

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Judge John L. Kane
Civil Action No. **08-cv-2321-JLK**

COMMON CAUSE OF COLORADO, on behalf of itself and its members;
MI FAMILIA VOTA EDUCATION FUND; and
SERVICE EMPLOYEES INTERNATIONAL UNION, on behalf of itself and its members,

Plaintiffs,

v.

BERNIE BUESCHER, in his official capacity as Secretary of State for the State of Colorado,
Defendant.

ORDER REGARDING SETTLEMENT OF COUNTS II, III, AND IV

Kane, J.

On October 25, 2008, Plaintiffs Common Cause of Colorado, Mi Familia Vota Education Fund, and Service Employees International Union (“SEIU”) (collectively “Plaintiffs”) filed the above-captioned action against the Secretary of State of Colorado in his official capacity to enforce provisions of the National Voter Registration Act of 1993, 42 U.S.C. §§ 1973gg et seq. (“NVRA”) and the Help America Vote Act (“HAVA”), 42 U.S.C. § 15483 (2002) (Doc. 1). On April 16, 2009, Plaintiffs filed an Amended Complaint (Doc. 46).

On January 21, 2010, the Parties entered into a Settlement Agreement and Mutual Release (“Agreement”), which resolves counts II, III, and IV of the Amended Complaint. The Agreement acknowledges that, since the filing of Plaintiffs’ Amended Complaint, the Secretary has adopted Election Rules 2.18, 2.20, 2.21, 2.22, and 2.23. The Agreement provides for (1) the Secretary to review certain voter registration records belonging to members of SEIU and Common Cause and individuals registered to vote by SEIU and Mi Familia Vota Education Fund

and order the correction or modification pursuant to the terms of the agreement; (2) advance written notice to Plaintiffs of proposed amendments to Rule 2.22; (3) public notice regarding the status of the Secretary's Voter Information Consolidation Effort; (4) dismissal without prejudice of Counts II, III, and IV of the Amended Complaint; and (5) each side to bear its own attorney fees and costs related to Counts II, III, and IV of the Amended Complaint. A copy of the Agreement is attached hereto as Exhibit 1.

In light of the Parties' Agreement, the Court hereby ORDERS that, in accordance with the terms of the Parties' Agreement,

1) Counts II, III, and IV of the Amended Complaint are DISMISSED WITHOUT PREJUDICE;

2) With respect to Counts II, III, and IV of the Amended Complaint, each party shall bear its own fees and costs.

Dated: January 22, 2010

s/John L. Kane
SENIOR U.S. DISTRICT JUDGE