

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF EASTPOINTE; EASTPOINTE
CITY COUNCIL; SUZANNE PIXLEY,
in her official capacity as Mayor of
Eastpointe; CARDI DEMONACO JR.,
MICHAEL KLINEFELT, SARAH
LUCIDO, and MONIQUE OWENS, in
their official capacities as members of the
Eastpointe City Council; and RYAN
COTTON, in his official capacity as
Eastpointe City Clerk,

Defendants.

Civil Action No. 4:17-CV-10079
(TGB) (DRG)

SUPPLEMENTAL ORDER

The United States filed this action to enforce Section 2 of the Voting Rights Act, 52 U.S.C. § 10301. On June 26, 2019, this Court entered a Consent Judgment and Decree (ECF No. 64) finding that the at-large, multiple-vote method of election then in place to elect members of the Eastpointe City Council resulted in a violation of Section 2 of the Voting Rights Act, 52 U.S.C. § 10301. As a remedy, the Decree put in place an agreed-upon ranked choice voting system for Eastpointe City Council elections. *Id.*, Order ¶ 4. To facilitate implementation of the Consent

Judgment and Decree previously entered, the Court hereby **ORDERS** that the Decree be supplemented as follows:

14. Notwithstanding Section 691 of the Michigan Election Law, Mich. Comp. Laws § 168.691, Defendants may use a ranked choice ballot that lists a candidate's name in more than one column on the ballot for the same office.

15. Notwithstanding Section 795(1)(c) of the Michigan Election Law, Mich. Comp. Laws § 168.795(1)(c), in tabulating a voter's ballot for an office elected using ranked choice voting, the voter's first preference will be counted by Defendants even if the voter has overvoted on subsequent preferences. Similarly, a voter's second or third preference may be counted by Defendants, per Section 5 of the MOU, even if the voter has overvoted on subsequent preferences.

SO ORDERED.

/s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Dated: October 18, 2019

The Undersigned Agree to Entry of this Supplemental Order.

For the United States of America:

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Eastern District of Michigan

ERIC S. DREIBAND
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/s/ Luttrell D. Levingston
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October 16, 2019
Date

For Defendants:

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October 16, 2019
Date