Response: Documents responsive to this request are contained in Attachment Q. 17. To the extent that this Interrogatory seeks information about internal Department decisionmaking, the Department objects on the grounds that such information is privileged.

18. Identify the Section 2 cases that the Department filed, or in which it intervened, filed an amicus brief, or statement of interest, or took some other action. For each relevant case, provide the case name, the case number, the court, the year the case was initiated, the year that the Department joined the case, the subject matter of the case, and the maximum and minimum number of DOJ lawyers assigned to the case, noting the applicable year of such staffing level assignments. If applicable, provide whether there was a judgment, settlement, dismissal, or other resolution, and whether any such resolution was in DOJ's favor.

Response: The Section 2 claims brought by the Department since 2006 are described in the following list of cases. A number of the referenced cases also included claims under other sections of the Voting Rights Act or other federal election laws. For cases in which the Department filed an amicus brief or statement of interest, see response to Q32.

During the specified period of time, Voting Section staff has been assigned as necessary to investigate, and as appropriate, litigate Section 2 matters. The Department's website contains more information about the Department's cases under Section 2 of the Voting Rights Act at <https://www.justice.gov/crt/voting-section-litigation>. To the extent that this Interrogatory seeks information about specific staffing levels on individual cases, the Department objects on the grounds that disclosure of such information would reveal internal deliberations and attorney work product.

United States v. City of Eastpointe, No. 2:17-cv-10079 (E.D. Mich. 2017)

On January 10, 2017, the Department filed a complaint against the City of Eastpointe. The complaint alleges that the method of electing the Eastpointe City Council violates Section 2 of the Voting Rights Act. The litigation remains pending.

United States v. State of North Carolina, No. 1:13-cv-00861 (M.D.N.C. 2013)

On September 30, 2013, the Department filed a complaint against the State of North Carolina alleging that certain provisions of North Carolina's H.B. 589 (2013), violated Section 2 of the Voting Rights Act. On July 29, 2016, the Fourth Circuit reversed and remanded the district court's April 25, 2016 decision rejecting Section 2 claims brought by the United States and private plaintiffs. On May 15, 2017, the Supreme Court denied the defendants' petition for certiorari, leaving in place the Fourth Circuit's decision.

United States v. State of Texas, No. 5:11-cv-00360 (W.D. Tex. 2013)

On September 25, 2013, the Department filed a complaint in intervention against the State of Texas in *Perez v. Perry* (W.D. Tex.), challenging Texas's 2011 statewide redistricting plans for the Texas State House of Representatives and for Texas's delegation to the U.S. House of Representatives under Section 2 of the Voting Rights

Act. The Department had earlier participated as amicus in the *Perez* case. The litigation remains pending.

United States v. State of Texas, No. 2:13-cv-00263 (S.D. Tex. 2013)

On August 22, 2013, the Department filed a complaint against the State of Texas, challenging certain provisions of Texas’s Senate Bill 14 (2011), under Section 2 of the Voting Rights Act. The litigation remains pending.

United States v. Town of Lake Park, No. 9:09-cv-80507 (S.D. Fla. 2009)

On March 31, 2009, the Department filed a complaint against the Town of Lake Park alleging the town’s method of election violates Section 2 of the Voting Rights Act. On October 26, 2009, the Court entered a consent judgment and decree resolving the litigation.

United States v. Euclid City School District Board of Education, No. 1:08-cv-02832 (N.D. Ohio 2008)

On December 2, 2008, the Department filed a complaint against the Euclid City School District Board of Education alleging that the method of electing members of the school board violates Section 2 of the Voting Rights Act. Simultaneously with the complaint, the parties filed stipulations that the election method violated Section 2. Additional litigation concerning the appropriate remedy followed. On July 13, 2009, the Court entered a remedial plan.

United States v. Salem County and the Borough of Penns Grove, No. 1:08-cv-03276 (D.N.J. 2008)

On July 28, 2008, the Department filed a complaint against Salem County and the Borough of Penns Grove, along with a proposed settlement agreement and order to resolve allegations that various election practices and procedures violated Section 2 and other provisions of the Voting Rights Act. On July 29, 2008, the Court entered the settlement agreement and order to resolve the action.

United States v. School Board of Osceola County, No. 6:08-cv-582 (M.D. Fla. 2008)

On April 16, 2008, the Department filed a complaint against the School Board of Osceola County alleging that the method for electing school board members violated Section 2 of the Voting Rights Act. On April 23, 2008, the Court approved a consent judgment and decree, filed simultaneously with the complaint, in which the parties stipulated that the existing districts violated Section 2, and provided for a new plan that remedied the Section 2 violation.

United States v. Georgetown County School District, No. 2:08-00889 (D.S.C. 2008)

On March 14, 2008, the Department filed a complaint alleging that the method of electing the Georgetown County School Board violated of Section 2 of the Voting Rights Act. On

March 21, 2008, the Court entered a consent decree that provided for a change in the method of election that remedied the violation.

United States v. City of Philadelphia, No. 2:06-cv-04592 (E.D. Pa. 2007)

On October 13, 2006, the Department filed a complaint against the City of Philadelphia, under Sections 203 and 208 of the Voting Rights Act. On April 26, 2007, the Department filed an amended complaint, contemporaneously with the signing of a settlement agreement. The amended complaint alleged violations of Sections 2 and 4(e) of the Voting Rights Act, the Help America Vote Act, and the National Voter Registration Act. The settlement agreement resolved all of the claims in the case. On June 4, 2007, the Court entered an order retaining jurisdiction to enforce the terms of the settlement agreement until July 1, 2009.

United States v. Village of Port Chester, No. 1:06-cv-15173 (S.D.N.Y. 2006)

On December 15, 2006, the Department filed a complaint against the Village of Port Chester, alleging that the method of electing its governing board of trustees violated Section 2 of the Voting Rights Act. On March 2, the Court entered a preliminary injunction enjoining the 2007 trustee elections. Following trial, the Court issued a ruling on liability in favor of the Department and in 2009 approved a remedial plan and a consent decree concerning implementation of the remedial plan.

United States v. City of Euclid, No. 1:06-cv-01652 (N.D. Ohio 2006)

On July 10, 2006, the Department filed a complaint against the City of Euclid, OH, alleging that the method of electing the city council violated Section 2 of the Voting Rights Act. On April 16, 2008, following trial, the Court ruled in the Department's favor, holding that the election system violated Section 2, and subsequently entered a remedial order.

United States v. Long County, No. 2:06-cv-00040 (S.D. Ga. 2006)

On February 8, 2006, the Department filed a complaint against Long County, GA, alleging that county officials had engaged in conduct that violated Section 2 of the Voting Rights Act. On February 10, 2006, the Court entered a consent decree that resolved the claims.

19. Please identify any notice letters of intent to sue for alleged Section 2 violations, the subject matter of the voting practice in the putative challenge, and identify any instances in which a jurisdiction that received a notice letter of intent to sue changed its voting practice prior to the initiation of a Department suit, noting whether that change addressed the Department's voting rights concern.

Response: Any notice letters of intent to sue that resulted in the filing of a complaint and/or entry of a settlement are described in the response to Question 18 (describing Section 2 cases that the Department filed, intervened in, or submitted an amicus brief or

statement of interest or otherwise entered into a settlement). For matters where a complaint has not yet been filed, the Department objects to this Interrogatory because notice letters in these matters are non-public and consist of information compiled for law enforcement purposes, the disclosure of which may reasonably be expected to interfere with the Department's ongoing law enforcement work. Additionally, under 5 U.S.C. § 552(b)(7)(C), disclosure of portions of those documents may constitute an unwarranted invasion of personal privacy. *See* General Objections.

20. Please identify any investigation of an alleged Section 2 violation the Department undertook which did not result in a DOJ action including but not limited to a notice letter of intent to sue, an intervention in a case, an amicus brief, a statement of interest, or DOJ filing suit.

Response: The Department objects to this Interrogatory because it seeks information compiled for law enforcement purposes the disclosure of which may reasonably be expected to interfere with the Department's ongoing law enforcement work, may consist of pre-decisional deliberative material and/or work product material, and is exempt from access as a privileged document that would not be discoverable in litigation. Additionally, under 5 U.S.C. § 552(b)(7)(C), disclosure of portions of those documents may constitute an unwarranted invasion of personal privacy. *See* General Objections.

SECTION 5 OF THE VOTING RIGHTS ACT

21. Identify the Section 5 declaratory judgment cases in which the Department has litigated an objection to a voting change, consented to a voting change, or filed an enforcement action for each fiscal year from 2006 to the 2013. For each relevant case, provide the case name, the case number, the court, subject matter of the voting change or subdivision seeking the change, the year the case was initiated, and, if applicable, identify the outcome of the matters described indicating whether it was resolved in DOJ's favor.

Response: The enforcement actions under Section 5 of the Voting Rights Act that the Department has filed since 2006 are described below. The Department's website contains more information about Section 5 of the Voting Rights Act at <https://www.justice.gov/crt/voting-section-litigation>.

United States v. The City of Calera, No. 2:08-cv-01982 (N.D. Ala. 2008)

On October 24, 2008, the Department simultaneously filed a complaint and proposed consent decree against the City of Calera, alleging violations of Section 5 of the Voting Rights Act. The Section 5 enforcement action sought to enjoin implementation of numerous annexations and the 2008 redistricting plan to which the Attorney General had interposed objection under Section 5 on August 25, 2008, unless and until the necessary preclearance was obtained. The consent decree, which was entered by the Court on October 9, entered an injunction until Section 5 preclearance was obtained. On October 23, 2009, the Court entered an order modifying the consent decree to enable the City to

adopt a new method of election that complied with Sections 2 and 5 of the Voting Rights Act.

United States v. Waller County, No. 4:08-cv-03022 (S.D. Tex. 2008)

On October 9, 2008, the Department simultaneously filed a complaint and consent decree against Waller County, regarding the County's voter registration practices and procedures that violated Section 5 of the Voting Rights Act and the Civil Rights Act. On October 17, 2008, the Court entered a consent decree which enjoined the County from further implementation of registration practices that had not been precleared under Section 5, among other relief.

United States v. North Harris Montgomery Community College District, No. 4:06-cv-02488 (S.D. Tex. 2006)

On July 27, 2006, the Department filed a complaint against the North Harris Montgomery Community College District in Harris and Montgomery Counties, alleging a violation of Section 5 of the Voting Rights Act. The complaint alleged that the district attempted to reschedule its trustee and bond election without obtaining the requisite preclearance under Section 5. The consent decree, which was entered by a three-judge court on August 4, 2006, required the district to refrain from implementing any voting change without first obtaining preclearance pursuant to Section 5. The decree also required defendants to reschedule the cancelled election to November 7, 2006.

In addition, Attachment Q. 21 contains information for those declaratory judgment actions under Section 5 of the Voting Rights Act filed by covered jurisdictions in the United States District Court for the District of Columbia seeking judicial review of changes affecting voting since 2006.

22. Identify all Section 5 information letters sent in connection with voting changes, the subject matter of the voting change, the jurisdiction seeking the change and the date of the Department letter. Relatedly, please identify all instances in which the jurisdiction changed the voting practice at issue following the issuance of the Department letter and note whether that change satisfied the Department's voting rights concern.

Response: Documents responsive to this request are contained in Attachment Q. 22. The Submission numbers for each objection interposed pursuant to Section 5 of the Voting Rights Act since 2006 are included in parentheses at the end of each entry.

Alabama

- Mobile County, 01/08/2007. Change in method of election for filling vacancies occurring on the Mobile County Commission from special election to gubernatorial appointment (2006-6792)
- City of Calera (Shelby Cty.), 8/25/2008. One hundred and seventy seven annexations and a redistricting plan (2008-1621)

Georgia

- Randolph County, 09/12/2006. Change in voter registration and candidate eligibility (2006-3856)
- State of Georgia, 5/29/2009. Voter information verification program (2008-5243)
- Lowndes County, 11/30/2009. 2009 redistricting plan (2009-1965)
- Greene County, 4/13/2012. 2011 redistricting plan for the Board of Commissioners and Board of Education (2011-4687)
- Long County, 8/27/2012. 2012 redistricting plan for the Board of Commissioners and Board of Education (2012-2733)
- State of Georgia, 12/21/2012. Act 718 (2012) - Section 9; election date (2012-3262)

Louisiana

- State of Louisiana, 8/10/2009. Act. No. 136 (2008), designation of time period during which voting precinct boundaries cannot be changed (2008-3512)
- East Feliciana Parish, 10/3/2011. 2011 redistricting plan and voting precincts (2011-2055)

Michigan

- Buena Vista Township (Saginaw Cty.), 12/26/2007. Closure of a Secretary of State branch office that offered voter registration services and provided Michigan drivers licenses and personal identification cards (2007-3837)

Mississippi

- State of Mississippi, 3/24/2010. Chapter No. 469 (H.B. 877 (2009)) majority vote requirement for County Boards of Education and the Boards of Trustees of certain municipal and special municipal separate school districts embracing an entire county (2009-2022)
- City of Natchez (Adams Cty.), 4/30/2011. 2011 redistricting plan (2011-5368)
- Amite County, 10/4/2011. 2011 redistricting plan for the board of supervisors and election commission districts (2011-1660)
- City of Clinton (Hinds Cty.), 12/3/2012. Redistricting plan (2012-3120)

North Carolina

- City of Fayetteville (Cumberland Cty.), 6/25/2007. Method of election from nine single-member districts to six and 2007 City Council redistricting plan (2007-2233)
- City of Kinston (Lenoir Cty.), 8/17/2009. Nonpartisan method of election for mayor and council members (2009-0216). Withdrawn 2/10/12
- Pitt County School District, 4/30/2012. Method of election from twelve single-member districts to seven (2011-2474)

South Carolina

PRIVILEGED AND CONFIDENTIAL
INTERNAL DELIBERATIVE DRAFT – ATTORNEY WORK PRODUCT

- Fairfield County School District, 8/16/2010. Act Number R136, (4432)(2010), number of officials, method of election (2010-0970)
- State of South Carolina, 12/23/2011. Act Number R54 - Section 5, which requires presentation of a photographic identification to cast a ballot (2011-2495)

South Dakota

- Charles Mix County, 2/11/2008. Referendum on the increase of county commissioners from three to five members and the 2007 redistricting plan (2007-6012)

Texas

- North Harris Montgomery Community College District, 05/05/2006. Reduction in polling places and early voting locations (2006-2240)
- State of Texas, 08/21/2008. Candidate qualifications (2007-5032)
- Gonzales County, 3/24/2009. Bilingual election procedures for the November 2, 2004, November 7, 2006, and November 4, 2008 general elections (2008-3588)
- Gonzales County, 3/12/2010. Bilingual election procedures (2009-3078)
- Runnels County, 6/28/2010. Bilingual election procedures (2009-3672)
- Galveston (Galveston Cty.), 10/3/2011. Method of election to four single-member districts and two at-large seats, the adoption of numbered posts for the at-large seats, and the proposed redistricting criteria (98-2149). The objection to the majority-vote requirement had been withdrawn, but the objection to the remaining changes was continued.
- Nueces County, 2/7/2012. Redistricting plan for the commissioners court (2011-3992)
- Galveston County, 3/5/2012. Redistricting plan for the commissioners court; reduction in the number of justice of the peace and constable precincts and redistricting plans for those offices (2011-4317; 4374)
- State of Texas, 3/12/2012. Voter registration and photographic identification procedures contained in Chapter 123 (S.B. 14) (2011) (2011-2775)
- Beaumont Independent School District (Jefferson Cty.), 12/21/2012. Method of election from seven single-member districts to five single-member districts (2012-4278)
- Beaumont Independent School District (Jefferson Cty.), 4/8/2013. Term of office; general election date; qualification procedures; and implementation of qualification procedures at May 2013 election (2013-0895)

To the extent that the question refers to letters sent to jurisdictions informing them that the information provided in the initial submission was insufficient for the Attorney General to make a determination and requesting additional information with respect to those submissions, the Department sent 144 such letters affecting 601 voting changes from 2006 to 2013.

23. Identify any case, in 2014 and after, in which the Department participated relating to a Section 5 precleared voting change. Please describe the subject matter of the case, any resolution of the case, and whether that resolution was in favor of the Department.

Response: The Department did not participate in any new cases, in 2014 and after, arising under Section 5 of the Voting Rights Act related to preclearance of a voting change.

24. Describe what the Department's actions were after a Section 5 objection was lodged between 2006 and the Supreme Court's decision in *Shelby County v. Holder*. In particular, please describe whether the Department continued to monitor the jurisdictions for which an objection was lodged and what activities were encompassed in the monitoring, including, if applicable, the monitoring of Section 2 litigation in those jurisdictions.

Response: All letters informing a jurisdiction that the Attorney General had interposed an objection requested that local officials inform the Department of the steps that they intended to take to comply with federal law and provided the name of an attorney to whom they should convey that information. The Department's practice was to contact local officials shortly after the decision and determine what the jurisdiction's course of action would be.

Based upon the information received following the objection, the Department would determine the most effective means of ensuring compliance with the objection, which included a review of pending litigation, if any, that might be related to the change. The Department's criteria for selecting cases or taking additional enforcement steps are privileged as part of the deliberative, pre-decisional process. *See* General Objections. It is the Department's long-standing practice to assess the facts and law specific to each matter when deciding what enforcement steps are appropriate.

SECTION 203 OF THE VOTING RIGHTS ACT

25. Identify the Section 203, 4(e), or 4(f)(4) cases that the Department filed, or in which it intervened, filed an amicus brief, or statement of interest, for each fiscal year from 2006 to the present. For each relevant case, provide the case name, the case number, the court, the year the case was initiated, the year that the Department joined the case, the subject matter of the case, and the maximum and minimum number of DOJ lawyers assigned to the case, noting the applicable year of such staffing level assignments. If applicable, provide whether there was a judgment, settlement, dismissal, or other resolution, and whether any such resolution was in DOJ's favor.

Response: The Section 203, 4(e), or 4(f)(4) cases that the Department has filed during the specified time period are described below. For cases in which the Department filed an amicus brief or statement of interest, see response to Question 32. The Department's [website](#) contains more information about Section 203, 4(e), or 4(f)(4) cases and out-of-court settlements.

During the specified period of time, Voting Section staff has been assigned as necessary to investigate, and, where appropriate, litigate Section 203, 4(e), or 4(f)(4) matters. To the

extent that this Interrogatory seeks information about specific staffing levels on individual cases, the Department objects on the grounds that disclosure of such information would reveal internal deliberations and attorney work product, and reveal investigative techniques.

United States v. Orange County, No. 7:12-cv-03071 (S.D.N.Y. 2012)

On April 18, 2012, the Department filed a complaint against Orange County, alleging a violation of 4(e) of the Voting Rights Act. On April 19, 2012, the Court approved a consent decree to resolve the case. On March 9, 2015, the Court entered a stipulation to extend the existing consent decree until January 31, 2017.

United States v. Colfax County, No. 8:12-cv-00084 (D. Neb. 2012)

On February 27, 2012, the Department filed a complaint against Colfax County, alleging a violation of Section 203 of the Voting Rights Act. On March 2, 2012, the Court entered a consent order and decree to resolve the case.

United States v. Lorain County, No. 1:11-cv-02122 (N.D. Ohio 2011)

On October 7, 2011, the Department filed a complaint against Lorain County, along with a memorandum of agreement, to resolve a violation of Section 4(e) of the Voting Rights Act. On October 7, 2011, the Court entered the parties' requested order and agreement to resolve the case.

United States v. Alameda County, No. 3:11-cv-03262 (N.D. Cal. 2011)

On June 30, 2011, the Department filed a complaint against Alameda County, alleging violations of Section 203 of the Voting Rights Act. On October 19, 2011, the Court entered a consent decree to resolve the case.

United States v. Cuyahoga County, No. 1:10-cv-01949 (N.D. Ohio 2010)

On September 1, 2010, the Department filed a complaint against Cuyahoga County, along with a settlement agreement, to resolve a violation of Section 4(e) of the Voting Rights Act. On September 3, 2010, the Court entered an agreement, judgment, and order to resolve the case.

United States v. Riverside County, No. 2:10-cv-01059 (C.D. Cal. 2010)

On February 12, 2010, the Department filed a complaint against Riverside County, along with a memorandum of agreement, to resolve a violation of Section 203 of the Voting Rights Act. On April 30, 2010, the Court entered an order granting the parties' requested order and agreement to resolve the case.

United States v. Fort Bend County, No. 4:09-cv-01058 (S.D. Tex. 2009)

On April 9, 2009, the Department filed a complaint against Fort Bend County, along with a proposed consent decree, to resolve a violation of Section 4(f)(4) of the Voting Rights

Act. The complaint also alleged violations of Section 208 of the Voting Rights Act and the Help America Vote Act. On April 13, 2009, the court entered the consent decree to resolve all the claims in the case.

United States v. Salem County and the Borough of Penns Grove, No. 1:08-cv-03276 (D.N.J. 2008)

On July 28, 2008, the Department filed a complaint against Salem County and the Borough of Penns Grove, along with a proposed settlement agreement and order, to resolve allegations of violations of the Voting Rights Act. The complaint alleged a violation of Section 4(e) of the Voting Rights Act. The complaint also alleged violations of Sections 2 and 208 of the Voting Rights Act. On July 29, 2008, the Court entered the settlement agreement and order to resolve all of the claims in the case.

United States v. Kane County, IL, No. 1:07-cv-05451 (N.D. Ill. 2007)

On September 26, 2007, the Department filed a complaint against Kane County, IL, along with a memorandum of agreement, to resolve a violation of Section 203 of the Voting Rights Act. The complaint also included a claim under Section 208 of the Voting Rights Act. On November 7, the Court entered an order granting the parties' requested order and agreement to resolve the claims in the case.

United States v. City of Earth, No. 5:07-cv-00144 (N.D. Tex. 2007)

On July 16, 2007, the Department filed a complaint against the City of Earth alleging a violation of Section 203 of the Voting Rights Act. On September 4, 2007, the Court entered a consent decree to resolve the case.

United States v. Littlefield ISD, No. 5:07-cv-00145 (N.D. Tex. 2007)

On July 16, 2007, the Department filed a complaint against the Littlefield ISD alleging a violation of Section 203 of the Voting Rights Act. On September 4, 2007, the Court entered a consent decree to resolve the case.

United States v. Post ISD, No. 5:07-cv-00146 (N.D. Tex. 2007)

On July 16, 2007, the Department filed a complaint against the Post ISD alleging a violation of Section 203 of the Voting Rights Act. On September 4, 2007, the Court entered a consent decree to resolve the case.

United States v. City of Seagraves ISD, No. 5:07-cv-00147 (N.D. Tex. 2007)

On July 16, 2007, the Department filed a complaint against the Seagraves ISD alleging a violation of Section 203 of the Voting Rights Act. On September 4, 2007, the Court entered a consent decree to resolve the case.

United States v. Smyer ISD, No. 5:07-cv-00148 (N.D. Tex. 2007)

On July 16, 2007, the Department filed a complaint against the Smyer ISD alleging a violation of Section 203. On September 4, 2007, the Court entered a consent decree to resolve the case.

United States v. Galveston County, No. 3:07-cv-00377 (S.D. Tex. 2007)

On July 16, 2007, the Department filed a complaint against Galveston County, alleging a violation of Section 4(f)(4) of the Voting Rights Act. The complaint also included a claim under the Help America Vote Act. On July 20, 2007, the Court entered a consent decree to resolve all the claims in the case.

United States v. City of Walnut, No. 2:07-cv-02437 (C.D. Ca. 2007)

On April 12, 2007, the Department filed a complaint against the City of Walnut, alleging violations of Section 203 of the Voting Rights Act. On November 9, 2007, the Court entered a consent decree to resolve the case.

United States v. City of Philadelphia, No. 2:06-cv-4592 (E.D. Pa. 2006)

On October 13, 2006, the Department filed a complaint against the City of Philadelphia, under Sections 203 and 208 of the Voting Rights Act. On April 26, 2007, the Department filed an amended complaint, contemporaneously with the signing of a settlement agreement. The amended complaint alleged violations of Sections 2 and 4(e) of the Voting Rights Act, the Help America Vote Act and the National Voter Registration Act. The settlement agreement resolved all the claims in the case. On June 4, 2007, the Court entered an order retaining jurisdiction to enforce the terms of the settlement agreement until July 1, 2009.

United States v. City of Springfield, No. 3:06-cv-30123 (D. Mass. 2006)

On August 2, 2006, the Department filed a complaint against the City of Springfield, alleging a violation of Section 203 of the Voting Rights Act. The complaint also alleged a violation of Section 208 of the Voting Rights Act. On November 9, 2007, the Court entered an agreed settlement order that resolved all the claims the case. On January 16, 2008, the Court granted an extension of the settlement order until January 31, 2010.

United States v. Brazos County, No. 4:06-cv-02165 (S.D. Tex. 2006)

On June 28, 2006, the Department filed a complaint against Brazos County, alleging a violation of Section 4(f)(4) of the Voting Rights Act for failure to provide election-related information and language assistance in Spanish effectively. The complaint also alleged a violation of Section 208 of the Voting Rights Act. On June 29, 2006, the Court entered a consent decree that resolved all the claims in the case.

United States v. Cochise County, No. 4:06-cv-00304 (D. Ariz. 2006)

On June 16, 2006, the Department filed a complaint against Cochise County, alleging a violation of Section 203 of the Voting Rights Act. The complaint also alleged a violation

of the Help America Vote Act. On October 12, 2006, the Court entered a consent decree that resolved all the claims in the case.

United States v. Hale County, No. 5:06-cv-00043 (N.D. Tex. 2006)

On February 27, 2006, the Department filed a complaint against Hale County, alleging a violation of Section 203 of the Voting Rights Act. The complaint also alleged a violation of Section 208 of the Voting Rights Act. On April 27, 2006, the Court entered a consent decree that resolved all the claims in the case.

The three out-of-court settlements listed below were entered to resolve alleged violations of the language minority provisions of the Voting Rights Act. Because no complaint was ever filed, there is no court docket number for these cases. Documents concerning these settlements are contained in Attachment Q. 25 and are available online at <https://www.justice.gov/crt/voting-section-litigation>.

United States and Napa County, California, May 31, 2016 Memorandum of Agreement (Section 203 of the Voting Rights Act)

United States and Shannon County, South Dakota, April 23, 2010 Memorandum of Agreement (Section 4(f)(4) of the Voting Rights Act)

United States and the Commonwealth of Massachusetts (on behalf of the City of Worcester, MA), September 22, 2008 Memorandum of Understanding (Section 4(e) of the Voting Rights Act)

26. Please identify any notice letters of intent to sue for alleged Section 203, 4(e), or 4(f)(4) violations, the subject matter of the voting practice in the putative challenge, and identify any instances in which a jurisdiction that received a notice letter of intent to sue changed its voting practice prior to the initiation of a Department suit, noting whether that change ameliorated the Department’s voting rights concern.

Response: Any notice letters of intent to sue that resulted in the filing of a complaint and/or entry of a settlement are described in the response to Question 25 (describing Section 203, 4(e) or 4(f)(4) cases and settlements). For matters where a complaint has not yet been filed, the Department objects to this Interrogatory because the notice letters in these matters are non-public and consist of information compiled for law enforcement purposes, the disclosure of which may reasonably be expected to interfere with the Department’s ongoing law enforcement work. Additionally, under 5 U.S.C. § 552(b)(7)(C), disclosure of portions of those documents may constitute an unwarranted invasion of personal privacy. *See* General Objections.

27. Please identify any investigation of an alleged Section 203, 4(e), or 4(f)(4) violation the Department undertook which did not result in a DOJ action including but not limited to a notice letter of intent to sue, an intervention in a case, an amicus brief, a statement of interest, or DOJ filing suit.

Response: The Department objects to this Interrogatory because it seeks information compiled for law enforcement purposes, the disclosure of which may reasonably be expected to interfere with the Department’s ongoing law enforcement work, may consist of pre-decisional deliberative material and/or work product material, and that is exempt from access as a privileged document that would not be discoverable in litigation. Additionally, under 5 U.S.C. § 552(b)(7)(C), disclosure of portions of those documents may constitute an unwarranted invasion of personal privacy.

28. What efforts has the DOJ made to assess jurisdictions’ compliance with the December 2016 language determinations under Section 203, including jurisdictions newly subject to Section 203 and jurisdictions that had already been subject to 203 but now have a new language responsibility?

Response: Section 203 of the Voting Rights Act requires that when a covered state or political subdivision provides registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language. The Civil Rights Division has provided guidance to local election officials on how to comply with language minority provisions. These guidelines are entitled “Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups.” 28 C.F.R. Part 55.

After the 2006 amendments to the Voting Rights Act, the Census Bureau makes its Section 203 coverage determinations every five years based on data from the American Community Survey. The latest round of Census coverage determinations were issued in December 2016. Following the determinations, the Department undertook an extensive program of outreach to covered jurisdictions. The Department sent letters to all of the covered jurisdictions, including tailored letters for jurisdictions covered for the first time and jurisdictions covered for new or additional languages. The letters advised them of their Section 203 responsibilities, provided guidelines and best practices for developing a successful language program, and a contact for additional assistance. In the weeks and months following the determinations, the Department has continued its outreach to election officials and members of minority language communities, focusing particularly on jurisdictions with new Section 203 obligations. The Department has also monitored elections in the field in a number of covered jurisdictions since the 2016 determinations.

SECTION 208 OF THE VOTING RIGHTS ACT

29. Identify the Section 208 cases that the Department filed, or in which it intervened, filed an amicus brief, or statement of interest, or took some other action, for each fiscal year from 2006 to the present. For each relevant case, provide the case name, the case number, the court, the year the case was initiated, the year that the Department joined the case, the subject matter of the case, and the maximum and minimum number of DOJ lawyers assigned to the case, noting the applicable year of such staffing level assignments. If

applicable, provide whether there was a judgment, settlement, dismissal, or other resolution, and whether any such resolution was in DOJ's favor.

Response: The Section 208 claims that the Department has filed during the time period specified are described in the list of cases below. The Department's website contains more information about Section 208 cases at <https://www.justice.gov/crt/cases-raising-claims-under-section-208-voting-rights-act>. For cases in which the Department filed an amicus brief or statement of interest, see response to Question 32. During the specified period of time, Voting Section staff has been assigned as necessary to investigate, and as appropriate, to litigate Section 208 matters. To the extent that this Interrogatory seeks information about specific staffing levels on individual cases, the Department objects on the grounds that disclosure of such information would reveal internal deliberations and attorney work product.

United States v. Fort Bend County, No. 4:09-cv-01058 (S.D. Tex. 2009)

On April 9, 2009, the Department filed a complaint against Fort Bend County, along with a proposed consent decree, to resolve a violation of Section 208 of the Voting Rights Act. The complaint also alleged a violation of Section 4(f)(4) of the Voting Rights Act, and violations of the Help America Vote Act. On April 13, 2009, the court entered the consent decree to resolve all the claims in the case.

United States v. Salem County and the Borough of Penns Grove, No. 1:08-cv-03276 (D.N.J. 2008)

On July 28, 2008, the Department filed a complaint against Salem County and the Borough of Penns Grove, along with a proposed settlement agreement and order, to resolve a violation of Section 208 of the Voting Rights Act. The complaint also alleged violations of Sections 2 and 4(e) of the Voting Rights Act. On July 29, 2008, the Court entered the settlement agreement and order to resolve all the claims in the case.

United States v. Kane County, No. 1:07-cv-05451 (N.D. Ill. 2007)

On September 26, 2007, the Department filed a complaint against Kane County, along with a memorandum of agreement, to resolve a violation of Section 208 of the Voting Rights Act. The complaint also included a claim under Section 203 of the Voting Rights Act. On November 7, the Court entered an order granting the parties' requested order and agreement to resolve the claims in the case.

United States v. City of Philadelphia, No. 2:06-cv-4592 (E.D. Pa. 2006)

On October 13, 2006, the Department filed a complaint against the City of Philadelphia under Sections 203 and 208 of the Voting Rights Act. On April 26, 2007, the Department filed an amended complaint, contemporaneously with the signing of a settlement agreement. The amended complaint alleged violations of Sections 2 and 4(e) of the Voting Rights Act, the Help America Vote Act, and the National Voter Registration Act. The settlement agreement resolved all of the claims in the case. On

June 4, 2007, the Court entered an order retaining jurisdiction to enforce the terms of the settlement agreement until July 1, 2009.

United States v. City of Springfield, No. 3:06-cv-30123 (D. Mass. 2006)

On August 2, 2006, the Department filed a complaint against the City of Springfield, alleging a violation of Section 208 of the Voting Rights Act. The complaint also alleged a violation of Section 203 of the Voting Rights Act. On November 9, 2007, the Court entered an agreed settlement order that resolved all the claims the case. On January 16, 2008, the Court granted an extension of the settlement order until January 31, 2010.

United States v. Brazos County, No. 4:06-cv-02165 (S.D. Tex. 2006)

On June 28, 2006, the Department filed a complaint against Brazos County, alleging a violation of Section 208 of the Voting Rights Act. The complaint also alleged a violation of Section 4(f)(4) of the Voting Rights Act. On June 29, 2006, the Court entered a consent decree that resolved all claims in the case.

United States v. Hale County, No. 5:06-cv-00043 (N.D. Tex. 2006)

On February 27, 2006, the Department filed a complaint against Hale County, alleging a violation of Section 208 of the Voting Rights Act. The complaint also alleged a violation of Section 203 of the Voting Rights Act. On April 27, 2006, the Court entered a consent decree that resolved all the claims in the case.

30. Please identify any notice letters of intent to sue for alleged Section 208 violations, the subject matter of the voting practice in the putative challenge, and identify any instances in which a jurisdiction that received a notice letter of intent to sue changed its voting practice prior to the initiation of a Department suit, noting whether that change ameliorated the Department's voting rights concern.

Response: Any notice letters of intent to sue that resulted in the filing of a complaint and/or entry of a settlement are described in the response to Question 29 (describing Section 208 cases and settlements). For matters where a complaint has not yet been filed and are in the pre-investigation or investigation stage, the Department objects to this Interrogatory because the notice letters are non-public, and consist of information compiled for law enforcement purposes, the disclosure of which may reasonably be expected to interfere with the Department's ongoing law enforcement proceedings. Additionally, under 5 U.S.C. § 552(b)(7)(C), disclosure of portions of those documents may constitute an unwarranted invasion of personal privacy.

31. Please identify any investigation of an alleged Section 208 violation the Department undertook which did not result in a DOJ action including but not limited to a notice letter of intent to sue, an intervention in a case, an amicus brief, a statement of interest, or DOJ filing suit.

Response: The Department objects to this Interrogatory because it seeks information compiled for law enforcement purposes, the disclosure of which may reasonably be expected to interfere with the Department's ongoing law enforcement work, may consist of pre-decisional deliberative material and/or work product material, and is exempt from access as a privileged document that would not be discoverable in litigation. Additionally, under 5 U.S.C. § 552(b)(7)(C), disclosure of portions of those documents may constitute an unwarranted invasion of personal privacy.

DOJ VOTING RIGHTS AMICUS BRIEFS AND STATEMENTS OF INTEREST

32. Provide a summary of all voting rights cases where the Department submitted an amicus brief or statement of interest related to the VRA for each fiscal year from 2006 to the present. For each relevant case, provide the case name, the case number, the court, the year the case was initiated, the subject matter of the brief or statement and, if applicable, describe the resolution of the matter and whether it was in DOJ's favor.

Response: The Department submitted a statement of interest or an amicus brief in in the following cases involving the Voting Rights Act:

- *OCA Greater Houston v. Texas*, No. 16-51126 (5th Cir. 2017)
- *McCrary v. Harris*, No. 15-1262 (S.Ct. 2016)
- *Bethune-Hill v. Virginia State Board of Elections*, No. 15-680 (S.Ct. 2016)
- *Wittman v. Personhuballah*, No. 14-1504 (S. Ct.)
- *Sanchez v. Cegavske*, No. 3:16-cv-00523 (D. Nev. 2016)
- *Greater Birmingham Ministries v. Alabama*, No. 2:15-cv-02193 (N.D. Ala. 2016)
- *Poor Bear v. Jackson County*, No. 5:14-cv-05059 (D.S.D. 2016)
- *Harris v. Arizona Independent Redistricting Commission*, No. 14-232 (S.Ct. 2015)
- *Evenwel v. Abbott*, No. 14-940 (S.Ct. 2015)
- *Ohio State Conference of the NAACP v. DeWine*, No. 14-3877 (6th Cir. 2014)
- *Alabama Legislative Black Caucus v. Alabama and Alabama Democratic Conference v. Alabama*, Nos. 13-895 and 13-1138 (S.Ct. 2014)
- *Frank v. Walker and LULAC of Wisconsin v. Deininger*, Nos. 14-2058 & 14-2059 (7th Cir. 2014)
- *Montes v. City of Yakima*, No. 2:12-cv-03108 (E.D. Wash. 2014)
- *NAACP v. Husted*, No. 2:14-cv-00404 (S.D. Ohio 2014)
- *Toyukak v. Treadwell*, No. 3:13-cv-00137 (D. Alaska 2014)
- *Wandering Medicine v. McCulloch*, No. 1:12-cv-00135 (D. Mt. 2012 and 2014), No. 12-35926 (9th Cir. 2013)
- *Mi Familia Vota v. Detzner*, No. 8:12-cv-01294 (M.D. Fla. 2012)
- *Samuelson v. Treadwell*, No. 3:12-cv-00118 (D. Alaska 2012)
- *Petteway v. Galveston County*, No. 3:11-cv-00511 (S.D. Tex. 2012)
- *Perez v. Perry*, No. 5:11-cv-00360 (W.D. Tex. 2011, 2012, 2013), Nos. 11-713, 11-714 and 11-715 (S.Ct. 2011)
- *State of Florida v. United States*, No. 4:12-mc-00003 (N.D. Fla. 2012)

- *Lepak v. City of Irving*, No. 3:10-cv-00277 (N.D. Tex. 2010), No. 11-10194 (5th Cir. 2011)
- *Simmons v. Galvin*, No. 09-920 (S. Ct. 2010)
- *Perez-Santiago v. Volusia County*, No. 6:08-cv-01868 (M.D. Fla. 2009)
- *Morales v. Handel*, No. 1:08-cv-03172 (N.D. Ga. 2008, 2009)
- *Myers v. City of McComb*, No. 3:05-cv-00481 (S.D. Miss. 2007)

A list of district court cases involving participation by amicus brief or statement of interest, and a copy of the relevant briefs, is available at <https://www.justice.gov/crt/voting-section-litigation>.

A list of court of appeals and Supreme Court cases involving participation by amicus brief or statement of interest, and a copy of the relevant briefs, is available at <https://www.justice.gov/crt/appellate-briefs-and-opinions>.

Additional documents responsive to this request are contained in Attachment Q. 32.

DOCUMENT REQUESTS

1. Please provide any and all policy guidance, written instructions, or directives developed or disseminated regarding the enforcement of Sections 2, 5, 203, and 208 of the Voting Rights Act created or in use since fiscal year 2006.

Response: The Department objects to this Document Request to the extent that it seeks privileged pre-decisional, deliberative material and attorney work product. It further objects to the vagueness of the phrase “written instructions, or directives developed or disseminated”. In an effort to assist the Commission, the Department refers the Commission to the guidance documents contained in Attachment Q. 9.

2. Please provide any and all policy guidance, written instructions, or directives developed or disseminated regarding voting rights enforcement after the *Shelby County v. Holder* decision.

Response: The Department objects to this Document Request to the extent that it seeks privileged pre-decisional, deliberative material and attorney work product. It further objects to the vagueness of the phrase “written instructions, or directives developed or disseminated”. In an effort to assist the Commission, the Department refers the Commission to the guidance document contained in Attachment D.R. 2 and to the information provided at the following link: <https://www.justice.gov/crt/voting-section>.

3. Please provide any memoranda, documents or analyses discussing whether to bring or continue litigation or other Department action in connection with VRA enforcement cases.

Response: The Department objects to this Document Request because it seeks information compiled for law enforcement purposes, the disclosure of which may

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reasonably be expected to interfere with the Department’s ongoing law enforcement work, may consist of pre-decisional deliberative material and/or work product material, and that is exempt from access as a privileged document that would not be discoverable in litigation. Additionally, under 5 U.S.C. § 552(b)(7)(C), disclosure of portions of those documents may constitute an unwarranted invasion of personal privacy.

4. Collect and provide documents, including evaluations or notes, created by DOJ’s federal election observers in the 2016 Presidential Election.⁵

Response: The Department objects to this Document Request because it seeks information compiled for law enforcement purposes, the disclosure of which may reasonably be expected to interfere with the Department’s ongoing law enforcement work, may consist of pre-decisional deliberative material and/or work product material, and that is exempt from access as a privileged document that would not be discoverable in litigation. Additionally, under 5 U.S.C. § 552(b)(7)(C), disclosure of portions of those documents may constitute an unwarranted invasion of personal privacy.

5. To the extent not covered by the document requests above, please provide any and all documents relied on to prepare responses to interrogatories.

Response: The Department objects to this Document Request because it seeks information compiled for law enforcement purposes, the disclosure of which may reasonably be expected to interfere with the Department’s ongoing law enforcement work, may consist of pre-decisional deliberative material and/or work product material, and that is exempt from access as a privileged document that would not be discoverable in litigation. Additionally, under 5 U.S.C. § 552(b)(7)(C), disclosure of portions of those documents may constitute an unwarranted invasion of personal privacy.

⁵ Department of Justice, About Federal Observers and Election Monitoring, <https://www.justice.gov/crt/about-federal-observers-and-election-monitoring> (last visited Oct. 11, 2017) (noting that federal election observers write reports of the activities they witness in polling places and provide those reports to the Division).