

## SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT ("Settlement") is entered into this 31<sup>st</sup> day of January, 2018, between STACEY HOPKINS ("Petitioner"), BRIAN KEMP, GEORGIA SECRETARY OF STATE ("Defendant Secretary of State"), and FULTON COUNTY BOARD OF REGISTRATION & ELECTIONS ("Defendant Fulton County") (together, "Defendants").

WHEREAS, the parties hereto are mutually desirous of settling the claims alleged in the lawsuit *Hopkins v. Kemp, et al.*, Civil Action File No. 2017CV293325, Superior Court of Fulton County.

NOW, THEREFORE, in consideration of the foregoing and the covenants, promises, conditions, and agreements set out hereinafter, Petitioner and Defendants agree to the following:

1. Actions That Have Already Been Taken:

- a. As detailed in the August 30, 2017 letter from Director of Elections, Chris Harvey, to Petitioner's counsel, the Office of the Secretary of State has compared the notice of change of address ("NCOA") data obtained in 2017 from a United States Postal Service ("USPS") licensee and, after modifying the reported county codes to match those utilized by the Office of the Secretary of State, has attempted to identify all electors that submitted an NCOA that involved only a move within the same county. (Hereafter "intra- county" moves).
- b. The status of all electors identified in paragraph (a) as having an intra-county move was then updated to "active" regardless of whether the voter had responded to a confirmation postcard mailed to them prior to the Office of the Secretary of State having determined, through comparison of various county codes and other data, that the moves were intra-county only.

- c. The items in paragraphs (a) and (b) above were completed in 2017 and prior to the amendment of the petition in this matter.
2. Defendant Secretary of State agrees to take the following additional steps:
  - a. Upon execution of this agreement, Defendant Secretary of State shall provide to each county registrar in this State a list of all electors from their county that:
    - i. Are included in the group of voters identified in paragraph 1(a) above; *and*
    - ii. Whose NCOA effective date was January 1, 2016 or later; *and*
    - iii. Who have not had contact with elections officials or otherwise updated their address since the effective date of the NCOA;
  - b. The parties understand that the electors described herein must meet all three of the conditions set forth in paragraph 2(a).
  - c. Defendant Secretary of State shall advise all county registrars to immediately update the address of all electors described in paragraph 2(a) above with the address provided in the NCOA data and mail an updated precinct card to the affected electors.
  - d. The parties agree that the total number of such electors statewide is approximately 35,859. The parties agree further that any address updates from electors subsequent to the execution of this agreement shall supersede any address update contained in the NCOA notice.
3. Upon the completion of paragraph 2(c) above by Defendant Secretary of State, Defendant Fulton County agrees to immediately update the address of all electors described in paragraph 2(a) above with the address provided in the NCOA data, and to mail such electors a new precinct card, where applicable.

4. The parties agree that in all future list maintenance processes pursuant to O.C.G.A. § 21-2-233, the Office of the Secretary of State will assess the NCOA data supplied to make a determination as to each voter's status as an intra-county or inter-county move prior to mailing any voter an address confirmation notice and instruct each county to change the list of electors to reflect the new address for intra-county moves.. Defendant Fulton County agrees to update the list of electors to reflect the new address pursuant to O.C.G.A. § 21-2-233(b). The parties agree further that an elector's failure to return the notice of change of address by which the elector may verify or correct the address information, mailed due to an intra-county move as prescribed by O.C.G.A. § 21-2-233(b), shall have no effect on an elector's status.
5. The parties specifically authorize and direct their attorneys to execute and file a stipulation of dismissal with prejudice of the mandamus action *Hopkins v. Kemp, et al.*, Civil Action File No. 2017CV293325 (Fulton Co. Superior Court), within two (2) business days following the execution of this agreement by all parties.
6. This Agreement sets forth the entire agreement between the parties hereto and fully supersedes any and all prior agreements or understandings between the parties hereto pertaining to the subject matter hereof. Petitioner affirms that the only consideration for signing this Agreement is the terms and conditions stated herein. No other promise, agreement or representation of any kind has been made to or with her by any persons or entities to cause her to execute this Agreement.
7. Should any provision of this Agreement be declared or be determined by any court to be illegal or invalid, the validity of the remaining parts, terms or provisions shall not be affected

thereby and said illegal or invalid part, term, or provision shall be deemed not to be a part of the Agreement.

8. All agreements and understandings embodied and expressed in the terms of this Agreement are contractual and are not mere recitals, and this Agreement is made and entered into within the State of Georgia and shall in all respects be interpreted, enforced and governed under the laws of the State of Georgia. The language of all parts of this Agreement shall be in all cases construed as a whole, according to its fair meaning, and not strictly for or against any of the parties.
9. This settlement Agreement is made to terminate further controversy respecting all claims that have been asserted against Defendants in the instant matter of *Hopkins v. Kemp, et al.*, Civil Action File No. 2017CV293325 (Fulton County Superior Court), including claims for attorneys' fees and costs. This is a full and final settlement and is not an admission of liability and shall not be treated as an admission at any time or in any manner whatsoever.
10. Each party will bear their own costs and expenses incurred in connection with this dispute and the Litigation.
11. Nothing in this Agreement shall be construed as the State's waiver of immunities available under state and federal law.


This Settlement Agreement shall become effective following execution.

IN WITNESS THEREOF, the Parties, through their duly authorized attorneys, have hereunto set their hands and seal this \_\_\_\_\_ day of January, 2018.

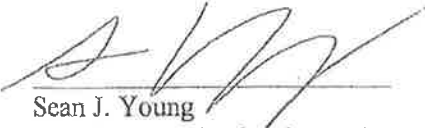
PETITIONER:

  
STACEY HOPKINS

DEFENDANT SECRETARY OF STATE:

  
BRIAN KEMP  
Georgia Secretary of State

COUNSEL FOR  
PETITIONER:



Sean J. Young  
American Civil Liberties Union  
Foundation of Georgia, Inc.  
P.O. Box 77208  
Atlanta, Georgia 30357

Attorney for Petitioner

COUNSEL FOR  
DEFENDANT SECRETARY OF STATE:

---

Christopher M. Carr  
Attorney General

Dennis R. Dunn  
Deputy Attorney General

Russell D. Willard  
Senior Assistant Attorney General

Cristina M. Correia  
Assistant Attorney General  
Georgia Department of Law  
40 Capitol Square SW  
Atlanta, GA 30334

Attorneys for Defendant Secretary of State

DEFENDANT FULTON COUNTY:

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[NAME]  
[TITLE]

COUNSEL FOR DEFENDANT FULTON COUNTY:

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Cheryl M. Ringer  
Senior Assistant County Attorney

David R. Lowman  
Assistant County Attorney

Office of the County Attorney  
141 Pryor St, S.W., Suite 4038  
Atlanta, GA 30303

Attorneys for Defendant Fulton County

COUNSEL FOR  
PETITIONER:

---

Sean J. Young  
American Civil Liberties Union  
Foundation of Georgia, Inc.  
P.O. Box 77208  
Atlanta, Georgia 30357

Attorney for Petitioner

COUNSEL FOR  
DEFENDANT SECRETARY OF STATE:

  
Christopher M. Carr  
Attorney General

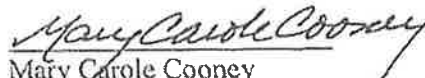
Dennis R. Dunn  
Deputy Attorney General

Russell D. Willard  
Senior Assistant Attorney General


Cristina M. Correia  
Assistant Attorney General  
Georgia Department of Law  
40 Capitol Square SW  
Atlanta, GA 30334

Attorneys for Defendant Secretary of State

DEFENDANT FULTON COUNTY:

  
Mary Carole Cooney  
Chairperson, Board of Registration and Elections

COUNSEL FOR DEFENDANT FULTON COUNTY:

  
Cheryl M. Ringer  
Senior Assistant County Attorney

David R. Lowman  
Assistant County Attorney

Office of the County Attorney  
141 Pryor St, S.W., Suite 4038  
Atlanta, GA 30303

Attorneys for Defendant Fulton County