

Notice of Proposed Settlement

NOTICE IS HEREBY GIVEN that on July 10, 2012, the United States Attorney General filed a notice in the federal district court in the District of Columbia, announcing his consent to Merced County's request to have a declaratory judgment entered, allowing the County to "bailout" of certain special provisions of the Voting Rights Act of 1965, pursuant to 42 U.S.C. § 1973b, as amended. The County filed its complaint in the bailout lawsuit on March 6. To qualify for bailout, the County had to satisfy a long list of requirements demonstrating that its electoral system is fair to all racial and ethnic groups within the County. On July 27, 2012, the Attorney General and the County filed a Joint Motion for Entry of Consent Judgment and Decree.

The declaratory judgment, which is expected to be entered shortly, will provide the County with an exemption from the requirements of Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c. Those provisions require certain specified jurisdictions ("covered" jurisdictions) to seek and obtain the approval of the U.S. Attorney General or the federal district court in the District of Columbia before implementing any change to the jurisdiction's voting practices—no matter how minor. This preapproval process is referred to as "preclearance." Merced is one of only four counties in California that is subject to Section 5 (along with Kings, Monterey & Yuba). The State of California is not subject to Section 5.

While Section 5 was targeted primarily at jurisdictions with a history of discrimination, "coverage" turned on neutral factors that were not necessarily tied to racial discrimination, and racial discrimination was not the cause of Merced County's coverage. Merced County was covered in 1975 because the turnout of eligible voters in the County at the November 1972 presidential election fell below 50%. This happened because the Census Bureau counted the Vietnam War-era military population of Castle Air Force Base as eligible to vote in Merced County, even though most of them voted absentee in their home counties. Castle Air Force Base closed in 1995.

Following bailout, the County will remain subject to: (1) Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, which is applicable to all jurisdictions in the Nation, (2) the Act's bilingual provisions, and (3) all other state and federal constitutional and statutory provisions governing elections and voting rights. The County will be subject to the same

laws and rules followed by 54 other counties in California, and will remove the stigma and high costs associated with Section 5 coverage.

Informational materials, including a list of Frequently Asked Questions regarding Section 5 and bailout, are available on the County's website at <http://www.co.merced.ca.us/index.aspx?NID=1707>.

Any person desiring information on the bailout lawsuit may contact Merced County Counsel, Mr. James Fincher, at 209.385.7564.