Assistant County Counsel
Richard M. Flores

Chief Civil Litigator
Roger S. Matzkind

Chief Deputy
Michael P. Calabrese

MERCED COUNTY

OFFICE OF THE COUNTY COUNSEL
JAMES N. FINCHER
County Counsel

Deputies
David A. Olsen
James E. Stone
Kimberly R. Helms
Marianne M. Greene
Sheri L. Damon

FOR IMMEDIATE RELEASE
CONTACT: Merced County Counsel, Mr. James Fincher, at 209.385.7564.

COUNTY FILES VOTING RIGHTS BAILOUT ACTION

Washington D.C. – On March 6, 2012, the County of Merced will file a Complaint in the United States District Court for the District of Columbia, seeking a declaratory judgment under the Voting Rights Act of 1965.

If successful, a declaratory judgment would be issued providing the County with an exemption (known as a bailout) from the special provisions 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.

Following bailout, the County would 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. A successful outcome would place the County under the same laws and rules followed by 54 other counties in California and remove the stigma and high costs associated with Section 5 coverage.

Prior to filing suit the Merced County Board of Supervisors held a public hearing and solicited public comment on the bailout. The suit was filed pursuant to Board of Supervisors Resolution No. 2010-142, adopted on July 27, 2010, following a Public

2222 "M" Street, Room 309, Merced, CA 95340 Telephone: (209) 385-7564 Facsimile: (209) 726-1337

Hearing regarding the same, held on Tuesday, April 27, 2010 at 10:00 a.m. A copy of that resolution and other informational materials, including a list of Frequently Asked Questions regarding Section 5 and bailout, are available on the County's website at - www.co.merced.ca.us/bailout

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