UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PUBLIC INTEREST LEGAL FOUNDATION, INC., **Plaintiff,** **v.** **MONICA HOLMAN EVANS,** *in her official capacity as Executive Director of the District of Columbia Board of Elections* **Defendant.**	**Civil Action No. 1:21-03180-ACR**

STIPULATED ORDER

1.   This Stipulated Order ("Order") is entered into by and between Plaintiff Public Interest Legal Foundation, Inc., and Executive Director Monica Holman Evans (collectively, "the Parties").

BACKGROUND

2.   On June 24, 2021, Plaintiff requested the following two categories of records (together, the "Requested Records") from Defendant pursuant to Section 8(i)(1) of the National Voter Registration Act of 1993 ("NVRA"), 52 U.S.C. § 20507(i)(1)[1] (the "Request"):

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[1] NVRA Section 8(i)(1) provides, "Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered."

    a. All "ERIC Data" received from ERIC[2] during the years 2019, 2020, and 2021 concerning registered voters identified as deceased or potentially deceased ("ERIC Reports").

    b. All reports and/or statewide-voter-registration-system-generated lists showing all registrants removed from the list of eligible voters for reason of death for the years 2019, 2020, and 2021 ("Deceased Cancellation Reports").

3.   Defendant denied the Request for the ERIC Reports.

4.   Defendant granted in part and denied in part the Request as it related to the second category of records, providing a list of former registrants removed from the District of Columbia's voter roll for the reason of death during the period January 1, 2019 – June 29, 2021, but withholding voter identification numbers and dates of birth on the grounds that D.C. law (3 D.C.M.R. § 510.5) prohibits disclosure of that information.

5.   On December 6, 2021, Plaintiff filed this action against Defendant (the "Litigation").

6.   Defendant denies liability for the cause of action Plaintiff asserts in the Litigation.

7.   The Parties have negotiated in good faith and now jointly execute and submit this Order to resolve the Litigation.

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[2] "ERIC" is the Electronic Registration Information Center.

JURISDICTION

8.   This Court has jurisdiction over this matter, pursuant to 28 U.S.C. § 1331 and 52 U.S.C. § 20510.

APPLICABILITY

9.   The terms of this Order shall apply to the Parties and their respective successors and assigns.

TERMS AND CONDITIONS

General Terms and Conditions

10.   The Parties to this Order are Plaintiff and Defendant. Except as to the release provision in Paragraph 22 below, nothing in this Order shall be construed to make any other person or entity not executing this Order a third-party beneficiary to this Order.

11.   Each undersigned representative of the Parties to this Order certifies that he or she is fully authorized by the party to enter into and execute the terms and conditions of this Order and to legally bind such party to this Order.

12.   This Order is the entire agreement between the Parties.

13.   This Order may be executed in any number of counterpart originals, each of which shall be deemed to constitute an original agreement, and all of which shall constitute one agreement. The execution of one counterpart by any party shall have the same force and effect as if that party had signed all other counterparts.

14.   This Order is governed by, and interpreted according to, the laws of the District of Columbia without regard to conflict of laws principles.

15.   The Parties represent that prior to signing this Order, each has read it, understood its terms and conditions, consulted with counsel, and voluntarily signed it.

16.   "ERIC Report Key" means the document attached hereto as Exhibit A.

Terms Governing Production of Records

17.   **ERIC Reports**

    a. Defendant shall provide to Plaintiff the 2021 ERIC Reports, which shall include all data described in columns 1 through 49 of the ERIC Report Key.

    b. Defendant may redact the voter identification number in columns 11 and 12, only if the voter identification number reveals the source of registration.

    c. Defendant shall redact the data from the Social Security Administration in columns 50 through 58 of the ERIC Report Key.

    d. Plaintiff shall forgo and dismiss its claim for date of birth information with respect to the Requested Records.

Terms Governing Time for Production and Future Requests

18.   Defendant shall provide the ERIC Reports described above to Plaintiff within forty-five (45) days of the date this Order is issued by the Court.

19.   In the event Plaintiff requests ERIC Reports or Deceased Cancellation Reports from Defendant in the future pursuant to NVRA Section 8(i), Defendant shall provide the records to Plaintiff in accordance with the terms of this Order and as described below, unless Defendant determines that the law governing disclosure has changed. For future requests and absent Defendant's determination that the law governing disclosure has changed, Defendant will disclose an ERIC Report in the following way:

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a. For ERIC Reports for which three calendar years have passed since the latest date of death noted in the report, Defendant shall produce the ERIC Report with no redactions, except to the extent necessary to protect the source of registration.

b. Otherwise, Defendant will disclose the requested ERIC Report in the same manner as the 2021 ERIC Reports noted above.

ATTORNEY'S FEES, COSTS, AND EXPENSES

20.   Within sixty (60) days of the date this Order is entered by the Court, Defendant shall pay to Plaintiff twenty-thousand dollars ($20,000) as compensation for the attorney's fees, costs, and expenses the Plaintiff incurred in the prosecution of the Litigation. *See* 52 U.S.C. 20510(c).

RETENTION OF JURISDICTION

21.   This Court retains jurisdiction to enforce the disclosure of the 2021 ERIC Reports under the terms of this Order.

RELEASE AND DISMISSAL

22.   Upon entering this Order, the Plaintiff shall release Defendant, and her respective successors and assigns and any other District of Columbia agencies or officials, from any claims arising from the conduct related to the Litigation.

23.   This Order constitutes a full settlement of and shall resolve all claims made by Plaintiff against Defendant in this Litigation. Upon entry of this Order, the Parties agree that this action shall be dismissed. Plaintiff shall file a joint stipulation of dismissal under

Fed. R. Civ. P. 41(a)(1)(A)(ii) within fourteen (14) days of Defendant producing the 2021

ERIC Reports to Plaintiff under the terms of this Order.

For the Plaintiff: Public Interest Legal Foundation, Inc.

  /s/ Noel. H. Johnson   2/14/2024

Noel H. Johnson   Date

Counsel for Public Interest Legal Foundation, Inc.

For the Defendant: Executive Director Monica Holman Evans

  /s/Monica Holman Evans   2/14/2024
                                                      Date

Approved as to Form:

   /s/ Aaron Finkhousen   2/15/2024
Aaron Finkhousen
Assistant Attorney General

This Stipulated Order is issued this 20th day of February, 2024.

ANA C. REYES
United States District Judge

DECEASED REPORT FORMAT

The report provides information about matches between your voter and the Social Security Administration's Death Master Index (SSDM).

The primary filter for this report is …
      REF_SCORE ███████████████████████
      MATCH_SCORE ██
      STATUS_CODE = (A)ctive or (I)nactive voter record matched with an (A)ctive Social Security Death Master record

Column #	Name	Type	Length	Description
1	STATE_CODE	VARCHAR	5	The two digit state code
2	NOTICE_ID	BIGINT	8	The unique ID assigned to this notification
3	NOTICE_CODE	VARCHAR	25	The type of notification: Always "DECEASED" for this report.
4	REF_SCORE	SMALLINT	2	A reference score to help rank the strength of the match
5	ERRULE_CODE	VARCHAR	25	A code that describes what fields matched. ████████████
6	MATCH_SCORE	DECIMAL	6	A match score to help rank the strength of the match between the two primary records
7	MATCH_KEY	VARCHAR	50	A combination of codes that describe what fields matched. ██████████
8	LATER_ACT_FLAG	INTEGER	4	This flag will be 1 if the voter's last activity date is later than the date of death. These matches are suspect and should be further researched before being acted upon.
The next three fields and the VTR group of fields provide information on your voter that has been matched_				
9	DSRC_CODE1	VARCHAR	25	This is the data source for your VOTER file, <state_code>_VR.
10	ETYPE_CODE1	VARCHAR	25	This will always be "VOTER" for this report
11	ENT_SRC_KEY1	VARCHAR	250	This is the unique key to your voter record, usually the voter ID
12	VTR_VOTER_ID	VARCHAR	25	Your voter ID
13	VTR_COUNTY	VARCHAR	50	The county the voter is registered in, passed from source voter record
14	VTR_COUNTY_ID	VARCHAR	25	A county ID, usually only for bottom up states.
15	VTR_VOTER_GROUP	VARCHAR	25	This is a grouping for voters such as Military, passed from source voter record
16	VTR_STATUS_CODE	CHARACTER	1	A=Active, I=Inactive or C=Canceled. This report only includes A=Active.
17	VTR_REG_DATE	VARCHAR	10	The original registration date for the VOTER record
18	VTR_LAST_ACT_DATE	VARCHAR	10	The last activity date of the VOTER record
19	VTR_LAST_VOTE_DATE	VARCHAR	10	The last vote date of the voter record
20	VTR_LAST_NAME	VARCHAR	50	Last name
21	VTR_FIRST_NAME	VARCHAR	50	First name
22	VTR_MIDDLE_NAME	VARCHAR	50	Middle name
23	VTR_NAME_PREFIX	VARCHAR	25	**not populated**
24	VTR_NAME_SUFFIX	VARCHAR	25	Name suffix (JR, SR, III, etc.)
25	VTR_RES_FROM_DATE	VARCHAR	10	Date the residence address became applicable
26	VTR_RES_ADDR1	VARCHAR	100	Residential address line 1
27	VTR_RES_ADDR2	VARCHAR	100	Residential address line 2
28	VTR_RES_ADDR3	VARCHAR	100	Residential address line 3
29	VTR_RES_CITY	VARCHAR	50	Residential city
30	VTR_RES_STATE	VARCHAR	50	Residential state
31	VTR_RES_ZIP_CODE	VARCHAR	10	Residential ZIP code
32	VTR_RES_ZIP4	VARCHAR	4	Residential ZIP plus-four code
33	VTR_RES_COUNTRY	VARCHAR	50	Residential country
34	VTR_MAIL_FROM_DATE	VARCHAR	10	Date the mailing address became applicable
35	VTR_MAIL_ADDR1	VARCHAR	100	Mailing address line 1
36	VTR_MAIL_ADDR2	VARCHAR	100	Mailing address line 2
37	VTR_MAIL_ADDR3	VARCHAR	100	Mailing address line 3
38	VTR_MAIL_CITY	VARCHAR	50	Mailing city
39	VTR_MAIL_STATE	VARCHAR	50	Mailing state
40	VTR_MAIL_ZIP_CODE	VARCHAR	10	Mailing ZIP code
41	VTR_MAIL_ZIP4	VARCHAR	4	Mailing ZIP plus-four code
42	VTR_MAIL_COUNTRY	VARCHAR	50	Mailing country
43	VTR_EMAIL_FROM_DATE	VARCHAR	10	Date the email address became applicable
44	VTR_EMAIL_ADDR	VARCHAR	100	Email address
45	VTR_PHONE_FROM_DATE	VARCHAR	10	Date the phone number became applicable
46	VTR_PHONE_NUM	VARCHAR	50	Phone number
_The next three fields describe what record is being reported as a match. DSRC_CODE2 and ETYPE_CODE2 are always "SSDM"_				
47	DSRC_CODE2	VARCHAR	25	The data source of the matched record. This will always be "SSDM"
48	ETYPE_CODE2	VARCHAR	25	The matched record's entity type always "SSDM".
49	ENT_SRC_KEY2	VARCHAR	250	The matched record's unique key.
The MCH group of fields provides information the matching Social Security Death Master record_				
50	MCH_STATUS_CODE	CHARACTER	1	The matched record's status code, only A=Active records are included
51	MCH_DOD	VARCHAR	10	The matched record's date of death
52	MCH_LAST_NAME	VARCHAR	50	Last name

EXHIBIT A

1	STATE_CODE	VARCHAR	5	The two digit state code
53	MCH_FIRST_NAME	VARCHAR	50	First name
54	MCH_MIDDLE_NAME	VARCHAR	50	Middle name
55	MCH_NAME_PREFIX	VARCHAR	25	**not populated**
56	MCH_NAME_SUFFIX	VARCHAR	25	Name suffix (JR, SR, III, etc.)
57	NOTICE_DT	TIMESTAMP	10	Date notice was produced
58	VERIF_CODE	VARCHAR	1	V or P code as reported on the Social Security Death Master list
				(V)erified = report verified with a family member or someone acting on behalf
				(P)roof = death certificate (or required information) observed

EXHIBIT A