

**MEMORANDUM OF UNDERSTANDING
AND SETTLEMENT**

This settlement agreement (“Agreement”) is made and entered into between Judicial Watch, Inc. (“Judicial Watch”), and the Board of Elections in the City of New York, and each of its commissioners in their official capacities (the “BOE Defendants”; collectively, the “Parties”).

WHEREAS, Judicial Watch is the plaintiff and the BOE Defendants are named defendants in an action entitled *Judicial Watch, Inc. v. Valentine, et al.*, currently pending in the U.S. District Court for the Eastern District of New York, Case 1:22-cv-03952 (the “Action”).

WHEREAS, the complaint in the Action alleges that BOE Defendants have failed to remove outdated registrations that must be removed pursuant to Section 8(d)(1)(B) of the National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. § 20507.

WHEREAS, Judicial Watch notified the BOE Defendants in November 2021 of these alleged violations.

WHEREAS, the BOE Defendants notified Judicial Watch that, in February 2022, they removed, pursuant to Section 8(d)(1)(B) of the NVRA, 82,802 registrations in Bronx County, 128,093 in Kings County, 145,891 in New York County, 66,010 in Queens County, and 18,287 in Richmond County, for a total of 441,083 registrations.

WHEREAS, the BOE Defendants notified Judicial Watch that going forward they intend to cancel registrations pursuant to Section 8(d)(1)(B) in each odd-numbered year in the months following a federal election.

WHEREAS, the Parties, through counsel, have conferred and agreed that the Action should be settled without the delay and expense of litigation.

NOW, THEREFORE, in consideration of the mutual promises set forth below, and for other good and valuable consideration, the receipt and sufficiency of which the Parties hereby acknowledge, the Parties hereby agree as follows:

1. The BOE Defendants certify that their representations regarding the number of registrations removed pursuant to Section 8(d)(1)(B) in February 2022 are true and accurate.

2. For both 2023 and 2025, upon the written request of Judicial Watch in either or both of those years during the period from January 1 to January 31, the BOE Defendants will notify Judicial Watch, in either or both of those years on or before March 31, by means of separate excel spreadsheets for Bronx County, Kings County, New York County, Queens County, and Richmond County, of the number of removals, including removals pursuant to Section 8(d)(1)(B) of the NVRA, made during the previous two years. The spreadsheets shall be in the same form and contain the same fields as spreadsheets previously sent by the BOE Defendants to Judicial Watch in February 2022 and in September 2022.

3. Within 14 days of signing this Agreement, Judicial Watch will file a notice of voluntary dismissal of the Action pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i).

4. The signatories to this Agreement represent that they are authorized to execute and bind themselves or their respective organizations or agencies to this Agreement.

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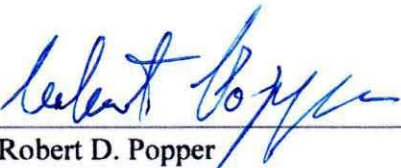
5. The Parties to this Agreement must employ best efforts to defend it against any legal challenge by non-parties to the Agreement, and will work cooperatively to ensure compliance with the terms of this Agreement.

6. Each Party shall bear its own attorney's fees and costs.

Dated: December 20, 2022
New York, New York

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