

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STATE OF FLORIDA,

Plaintiff,

v.

UNITED STATES OF AMERICA and
ERIC H. HOLDER, JR.,
in his official capacity as Attorney General,

Defendants,

FLORIDA STATE CONFERENCE OF THE
NAACP, *et al.*,

Defendant-Intervenors,

KENNETH SULLIVAN, *et al.*,

Defendant-Intervenors,

NATIONAL COUNCIL OF LA RAZA, and
LEAGUE OF WOMEN VOTERS OF
FLORIDA,

Defendant-Intervenors.

No. 1:11-cv-1428-CKK-MG-ESH

JOINT STATUS REPORT

Pursuant to this Court's Minute Order dated March 15, 2012, Plaintiff State of Florida ("Florida"), Defendants United States of America and Attorney General Eric H. Holder, Jr. ("United States"), and Defendant-Intervenors the NAACP Group, the Sullivan Group, and the NCLR Group submit this Joint Status Report to the Court. As specified by the Court's Minute Order, this Report advises the Court of the following:

- (1) identify the United States' position on each of the three voting changes that remain at issue in this case and specify whether the

United States intends to challenge each change on the basis of the purported retrogressive effect of the change, the underlying purpose, or both; (2) indicate whether the parties are in agreement as to the effect of the [81-1] Stipulation Concerning the Deposition of Kurt Browning on Florida's ability to present certain rebuttal testimony and, if the parties are not in agreement, briefly set forth their respective positions; and (3) explain the basis for Florida's objections, if any, to Defendant-Intervenors' standing to challenge the voting changes at issue on the basis of their purported underlying purpose and propose a procedural vehicle for resolving those objections.

The parties also provide the Court with a dial-in number and passcode for the telephonic Status Hearing scheduled for 2:30 p.m. on March 22, 2012.

1. The United States' Position as to the Remaining Sets of Voting Changes

As to the voter registration, early voting, and inter-county movers sets of voting changes enacted by Chapter 2011-40, amending Fla. Stat. §§ 97.0575, 101.657, and 101.045, respectively, the United States' position is that the State of Florida has not met its burden of proof under Section 5 of the Voting Rights Act, on behalf of its covered counties, that these three sets of proposed voting changes neither have the purpose nor will have the effect of denying or abridging the right to vote on the basis of race, color, or membership in a language minority group.

2. The Effect of the Stipulation Concerning Rebuttal Testimony

Florida will not offer any rebuttal witness who has not been deposed during discovery in this action.

3. Defendant-Intervenors' Independent Standing to Challenge Purpose

The United States avers that the State has not met its burden, on behalf of its covered counties, as to purpose and effect for the remaining sets of voting changes; therefore, this issue is moot.

4. Dial-In Number for the March 22, 2012 Status Hearing

The parties provide the following dial-in number and passcode for the March 22, 2012

Status Hearing:

Dial-in: 1-888-627-1810

Code: 2027197434

Respectfully submitted,

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