

Martinez, Ruben

Subject: FW: Section 203 Single Language Minority Group
Attachments: 1_frn_2016-28969.pdf

From: Martin Enriquezmarquez
Sent: Thursday, December 02, 2021 4:31 PM
To: cityclerk <cityclerk@cityofpasadena.net>; PublicComment-AutoResponse <publiccomment@cityofpasadena.net>
Subject: Section 203 Single Language Minority Group

CAUTION: This email was delivered from the Internet. Do not click links or open attachments unless you *know* the content is safe. Report phish using the Phish Alert Button. [Learn more...](#)

2 December 2021

Straight from the source.

Martin

regardless of what events necessitate such transfer.

DATES: November 29, 2016.

FOR FURTHER INFORMATION CONTACT: Christy Slamowitz, Counsel to the Inspector General, U.S. Department of Agriculture, 1400 Independence Avenue SW., Room 441-E, Washington, DC 20250-2308, Telephone: (202) 720-9110.

SUPPLEMENTARY INFORMATION: The OIG proposes revising the succession and delegations of authority for OIG by publishing a detailed sequence of succession within the Washington, DC, headquarters, followed by a detailed sequence of succession by region and position. This action is taken pursuant to authority vested in the Inspector General by the Federal Vacancies Reform Act (5 U.S.C. 3345-3349d) and the Inspector General Act of 1978 (5 U.S.C. app. 3).

For the reasons stated in the preamble, IG-1313, Change 8, Succession, Delegations of Authority, and Signature Authorities, has been revised to give notice of a delegation of authority and the line of succession from the Inspector General as follows:

I. Pursuant to authority vested in me by the Federal Vacancies Reform Act (5 U.S.C. 3345-3349d) and the Inspector General Act of 1978, as amended (5 U.S.C. app. 3), during any period in which the Inspector General (IG), United States Department of Agriculture (USDA), resigns, dies, or is otherwise unable to perform the functions and duties of the office, and unless the President shall designate another officer to perform the functions and duties of the position, the Deputy IG, as the designated first assistant to the IG, shall temporarily perform the IG's functions and duties in an acting capacity, pursuant to and subject to the Federal Vacancies Reform Act (5 U.S.C. 3345-3349d). In the absence of the IG and Deputy IG, the officials designated below, in the order listed, shall become the acting Deputy IG and so shall temporarily perform the functions and duties of the IG. This order may be changed by a delegation in writing from the IG, or by the Deputy IG while acting in the absence of the IG:

1. Assistant IG for Audit (AIG/A);
2. Assistant IG for Investigations (AIG/I);
3. Assistant IG for Management (AIG/M);
4. Assistant IG for Data Sciences (AIG/DS);
5. Counsel to the IG;
6. Deputy Assistant IG for Audit (DAIG/A), by seniority;

7. Deputy Assistant IG for Investigations (DAIG/I);
- The following officials for the listed locations in the following order:
8. Audit Directors, by seniority, then Investigations Director, Technical Crimes Division—Kansas City, Missouri;
9. Special Agent-in-Charge (SAC)—Temple, Texas;
10. Audit Director—Beltsville, Maryland;
11. SAC—New York, New York;
12. Audit Director, then SAC—Oakland, California;
13. Audit Director, then SAC—Atlanta, Georgia;
14. Audit Director, then SAC—Chicago, Illinois;
15. Director, Office of Compliance and Integrity; or
16. Director, Office of Diversity and Conflict Resolution.

II. For purposes of this order of succession, a designated official is a person holding a permanent appointment to the position. Persons filling positions in an acting capacity do not substitute for officials holding a permanent appointment to a position. If a position is vacant or an official occupying the position on a permanent basis is absent or unavailable, authority passes to the next available official occupying a position in the order of succession.

III. This delegation is not in derogation of any authority residing in the above officials relating to the operation of their respective programs, nor does it affect the validity of any delegations currently in force and effect and not specifically cited as revoked or revised herein.

IV. The authorities delegated herein may not be redelegated.

Authority: 5 U.S.C. 3345-3349d; 5 U.S.C. app. 3.

Dated: November 29, 2016.

Phyllis K. Fong,
Inspector General.

[FR Doc. 2016-29096 Filed 12-2-16; 8:45 am]

BILLING CODE 3410-23-P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 161107999-6999-01]

Voting Rights Act Amendments of 2006, Determinations Under Section 203

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of determination.

SUMMARY: As required by Section 203 of the Voting Rights Act of 1965, as

amended, this notice publishes the Bureau of the Census (Census Bureau) Director's determinations as to which political subdivisions are subject to the minority language assistance provisions of the Act. As of this date, those jurisdictions that are listed as covered by Section 203 have a legal obligation to provide the minority language assistance prescribed by the Act.

EFFECTIVE DATE: This notice is effective on December 5, 2016.

FOR FURTHER INFORMATION CONTACT: For information regarding this notice, please contact Mr. James Whitehorse, Chief, Census Redistricting and Voting Rights Data Office, Bureau of the Census, United States Department of Commerce, Room 4H057, 4600 Silver Hill Rd, Washington, DC 20233, by telephone at 301-763-4039, or visit the Redistricting & Voting Rights Data Office Internet site at <http://www.census.gov/rdo/>.

For information regarding the applicable provisions of the Act, please contact T. Christian Herren, Jr., Chief, Voting Section, Civil Rights Division, United States Department of Justice, Room 7254-NWB, 950 Pennsylvania Avenue NW., Washington, DC 20530, by telephone at (800) 253-3931 or visit the Voting Section Internet site at <https://www.justice.gov/crt/voting-section>.

SUPPLEMENTARY INFORMATION: In July 2006, Congress amended the Voting Rights Act of 1965, now codified at Title 52, United States Code (U.S.C.), § 10301 *et seq.* (See Pub. L. 109-246, 120 Stat. 577 (2006)). Among other changes, the sunset date for minority language assistance provisions set forth in Section 203 of the Act was extended to August 5, 2032.

Section 203 mandates that a state or political subdivision must provide language assistance to voters if more than five (5) percent of voting age citizens are members of a single-language minority group and do not "speak or understand English adequately enough to participate in the electoral process" and if the rate of those citizens who have not completed the fifth grade is higher than the national rate of voting age citizens who have not completed the fifth grade. When a state is covered for a particular language minority group, an exception is made for any political subdivision in which less than five (5) percent of the voting age citizens are members of the minority group and are limited in English proficiency, unless the political subdivision is covered independently. A political subdivision is also covered if more than 10,000 of the voting age citizens are members of a single-language minority group, do not "speak

or understand English adequately enough to participate in the electoral process,” and the rate of those citizens who have not completed the fifth grade is higher than the national rate of voting age citizens who have not completed the fifth grade.

Finally, if more than five (5) percent of the American Indian or Alaska Native voting age citizens residing within an American Indian Area, as defined for the purposes of the decennial census, are members of a single language minority group, do not “speak or understand English adequately enough to participate in the electoral process,” and the rate of those citizens who have not completed the fifth grade is higher than the national rate of voting age citizens who have not completed the fifth grade, any political subdivision, such as a county, which contains all or any part of that American Indian Area, is covered by the minority language

assistance provision set forth in Section 203. For the 2010 Census, American Indian areas and Alaska Native Regional Corporations were identified by the federally recognized tribal governments, Bureau of Indian Affairs, and state governments. The Census Bureau worked with American Indians and Alaska Natives to identify statistical areas, such as Oklahoma Tribal Statistical Areas (OTSA), Tribal Designated Statistical Areas (TDSA), State Designated Tribal Statistical Areas (SDTSA), and Alaska Native Village Statistical Areas (ANVSA).

Pursuant to Section 203, the Census Bureau Director has the responsibility to determine which states and political subdivisions are subject to the minority language assistance provisions of Section 203. The state and political subdivisions obligated to comply with the requirements are listed in the attachment to this Notice.

Section 203 also provides that the “determinations of the Director of the Census under this subsection shall be effective upon publication in the **Federal Register** and shall not be subject to review in any court.” Therefore, as of this date, those jurisdictions that are listed as covered by Section 203 have legal obligation to provide the minority language assistance prescribed in Section 203 of the Act. In the cases where a state is covered, those counties or county equivalents not displayed in the attachment are exempt from the obligation. Those jurisdictions subject to Section 203 of the Act previously, but not included on the list below, are no longer obligated to comply with Section 203.

Dated: November 22, 2016.
John H. Thompson,
Director, Bureau of the Census.

COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2015

State and political subdivision	Language minority group
Alaska:	
Aleutians East Borough	Filipino.
Aleutians East Borough	Hispanic.
Aleutians East Borough	Yup'ik.
Aleutians West Census Area	Aleut.
Aleutians West Census Area	Filipino.
Bethel Census Area	Inupiat.
Bethel Census Area	Yup'ik.
Bristol Bay Borough	Yup'ik.
Dillingham Census Area	Yup'ik.
Kenai Peninsula Borough	Yup'ik.
Kodiak Island Borough	Yup'ik.
Lake and Peninsula Borough	Yup'ik.
Nome Census Area	Inupiat.
Nome Census Area	Yup'ik.
North Slope Borough	Inupiat.
Northwest Arctic Borough	Inupiat.
Southeast Fairbanks Census Area	Alaskan Athabaskan.
Valdez-Cordova Census Area	Alaskan Athabaskan.
Wade Hampton Census Area	Inupiat.
Wade Hampton Census Area	Yup'ik.
Yukon-Koyukuk Census Area	Alaskan Athabaskan.
Yukon-Koyukuk Census Area	Inupiat.
Arizona:	
Apache County	American Indian (Navajo).
Coconino County	American Indian (Navajo).
Gila County	American Indian (Apache).
Graham County	American Indian (Apache).
Maricopa County	Hispanic.
Navajo County	American Indian (Navajo).
Pima County	Hispanic.
Pinal County	American Indian (Apache).
Santa Cruz County	Hispanic.
Yuma County	Hispanic.
California:	
State Coverage	Hispanic.
Alameda County	Chinese (including Taiwanese).
Alameda County	Filipino.
Alameda County	Hispanic.
Alameda County	Vietnamese.
Colusa County	Hispanic.
Contra Costa County	Chinese (including Taiwanese).
Contra Costa County	Hispanic.
Del Norte County	American Indian (All other American Indian Tribes).
Fresno County	Hispanic.

COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2015—Continued

State and political subdivision	Language minority group
Glenn County	Hispanic.
Imperial County	Hispanic.
Kern County	Hispanic.
Kings County	Hispanic.
Los Angeles County	Cambodian.
Los Angeles County	Chinese (including Taiwanese).
Los Angeles County	Filipino.
Los Angeles County	Hispanic.
Los Angeles County	Korean.
Los Angeles County	Vietnamese.
Madera County	Hispanic.
Merced County	Hispanic.
Monterey County	Hispanic.
Orange County	Chinese (including Taiwanese).
Orange County	Hispanic.
Orange County	Korean.
Orange County	Vietnamese.
Riverside County	Hispanic.
Sacramento County	Chinese (including Taiwanese).
Sacramento County	Hispanic.
San Benito County	Hispanic.
San Bernardino County	Hispanic.
San Diego County	American Indian (All other American Indian Tribes).
San Diego County	Chinese (including Taiwanese).
San Diego County	Filipino.
San Diego County	Hispanic.
San Diego County	Vietnamese.
San Francisco County	Chinese (including Taiwanese).
San Francisco County	Hispanic.
San Joaquin County	Hispanic.
San Mateo County	Chinese (including Taiwanese).
San Mateo County	Hispanic.
Santa Barbara County	Hispanic.
Santa Clara County	Chinese (including Taiwanese).
Santa Clara County	Filipino.
Santa Clara County	Hispanic.
Santa Clara County	Vietnamese.
Stanislaus County	Hispanic.
Tulare County	Hispanic.
Ventura County	Hispanic.
Colorado:	
Conejos County	Hispanic.
Costilla County	Hispanic.
Denver County	Hispanic.
La Plata County	American Indian (Ute).
Montezuma County	American Indian (Ute).
Saguache County	Hispanic.
Connecticut:	
Bridgeport town	Hispanic.
East Hartford town	Hispanic.
Hartford town	Hispanic.
Kent town	American Indian (All other American Indian Tribes).
Meriden town	Hispanic.
New Britain town	Hispanic.
New Haven town	Hispanic.
New London town	Hispanic.
Waterbury town	Hispanic.
Windham town	Hispanic.
Florida:	
State Coverage	Hispanic.
Broward County	Hispanic.
DeSoto County	Hispanic.
Hardee County	Hispanic.
Hendry County	Hispanic.
Hillsborough County	Hispanic.
Lee County	Hispanic.
Miami-Dade County	Hispanic.
Orange County	Hispanic.
Osceola County	Hispanic.
Palm Beach County	Hispanic.
Pinellas County	Hispanic.
Polk County	Hispanic.

COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2015—Continued

State and political subdivision	Language minority group
Seminole County	Hispanic.
Georgia:	
Gwinnett County	Hispanic.
Hawaii:	
Honolulu County	Chinese (including Taiwanese).
Honolulu County	Filipino.
Idaho:	
Lincoln County	Hispanic.
Illinois:	
Cook County	Asian Indian.
Cook County	Chinese (including Taiwanese).
Cook County	Hispanic.
Kane County	Hispanic.
Lake County	Hispanic.
Iowa:	
Buena Vista County	Hispanic.
Tama County	American Indian (All other American Indian Tribes).
Kansas:	
Finney County	Hispanic.
Ford County	Hispanic.
Grant County	Hispanic.
Haskell County	Hispanic.
Seward County	Hispanic.
Maryland:	
Montgomery County	Hispanic.
Massachusetts:	
Boston city	Hispanic.
Chelsea city	Hispanic.
Holyoke city	Hispanic.
Lawrence city	Hispanic.
Lowell city	Cambodian.
Lowell city	Hispanic.
Lynn city	Hispanic.
Malden city	Chinese (including Taiwanese).
Quincy city	Chinese (including Taiwanese).
Revere city	Hispanic.
Southbridge town	Hispanic.
Springfield city	Hispanic.
Worcester city	Hispanic.
Michigan:	
Colfax township	Hispanic.
Fennville city	Hispanic.
Hamtramck city	Bangladeshi.
Mississippi:	
Attala County	American Indian (Choctaw).
Jackson County	American Indian (Choctaw).
Jones County	American Indian (Choctaw).
Kemper County	American Indian (Choctaw).
Leake County	American Indian (Choctaw).
Neshoba County	American Indian (Choctaw).
Newton County	American Indian (Choctaw).
Noxubee County	American Indian (Choctaw).
Scott County	American Indian (Choctaw).
Winston County	American Indian (Choctaw).
Nebraska:	
Colfax County	Hispanic.
Dakota County	Hispanic.
Dawson County	Hispanic.
Nevada:	
Clark County	Filipino.
Clark County	Hispanic.
New Jersey:	
Bergen County	Hispanic.
Bergen County	Korean.
Camden County	Hispanic.
Cumberland County	Hispanic.
Essex County	Hispanic.
Hudson County	Hispanic.
Middlesex County	Asian Indian.
Middlesex County	Hispanic.
Passaic County	Hispanic.
Union County	Hispanic.

COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2015—Continued

State and political subdivision	Language minority group
New Mexico:	
Bernalillo County	American Indian (Navajo).
Bernalillo County	Hispanic.
Chaves County	Hispanic.
Cibola County	American Indian (Navajo).
Doña Ana County	Hispanic.
Guadalupe County	Hispanic.
Hidalgo County	Hispanic.
Lea County	Hispanic.
Lincoln County	American Indian (Apache).
Luna County	Hispanic.
McKinley County	American Indian (Navajo).
Mora County	Hispanic.
Otero County	American Indian (Apache).
Rio Arriba County	American Indian (Navajo).
San Juan County	American Indian (Navajo).
San Juan County	American Indian (Ute).
San Miguel County	Hispanic.
Sandoval County	American Indian (Navajo).
Sandoval County	American Indian (Pueblo).
Santa Fe County	American Indian (Pueblo).
Socorro County	American Indian (Navajo).
Socorro County	Hispanic.
Union County	Hispanic.
Valencia County	Hispanic.
New York:	
Bronx County	Hispanic.
Kings County	Chinese (including Taiwanese).
Kings County	Hispanic.
Nassau County	Hispanic.
New York County	Chinese (including Taiwanese).
New York County	Hispanic.
Queens County	Asian Indian.
Queens County	Chinese (including Taiwanese).
Queens County	Hispanic.
Queens County	Korean.
Suffolk County	Hispanic.
Westchester County	Hispanic.
Oklahoma	
Texas County	Hispanic.
Pennsylvania:	
Berks County	Hispanic.
Lehigh County	Hispanic.
Philadelphia County	Hispanic.
Rhode Island:	
Central Falls city	Hispanic.
Pawtucket city	Hispanic.
Providence city	Hispanic.
Texas:	
State Coverage	Hispanic.
Andrews County	Hispanic.
Atascosa County	Hispanic.
Bailey County	Hispanic.
Bee County	Hispanic.
Bexar County	Hispanic.
Brooks County	Hispanic.
Caldwell County	Hispanic.
Calhoun County	Hispanic.
Cameron County	Hispanic.
Castro County	Hispanic.
Cochran County	Hispanic.
Crane County	Hispanic.
Crockett County	Hispanic.
Crosby County	Hispanic.
Culberson County	Hispanic.
Dallam County	Hispanic.
Dallas County	Hispanic.
Dawson County	Hispanic.
Deaf Smith County	Hispanic.
Dimmit County	Hispanic.
Duval County	Hispanic.
Ector County	Hispanic.

COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2015—Continued

State and political subdivision	Language minority group
Edwards County	Hispanic.
El Paso County	American Indian (Pueblo).
El Paso County	Hispanic.
Floyd County	Hispanic.
Fort Bend County	Hispanic.
Frio County	Hispanic.
Gaines County	Hispanic.
Garza County	Hispanic.
Glasscock County	Hispanic.
Hale County	Hispanic.
Hansford County	Hispanic.
Harris County	Chinese (including Taiwanese).
Harris County	Hispanic.
Harris County	Vietnamese.
Hidalgo County	Hispanic.
Hockley County	Hispanic.
Hudspeth County	Hispanic.
Jeff Davis County	Hispanic.
Jim Hogg County	Hispanic.
Jim Wells County	Hispanic.
Jones County	Hispanic.
Karnes County	Hispanic.
Kenedy County	Hispanic.
Kinney County	Hispanic.
Kleberg County	Hispanic.
Knox County	Hispanic.
La Salle County	Hispanic.
Lamb County	Hispanic.
Live Oak County	Hispanic.
Lynn County	Hispanic.
Martin County	Hispanic.
Matagorda County	Hispanic.
Maverick County	American Indian (All other American Indian Tribes).
Maverick County	Hispanic.
McMullen County	Hispanic.
Medina County	Hispanic.
Menard County	Hispanic.
Midland County	Hispanic.
Moore County	Hispanic.
Nolan County	Hispanic.
Nueces County	Hispanic.
Ochiltree County	Hispanic.
Parmer County	Hispanic.
Pecos County	Hispanic.
Presidio County	Hispanic.
Reagan County	Hispanic.
Reeves County	Hispanic.
Refugio County	Hispanic.
San Patricio County	Hispanic.
Schleicher County	Hispanic.
Scurry County	Hispanic.
Sherman County	Hispanic.
Starr County	Hispanic.
Sterling County	Hispanic.
Sutton County	Hispanic.
Swisher County	Hispanic.
Tarrant County	Hispanic.
Tarrant County	Vietnamese.
Terry County	Hispanic.
Titus County	Hispanic.
Travis County	Hispanic.
Upton County	Hispanic.
Uvalde County	Hispanic.
Val Verde County	Hispanic.
Ward County	Hispanic.
Webb County	Hispanic.
Willacy County	Hispanic.
Winkler County	Hispanic.
Yoakum County	Hispanic.
Zapata County	Hispanic.
Zavala County	Hispanic.

Utah:

COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2015—Continued

State and political subdivision	Language minority group
San Juan County	American Indian (Navajo).
San Juan County	American Indian (Ute).
Virginia:	
Fairfax County	Hispanic.
Fairfax County	Vietnamese.
Washington:	
Adams County	Hispanic.
Franklin County	Hispanic.
King County	Chinese (including Taiwanese).
King County	Vietnamese.
Yakima County	Hispanic.
Wisconsin:	
Arcadia city	Hispanic.
Madison town	Hispanic.
Milwaukee city	Hispanic.

[FR Doc. 2016-28969 Filed 12-2-16; 8:5 am]
 BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Economics and Statistics Administration

Extension of Deadline for Nominations of Members To Serve on the Commerce Data Advisory Council (CDAC)

AGENCY: Economics and Statistics Administration (ESA), Department of Commerce.

ACTION: Extension of deadline for nominations of members to the Commerce Data Advisory Council (CDAC).

SUMMARY: The Secretary of Commerce is requesting nomination of individuals to the Commerce Data Advisory Council. The Secretary will consider nominations received in response to this notice, as well as from other sources. The **SUPPLEMENTARY INFORMATION** section of this notice provides committee and membership criteria.

DATES: The Economics and Statistics Administration must receive nominations of members by midnight December 16, 2016.

ADDRESSES: Please submit nominations to the email account DataAdvisoryCouncil@doc.gov, this account is specifically set up to receive Data Advisory Council applications. Nominations may also be submitted by postal delivery to Burton Reist, Director of External Affairs, Economics and Statistics Administration/DFO CDAC, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Burton Reist, Director of External

Affairs, Economics and Statistics Administration, Department of Commerce, at (202) 482-3331 or email BRReist@doc.gov, also at 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Commerce (Department) collects, compiles, analyzes, and disseminates a treasure trove of data, including data on the Nation's economy, population, and environment. This data is fundamental to the Department's mission and is used for the protection of life and property, for scientific purposes, and to enhance economic growth. However, the Department's capacity to disseminate the increasing amount of data held and to disseminate it in formats most useful to its customers is significantly constrained.

In order to realize the potential value of the data the Department collects, stores, and disseminates, the Department must minimize barriers to accessing and using the data. Consistent with privacy and security considerations, the Department is firmly committed to unleashing its untapped data resources in ways that best support downstream information access, processing, analysis, and dissemination.

The Commerce Data Advisory Council (CDAC) provides advice and recommendations, to include process and infrastructure improvements, to the Secretary on ways to make Commerce data easier to find, access, use, combine and disseminate. The aim of this advice shall be to maximize the value of Commerce data to all users including governments, businesses, communities, academia, and individuals.

The Secretary will draw CDAC membership from the data industry academia, non-profits and state and

local governments with a focus on recognized expertise in collection, compilation, analysis, and dissemination. As privacy concerns span the entire data lifecycle, expertise in privacy protection also will be represented on the Council. The Secretary will select members that represent the entire spectrum of Commerce data including demographic, economic, scientific, environmental, patent, and geospatial data. The Secretary will select members from the information technology, business, non-profit, and academic communities, and state and local governments. Collectively, their knowledge will include all types of data Commerce distributes and the full lifecycle of data collection, compilation, analysis, and dissemination.

II. Description of Duties

The Council shall advise the Secretary on ways to make Commerce data easier to find, access, use, combine, and disseminate. Such advice may include recommended process and infrastructure improvements. The aim of this advice shall be to maximize the value of Commerce data to governments, businesses, communities, and individuals.

In carrying out its duties, the Council may consider the following:

- Data management practices that make it easier to track and disseminate integrated, interoperable data for diverse users;
- Best practices that can be deployed across Commerce to achieve common, open standards related to taxonomy, vocabulary, application programming interfaces (APIs), metadata, and other key data characteristics;
- Policy issues that arise from expanding access to data, including issues related to privacy,

Martinez, Ruben

From: Martin Enriquezmarquez < >
Sent: Thursday, December 02, 2021 4:34 PM
To: cityclerk; PublicComment-AutoResponse
Subject: Part 55 Guidelines Implementation VRA Language Minority Groups
Attachments: cfr-2016-title28-part55.pdf

CAUTION: This email was delivered from the Internet. Do not click links or open attachments unless you *know* the content is safe. Report phish using the Phish Alert Button. [Learn more...](#)

2 December 2021

Subject: Part 55 Guidelines Implementation VRA Language Minority Groups

Martin

Department of Justice

PI. 55

service, or benefit to members of the other sex.

§ 54.540 Advertising.

A recipient shall not in any advertising related to employment indicate preference, limitation, specification, or discrimination based on sex unless sex is a bona fide occupational qualification for the particular job in question.

§ 54.545 Pre-employment inquiries.

(a) *Marital status.* A recipient shall not make pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is "Miss" or "Mrs."

(b) *Sex.* A recipient may make pre-employment inquiry as to the sex of an applicant for employment, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by these Title IX regulations.

§ 54.550 Sex as a bona fide occupational qualification.

A recipient may take action otherwise prohibited by §§ 54.500 through 54.550 provided it is shown that sex is a bona fide occupational qualification for that action, such that consideration of sex with regard to such action is essential to successful operation of the employment function concerned. A recipient shall not take action pursuant to this section that is based upon alleged comparative employment characteristics or stereotyped characterizations of one or the other sex, or upon preference based on sex of the recipient, employees, students, or other persons, but nothing contained in this section shall prevent a recipient from considering an employee's sex in relation to employment in a locker room or toilet facility used only by members of one sex.

Subpart F—Procedures

§ 54.600 Notice of covered programs.

Within 60 days of September 29, 2000, each Federal agency that awards Federal financial assistance shall publish in the FEDERAL REGISTER a notice of the programs covered by these Title IX regulations. Each such Federal agency

shall periodically republish the notice of covered programs to reflect changes in covered programs. Copies of this notice also shall be made available upon request to the Federal agency's office that enforces Title IX.

§ 54.605 Enforcement procedures.

The investigative, compliance, and enforcement procedural provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) ("Title VI") are hereby adopted and applied to these Title IX regulations. These procedures may be found at 28 CFR 42.106 through 42.111.

[Order No. 2320-2000, 65 FR 52881, Aug. 30, 2000]

PART 55—IMPLEMENTATION OF THE PROVISIONS OF THE VOTING RIGHTS ACT REGARDING LANGUAGE MINORITY GROUPS

Subpart A—General Provisions

Sec.

- 55.1 Definitions.
- 55.2 Purpose; standards for measuring compliance.
- 55.3 Statutory requirements.

Subpart B—Nature of Coverage

- 55.4 Effective date; list of covered jurisdictions.
- 55.5 Coverage under section 4(f)(4).
- 55.6 Coverage under section 203(c).
- 55.7 Termination of coverage.
- 55.8 Relationship between section 4(f)(4) and section 203(c).
- 55.9 Coverage of political units within a county.
- 55.10 Types of elections covered.

Subpart C—Determining the Exact Language

- 55.11 General.
- 55.12 Language used for written material.
- 55.13 Language used for oral assistance and publicity.

Subpart D—Minority Language Materials and Assistance

- 55.14 General.
- 55.15 Affected activities.
- 55.16 Standards and proof of compliance.
- 55.17 Targeting.
- 55.18 Provision of minority language materials and assistance.
- 55.19 Written materials.
- 55.20 Oral assistance and publicity.

§ 55.1

28 CFR Ch. I (7–1–16 Edition)

55.21 Record keeping.

Subpart E—Preclearance

55.22 Requirements of section 5 of the Act.

Subpart F—Sanctions

55.23 Enforcement by the Attorney General.

Subpart G—Comment on This Part

55.24 Procedure.

APPENDIX TO PART 55—JURISDICTIONS COVERED UNDER SECTIONS 4(f)(4) AND 203(c) OF THE VOTING RIGHTS ACT OF 1965, AS AMENDED [APPLICABLE LANGUAGE MINORITY GROUP(S)]

AUTHORITY: 5 U.S.C. 301; 28 U.S.C. 509, 510; 42 U.S.C. 1973b, 1973j(d), 1973aa-1a, 1973aa-2.

SOURCE: Order No. 655-76, 41 FR 29998, July 20, 1976, unless otherwise noted.

Subpart A—General Provisions

§ 55.1 Definitions.

As used in this part—

Act means the Voting Rights Act of 1965, 79 Stat. 437, Public Law 89-110, as amended by the Civil Rights Act of 1968, 82 Stat. 73, Public Law 90-284, the Voting Rights Act Amendments of 1970, 84 Stat. 314, Public Law 91-285, the District of Columbia Delegate Act, 84 Stat. 853, Public Law 91-405, the Voting Rights Act Amendments of 1975, 89 Stat. 400, Public Law 94-73, the Voting Rights Act Amendments of 1982, 96 Stat. 131, Public Law 97-205, the Voting Rights Language Assistance Act of 1992, 106 Stat. 921, Public Law 102-344, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, 120 Stat. 577, Public Law 109-246, and the Act to Revise the Short Title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act, 122 Stat. 2428, Public Law 110-258, 42 U.S.C. 1973 *et seq.* Section numbers, such as “section 14(c)(3),” refer to sections of the Act.

Attorney General means the Attorney General of the United States.

Language minorities or *language minority group* is used, as defined in the Act, to refer to persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage. (Sections 14(c)(3) and 203(e)).

Political subdivision is used, as defined in the Act, to refer to “any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.” (Section 14(c)(2)).

[Order No. 1246-87, 53 FR 735, Jan. 12, 1988, as amended by Order No. 1752-93, 58 FR 35372, July 1, 1993; Order No. 3291-2011, 76 FR 54111, Aug. 31, 2011]

§ 55.2 Purpose; standards for measuring compliance.

(a) The purpose of this part is to set forth the Attorney General’s interpretation of the provisions of the Voting Rights Act which require certain States and political subdivisions to conduct elections in the language of certain “language minority groups” in addition to English.

(b) In the Attorney General’s view the objective of the Act’s provisions is to enable members of applicable language minority groups to participate effectively in the electoral process. This part establishes two basic standards by which the Attorney General will measure compliance:

(1) That materials and assistance should be provided in a way designed to allow members of applicable language minority groups to be effectively informed of and participate effectively in voting-connected activities; and

(2) That an affected jurisdiction should take all reasonable steps to achieve that goal.

(c) The determination of what is required for compliance with section 4(f)(4) and section 203(c) is the responsibility of the affected jurisdiction. These guidelines should not be used as a substitute for analysis and decision by the affected jurisdiction.

(d) Jurisdictions covered under section 4(f)(4) of the Act are subject to the preclearance requirements of section 5. See part 51 of this chapter. Such jurisdictions have the burden of establishing to the satisfaction of the Attorney General or to the U.S. District Court for the District of Columbia that changes made in their election laws and procedures in order to comply with the requirements of section 4(f)(4) are not discriminatory under the terms of

section 5. However, section 5 expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of the changes.

(e) Jurisdictions covered solely under section 203(c) of the Act are not subject to the preclearance requirements of section 5, nor is there a Federal apparatus available for preclearance of section 203(c) compliance activities. The Attorney General will not preclear jurisdictions' proposals for compliance with section 203(c).

(f) Consideration by the Attorney General of a jurisdiction's compliance with the requirements of section 4(f)(4) occurs in the review pursuant to section 5 of the Act of changes with respect to voting, in the consideration of the need for litigation to enforce the requirements of section 4(f)(4), and in the defense of suits for termination of coverage under section 4(f)(4). Consideration by the Attorney General of a jurisdiction's compliance with the requirements of section 203(c) occurs in the consideration of the need for litigation to enforce the requirements of section 203(c).

(g) In enforcing the Act—through the section 5 preclearance review process, through litigation, and through defense of suits for termination of coverage under section 4(f)(4)—the Attorney General will follow the general policies set forth in this part.

(h) This part is not intended to preclude affected jurisdictions from taking additional steps to further the policy of the Act. By virtue of the Supremacy Clause of Art. VI of the Constitution, the provisions of the Act override any inconsistent State law.

[Order No. 655-76, 41 FR 29998, July 20, 1976, as amended by Order No. 1246-87, 53 FR 736, Jan. 12, 1988]

§ 55.3 Statutory requirements.

The Act's requirements concerning the conduct of elections in languages in addition to English are contained in section 4(f)(4) and section 203(c). These sections state that whenever a jurisdiction subject to their terms "provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including bal-

lots, it shall provide them in the language of the applicable language minority group as well as in * * * English. * * *

Subpart B—Nature of Coverage

§ 55.4 Effective date; list of covered jurisdictions.

(a) The minority language provisions of the Voting Rights Act were added by the Voting Rights Act Amendments of 1975, and amended and extended in 1982, 1992, and 2006.

(1) The requirements of section 4(f)(4) take effect upon publication in the FEDERAL REGISTER of the requisite determinations of the Director of the Census and the Attorney General. Such determinations are not reviewable in any court. *See* section 4(b).

(2) The requirements of section 203(c) take effect upon publication in the FEDERAL REGISTER of the requisite determinations of the Director of the Census. Such determinations are not reviewable in any court. *See* section 203(b)(4).

(b) Jurisdictions determined to be covered under section 4(f)(4) or section 203(c) are listed, together with the language minority group with respect to which coverage was determined, in the appendix to this part. Any additional determinations of coverage under either section 4(f)(4) or section 203(c) will be published in the FEDERAL REGISTER.

[Order No. 655-76, 41 FR 29998, July 20, 1976, as amended by Order No. 1246-87, 53 FR 736, Jan. 12, 1988; Order No. 3291-2011, 76 FR 54111, Aug. 31, 2011]

§ 55.5 Coverage under section 4(f)(4).

(a) *Coverage formula.* Section 4(f)(4) applies to any State or political subdivision in which

(1) Over five percent of the voting-age citizens were, on November 1, 1972, members of a single language minority group.

(2) Registration and election materials were provided only in English on November 1, 1972, and

(3) Fewer than 50 percent of the voting-age citizens were registered to vote or voted in the 1972 Presidential election.

All three conditions must be satisfied before coverage exists under section 4(f)(4).¹

(b) Coverage may be determined with regard to section 4(f)(4) on a statewide or political subdivision basis.

(1) Whenever the determination is made that the bilingual requirements of section 4(f)(4) are applicable to an entire State, these requirements apply to each of the State's political subdivisions as well as to the State. In other words, each political subdivision within a covered State is subject to the same requirements as the State.

(2) Where an entire State is not covered under section 4(f)(4), individual political subdivisions may be covered.

§ 55.6 Coverage under section 203(c).

(a) *Coverage formula.* There are four ways in which a political subdivision can become subject to section 203(c).²

(1) *Political subdivision approach.* A political subdivision is covered if—

(i) More than 5 percent of its voting age citizens are members of a single language minority group and are limited-English proficient; and

(ii) The illiteracy rate of such language minority citizens in the political subdivision is higher than the national illiteracy rate.

(2) *State approach.* A political subdivision is covered if—

(i) It is located in a state in which more than 5 percent of the voting age citizens are members of a single language minority and are limited-English proficient;

(ii) The illiteracy rate of such language minority citizens in the state is higher than the national illiteracy rate; and

(iii) Five percent or more of the voting age citizens of the political subdivision are members of such language minority group and are limited-English proficient.

(3) *Numerical approach.* A political subdivision is covered if—

(i) More than 10,000 of its voting age citizens are members of a single lan-

guage minority group and are limited-English proficient; and

(ii) The illiteracy rate of such language minority citizens in the political subdivision is higher than the national illiteracy rate.

(4) *Indian reservation approach.* A political subdivision is covered if there is located within its borders all or any part of an Indian reservation—

(i) In which more than 5 percent of the voting age American Indian or Alaska Native citizens are members of a single language minority group and are limited-English proficient; and

(ii) The illiteracy rate of such language minority citizens is higher than the national illiteracy rate.

(b) *Definitions.* For the purpose of determinations of coverage under section 203(c), *limited-English proficient* means unable to speak or understand English adequately enough to participate in the electoral process; *Indian reservation* means any area that is an American Indian or Alaska Native area, as defined by the Census Bureau for the purposes of the 1990 decennial census; and *illiteracy* means the failure to complete the fifth primary grade.

(c) *Determinations.* Determinations of coverage under section 203(c) are made with regard to specific language groups of the language minorities listed in section 203(e).

[Order No. 1752-93, 58 FR 35372, July 1, 1993]

§ 55.7 Termination of coverage.

(a) *Section 4(f)(4).* The requirements of section 4(f)(4) apply for a twenty-five-year period following the effective date of the amendments made by the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006, which amendments became effective on July 27, 2006. See section 4(a)(8). A covered State, a political subdivision of a covered State, a separately covered political subdivision, or a political subunit of any of the above, may terminate the application of section 4(f)(4) earlier by obtaining the declaratory judgment described in section 4(a) of the Act.

(b) *Section 203(c).* The requirements of section 203(c) apply until August 6,

¹Coverage is based on sections 4(b) (third sentence), 4(c), and 4(f)(3).

²The criteria for coverage are contained in section 203(b).

2032. See section 203(b). A covered jurisdiction may terminate Section 203 coverage earlier if it can prove in a declaratory judgment action in a United States district court, that the illiteracy rate of the applicable language minority group is equal to or less than the national illiteracy rate, as described in section 203(d) of the Act.

[Order No. 3291-2011, 76 FR 54111, Aug. 31, 2011]

§ 55.8 Relationship between section 4(f)(4) and section 203(c).

(a) The statutory requirements of section 4(f)(4) and section 203(c) regarding minority language material and assistance are essentially identical.

(b) Jurisdictions subject to the requirements of section 4(f)(4)—but not jurisdictions subject only to the requirements of section 203(c)—are also subject to the Act's special provisions, such as section 5 (regarding preclearance of changes in voting laws) and section 8 (regarding federal observers).² See part 51 of this chapter.

(c) Although the coverage formulas applicable to section 4(f)(4) and section 203(c) are different, a political subdivision may be included within both of the coverage formulas. Under these circumstances, a judgment terminating coverage of the jurisdiction under one provision would not have the effect of terminating coverage under the other provision.

[Order No. 655-76, 41 FR 29998, July 20, 1976, as amended by Order No. 3291-2011, 76 FR 54112, Aug. 31, 2011]

§ 55.9 Coverage of political units within a county.

Where a political subdivision (e.g., a county) is determined to be subject to section 4(f)(4) or section 203(c), all political units that hold elections within that political subdivision (e.g., cities, school districts) are subject to the same requirements as the political subdivision.

²In addition, a jurisdiction covered under section 203(c) but not under section 4(f)(4) is subject to the Act's special provisions if it was covered under section 4(b) prior to the 1975 Amendments to the Act.

§ 55.10 Types of elections covered.

(a) *General.* The language provisions of the Act apply to registration for and voting in any type of election, whether it is a primary, general or special election. Section 14(c)(1). This includes elections of officers as well as elections regarding such matters as bond issues, constitutional amendments and referendums. Federal, State and local elections are covered as are elections of special districts, such as school districts and water districts.

(b) *Elections for statewide office.* If an election conducted by a county relates to Federal or State offices or issues as well as county offices or issues, a county subject to the bilingual requirements must insure compliance with those requirements with respect to all aspects of the election, i.e., the minority language material and assistance must deal with the Federal and State offices or issues as well as county offices or issues.

(c) *Multi-county districts.* Regarding elections for an office representing more than one county, e.g., State legislative districts and special districts that include portions of two or more counties, the bilingual requirements are applicable on a county-by-county basis. Thus, minority language material and assistance need not be provided by the government in counties not subject to the bilingual requirements of the Act.

Subpart C—Determining the Exact Language

§ 55.11 General.

The requirements of section 4(f)(4) or section 203(c) apply with respect to the languages of language minority groups. The applicable groups are indicated in the determinations of the Attorney General or the Director of the Census. This subpart relates to the view of the Attorney General concerning the determination by covered jurisdictions of precisely the language to be employed. In enforcing the Act, the Attorney General will consider whether the languages, forms of languages, or dialects chosen by covered jurisdictions for use in the electoral process enable members of applicable language minority

§ 55.12

groups to participate effectively in the electoral process. It is the responsibility of covered jurisdictions to determine what languages, forms of languages, or dialects will be effective. For those jurisdictions covered under section 203(c), the coverage determination (indicated in the appendix) may specify the particular language minority group (in parentheses) for which the jurisdiction is covered, but does not specify the language or dialect to be used for such group.

[Order No. 655-76, 41 FR 29998, July 20, 1976, as amended by Order No. 1246-87, 53 FR 736, Jan. 12, 1988; Order No. 3291-2011, 76 FR 54112, Aug. 31, 2011]

§ 55.12 Language used for written material.

(a) *Language minority groups having more than one language.* Some language minority groups, for example, Filipino Americans, have more than one language other than English. A jurisdiction required to provide election materials in the language of such a group need not provide materials in more than one language other than English. The Attorney General will consider whether the language that is used for election materials is the one most widely used by the jurisdiction's voting-age citizens who are members of the language minority group.

(b) *Languages with more than one written form.* Some languages, for example, Japanese, have more than one written form. A jurisdiction required to provide election materials in such a language need not provide more than one version. The Attorney General will consider whether the particular version of the language that is used for election materials is the one most widely used by the jurisdiction's voting-age citizens who are members of the language minority group.

(c) *Unwritten languages.* Many of the languages used by language minority groups, for example, by some American Indians and Alaskan Natives, are unwritten. With respect to any such language, only oral assistance and publicity are required. Even though a written form for a language may exist, a language may be considered unwritten if it is not commonly used in a written form. It is the responsibility of the cov-

28 CFR Ch. I (7-1-16 Edition)

ered jurisdiction to determine whether a language should be considered written or unwritten.

§ 55.13 Language used for oral assistance and publicity.

(a) *Languages with more than one dialect.* Some languages, for example, Chinese, have several dialects. Where a jurisdiction is obligated to provide oral assistance in such a language, the jurisdiction's obligation is to ascertain the dialects that are commonly used by members of the applicable language minority group in the jurisdiction and to provide oral assistance in such dialects. (See § 55.20.)

(b) *Language minority groups having more than one language.* In some jurisdictions members of an applicable language minority group speak more than one language other than English. Where a jurisdiction is obligated to provide oral assistance in the language of such a group, the jurisdiction's obligation is to ascertain the languages that are commonly used by members of that group in the jurisdiction and to provide oral assistance in such languages. (See § 55.20)

[Order No. 655-76, 41 FR 29998, July 20, 1976, as amended by Order No. 1246-87, 53 FR 736, Jan. 12, 1988; Order No. 1752-93, 58 FR 35373, July 1, 1993]

Subpart D—Minority Language Materials and Assistance

§ 55.14 General.

(a) This subpart sets forth the views of the Attorney General with respect to the requirements of section 4(f)(4) and section 203(c) concerning the provision of minority language materials and assistance and some of the factors that the Attorney General will consider in carrying out his responsibilities to enforce section 4(f)(4) and section 203(c). Through the use of his authority under section 5 and his authority to bring suits to enforce section 4(f)(4) and section 203(c), the Attorney General will seek to prevent or remedy discrimination against members of language minority groups based on the failure to use the applicable minority language in the electoral process. The Attorney General also has the responsibility to defend against suits brought

for the termination of coverage under section 4(f)(4) and section 203(c).

(b) In discharging these responsibilities the Attorney General will respond to complaints received, conduct on his own initiative inquiries and surveys concerning compliance, and undertake other enforcement activities.

(c) It is the responsibility of the jurisdiction to determine what actions by it are required for compliance with the requirements of section 4(f)(4) and section 203(c) and to carry out these actions.

§ 55.15 Affected activities.

The requirements of sections 4(f)(4) and 203(c) apply with regard to the provision of "any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots." The basic purpose of these requirements is to allow members of applicable language minority groups to be effectively informed of and participate effectively in voting-connected activities. Accordingly, the quoted language should be broadly construed to apply to all stages of the electoral process, from voter registration through activities related to conducting elections, including, for example the issuance, at any time during the year, of notifications, announcements, or other informational materials concerning the opportunity to register, the deadline for voter registration, the time, places and subject matters of elections, and the absentee voting process.

§ 55.16 Standards and proof of compliance.

Compliance with the requirements of section 4(f)(4) and section 203(c) is best measured by results. A jurisdiction is more likely to achieve compliance with these requirements if it has worked with the cooperation of and to the satisfaction of organizations representing members of the applicable language minority group. In planning its compliance with section 4(f)(4) or section 203(c), a jurisdiction may, where alternative methods of compliance are available, use less costly methods if they are equivalent to more costly methods in their effectiveness.

§ 55.17 Targeting.

The term "targeting" is commonly used in discussions of the requirements of section 4(f)(4) and section 203(c). "Targeting" refers to a system in which the minority language materials or assistance required by the Act are provided to fewer than all persons or registered voters. It is the view of the Attorney General that a targeting system will normally fulfill the Act's minority language requirements if it is designed and implemented in such a way that language minority group members who need minority language materials and assistance receive them.

[Order No. 655-76, 41 FR 29998, July 20, 1976, as amended by Order No. 1752-93, 58 FR 35373, July 1, 1993]

§ 55.18 Provision of minority language materials and assistance.

(a) *Materials provided by mail.* If materials provided by mail (or by some comparable form of distribution) generally to residents or registered voters are not all provided in the applicable minority language, the Attorney General will consider whether an effective targeting system has been developed. For example, a separate mailing of materials in the minority language to persons who are likely to need them or to residents of neighborhoods in which such a need is likely to exist, supplemented by a notice of the availability of minority language materials in the general mailing (in English and in the applicable minority language) and by other publicity regarding the availability of such materials may be sufficient.

(b) *Public notices.* The Attorney General will consider whether public notices and announcements of electoral activities are handled in a manner that provides members of the applicable language minority group an effective opportunity to be informed about electoral activities.

(c) *Registration.* The Attorney General will consider whether the registration system is conducted in such a way that members of the applicable language minority group have an effective opportunity to register. One method of accomplishing this is to provide, in the

applicable minority language, all notices, forms and other materials provided to potential registrants and to have only bilingual persons as registrars. Effective results may also be obtained, for example, through the use of deputy registrars who are members of the applicable language minority group and the use of decentralized places of registration, with minority language materials available at places where persons who need them are most likely to come to register.

(d) *Polling place activities.* The Attorney General will consider whether polling place activities are conducted in such a way that members of the applicable language minority group have an effective opportunity to vote. One method of accomplishing this is to provide all notices, instructions, ballots, and other pertinent materials and oral assistance in the applicable minority language. If very few of the registered voters scheduled to vote at a particular polling place need minority language materials or assistance, the Attorney General will consider whether an alternative system enabling those few to cast effective ballots is available.

(e) *Publicity.* The Attorney General will consider whether a covered jurisdiction has taken appropriate steps to publicize the availability of materials and assistance in the minority language. Such steps may include the display of appropriate notices, in the minority language, at voter registration offices, polling places, etc., the making of announcements over minority language radio or television stations, the publication of notices in minority language newspapers, and direct contact with language minority group organizations.

[Order No. 655-76, 41 FR 29998, July 20, 1976, as amended by Order No. 733-77, 42 FR 35970, July 13, 1977]

§ 55.19 Written materials.

(a) *Types of materials.* It is the obligation of the jurisdiction to decide what materials must be provided in a minority language. A jurisdiction required to provide minority language materials is only required to publish in the language of the applicable language minority group materials distributed to or provided for the use of the elec-

torate generally. Such materials include, for example, ballots, sample ballots, informational materials, and petitions.

(b) *Accuracy, completeness.* It is essential that material provided in the language of a language minority group be clear, complete and accurate. In examining whether a jurisdiction has achieved compliance with this requirement, the Attorney General will consider whether the jurisdiction has consulted with members of the applicable language minority group with respect to the translation of materials.

(c) *Ballots.* The Attorney General will consider whether a jurisdiction provides the English and minority language versions on the same document. Lack of such bilingual preparation of ballots may give rise to the possibility, or to the appearance, that the secrecy of the ballot will be lost if a separate minority language ballot or voting machine is used.

(d) *Voting machines.* Where voting machines that cannot mechanically accommodate a ballot in English and in the applicable minority language are used, the Attorney General will consider whether the jurisdiction provides sample ballots for use in the polling booths. Where such sample ballots are used the Attorney General will consider whether they contain a complete and accurate translation of the English ballots, and whether they contain or are accompanied by instructions in the minority language explaining the operation of the voting machine. The Attorney General will also consider whether the sample ballots are displayed so that they are clearly visible and at the same level as the machine ballot on the inside of the polling booth, whether the sample ballots are identical in layout to the machine ballots, and whether their size and typeface are the same as that appearing on the machine ballots. Where space limitations preclude affixing the translated sample ballots to the inside of polling booths, the Attorney General will consider whether language minority group voters are allowed to take the sample ballots into the voting booths.

§ 55.20 Oral assistance and publicity.

(a) *General.* Announcements, publicity, and assistance should be given in oral form to the extent needed to enable members of the applicable language minority group to participate effectively in the electoral process.

(b) *Assistance.* The Attorney General will consider whether a jurisdiction has given sufficient attention to the needs of language minority group members who cannot effectively read either English or the applicable minority language and to the needs of members of language minority groups whose languages are unwritten.

(c) *Helpers.* With respect to the conduct of elections, the jurisdiction will need to determine the number of helpers (i.e., persons to provide oral assistance in the minority language) that must be provided. In evaluating the provision of assistance, the Attorney General will consider such facts as the number of a precinct's registered voters who are members of the applicable language minority group, the number of such persons who are not proficient in English, and the ability of a voter to be assisted by a person of his or her own choice. The basic standard is one of effectiveness.

[Order No. 655-76, 41 FR 29998, July 20, 1976, as amended by Order No. 1752-93, 58 FR 35373, July 1, 1993]

§ 55.21 Record keeping.

The Attorney General's implementation of the Act's provisions concerning language minority groups would be facilitated if each covered jurisdiction would maintain such records and data as will document its actions under those provisions, including, for example, records on such matters as alternatives considered prior to taking such actions, and the reasons for choosing the actions finally taken.

Subpart E—Preclearance

§ 55.22 Requirements of section 5 of the Act.

For many jurisdictions, changes in voting laws and practices will be necessary in order to comply with section 4(f)(4) or section 203(c). If a jurisdiction is subject to the preclearance require-

ments of section 5 (see § 55.8(b)), such changes must either be submitted to the Attorney General or be made the subject of a declaratory judgment action in the U.S. District Court for the District of Columbia. Procedures for the administration of section 5 are set forth in part 51 of this chapter.

Subpart F—Sanctions

§ 55.23 Enforcement by the Attorney General.

(a) The Attorney General is authorized to bring civil actions for appropriate relief against violations of the Act's provisions, including section 4 and section 203. See sections 12(d) and 204.

(b) Also, certain violations may be subject to criminal sanctions. See sections 12(a) and (c) and 205.

[Order No. 655-76, 41 FR 29998, July 20, 1976, as amended by Order No. 3291-2011, 76 FR 54112, Aug. 31, 2011]

Subpart G—Comment on This Part

§ 55.24 Procedure.

These guidelines may be modified from time to time on the basis of experience under the Act and comments received from interested parties. The Attorney General therefore invites public comments and suggestions on these guidelines. Any party who wishes to make such suggestions or comments may do so by sending them to: Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, DC 20530.

APPENDIX TO PART 55—JURISDICTIONS COVERED UNDER SECTIONS 4(f)(4) AND 203(c) OF THE VOTING RIGHTS ACT OF 1965, AS AMENDED [APPLICABLE LANGUAGE MINORITY GROUP(S)]

Jurisdiction	Coverage under sec. 4(f)(4) ¹	Coverage under sec. 203(c) ²
--------------	--	---

¹ Coverage determinations for Section 4(f)(4) were published at 40 FR 43746 (Sept. 23, 1975), 40 FR 49422 (Oct. 22, 1975), 41 FR 783 (Jan. 5, 1976) (corrected at 41 FR 1503 (Jan. 8, 1976)), and 41 FR 34329 (Aug. 13, 1976). The Voting Section maintains a current list of those jurisdictions that have maintained successful declaratory judgments from the United States District Court for the District of Columbia pursuant to section 4 of the Act on its Web site at <http://www.justice.gov/crt/about/vot/>. See § 55.7 of this part.

² Coverage determinations for Section 203 based on 2000 Census data were published at 67 FR 48871 (July 26, 2002). Subsequent coverage determinations for Section 203 will be based on 2010 American Community Survey census data and subsequent American Community Survey data in 5-year increments, or comparable census data. See section 203(b)(2)(A). New coverage determinations for Section 203 by the Director of the Census Bureau are forthcoming.

[Order No. 3291-2011, 76 FR 54112, Aug. 31, 2011]

PART 56—INTERNATIONAL ENERGY PROGRAM

Sec.

56.1 Purpose and scope.

56.2 Maintenance of records with respect to meetings held to develop voluntary agreements or plans of action pursuant to the Agreement on an International Energy Program.

56.3 Maintenance of records with respect to meetings held to develop and carry out voluntary agreements or plans of action pursuant to the Agreement on an International Energy Program.

AUTHORITY: Energy Policy and Conservation Act, Pub. L. 94-163, 89 Stat. 871 (42 U.S.C. 6201).

SOURCE: 49 FR 33998, Aug. 28, 1984, unless otherwise noted.

§ 56.1 Purpose and scope.

These regulations are promulgated pursuant to section 252(e)(2) of the Energy Policy and Conservation Act (EPCA), 42 U.S.C. 6272(e)(2). They are being issued by the Assistant Attorney General in charge of the Antitrust Division to whom the Attorney General has delegated his authority under this section of EPCA. The requirements of this part do not apply to activities other than those for which section 252 of EPCA makes available a defense to actions brought under the Federal antitrust laws.

§ 56.2 Maintenance of records with respect to meetings held to develop voluntary agreements or plans of action pursuant to the Agreement on an International Energy Program.

(a) The Administrator of the Department of Energy shall keep a verbatim transcript of any meeting held pursuant to this subpart.

(b)(1) Except as provided in paragraphs (b) (2) through (4) of this section, potential participants shall keep a full and complete record of any com-

munications (other than in a meeting held pursuant to this subpart) between or among themselves for the purpose of developing a voluntary agreement under this part. When two or more potential participants are involved in such a communication, they may agree among themselves who shall keep such record. Such record shall include the names of the parties to the communication and the organizations, if any, which they represent; the date of the communication; the means of communication; and a description of the communication in sufficient detail to convey adequately its substance.

(2) Where any communication is written (including, but not limited to, telex, telegraphic, telecopied, microfilmed and computer printout material), and where such communication demonstrates on its face that the originator or some other source furnished a copy of the communication to the Office of International Affairs, Department of Energy with the notation "Voluntary Agreement" marked on the first page of the document, no participant need record such a communication or send a further copy to the Department of Energy. The Department of Energy may, upon written notice to potential participants, from time to time, or with reference to particular types of documents, require deposit with other offices or officials of the Department of Energy. Where such communication demonstrates that it was sent to the Office of International Affairs, Department of Energy with the notation "Voluntary Agreement" marked on the first page of the document, or such other offices or officials in the Department of Energy has designated pursuant to this section it shall satisfy paragraph (c) of this section, for the purpose of deposit with the Department of Energy.

(3) To the extent that any communication is procedural, administrative or ministerial (for example, if it involves the location of a record, the place of a meeting, travel arrangements, or similar matters,) only a brief notation of the date, time, persons involved and description of the communication need be recorded.

Martinez, Ruben

From: Martin Enriquezmarquez <
Sent: Thursday, December 02, 2021 4:37 PM
To: cityclerk; PublicComment-AutoResponse
Subject: Federal VRA Issues
Attachments: 2-2008-Cont-Ed-Federal-Voting-Rights-Act-Sarah-Gorman.pdf

CAUTION: This email was delivered from the Internet. Do not click links or open attachments unless you *know* the content is safe. Report phish using the Phish Alert Button. [Learn more...](#)

2 December 2021

Subject: Federal VRA Issues

Martin

Federal Voting Rights Act Issues

Background

1. **The Voting Rights Act of 1965** (“the Act”) was signed into law on August 6, 1965 by President Lyndon B. Johnson, in response to the unprovoked attack on March 7, 1965, by state troopers on peaceful marchers in Selma, Alabama.

The Act codifies and effectuates the 15th Amendment's permanent guarantee that, throughout the nation, no person shall be denied the right to vote on account of race or color. In addition, the Act contains several special provisions that impose even more stringent requirements in certain jurisdictions throughout the country.

Pursuant to the Act, the Voting Section of the Civil Rights Division of the United States Department of Justice, undertakes investigations and litigation throughout the United States and its territories, conducts administrative review of changes in voting practices and procedures in certain jurisdictions, and monitors elections in various parts of the country.

Reauthorization of the Voting Rights Act

In July 2006, President Bush extending the VRA for 25 years, by signing into law “The Fannie Lou Hamer, Rosa Parks, And Coretta Scott King Voting Rights Act Reauthorization And Amendments Act Of 2006,” extending:

- The prohibition against the use of tests or devices to deny the right to vote in any Federal, State, or local election; and
- The requirement for certain States and local governments to provide voting materials in multiple languages.

The New Law Also Amends the VRA with regard to:

- The use of election examiners and observers;
 - Voting qualifications or standards intended to diminish, or with the effect of diminishing, the ability of U.S. citizens on account of race or color to elect preferred candidates; and
 - Award of attorney fees in enforcement proceedings to include expert fees and other reasonable costs of litigation.
2. **Section 2** of the Act, is a nationwide prohibition against voting practices and procedures, including redistricting plans and at-large election systems, poll worker hiring, and voter registration procedures, that discriminate on the basis of race, color or membership in a language minority group identified in Section 4(f)(2) of the Act. It prohibits not only election-related practices and procedures that are intended to be racially discriminatory, but also those that are shown to have a racially discriminatory impact. The Attorney General, as well as affected private citizens, may bring lawsuits under Section 2 to obtain court-ordered remedies for violations of Section 2.

Most of the cases arising under Section 2 since its enactment involved challenges to at-large election schemes, but the section's prohibition against discrimination in voting applies nationwide to any voting standard, practice, or procedure that results in the denial or abridgement of the right of any citizen to vote on account of race, color, or membership in a language minority group. Section 2 is permanent and has no expiration date as do certain other provisions of the Voting Rights Act.

In 1980, the Supreme Court held that the section, as originally enacted by Congress in 1964, was a restatement of the protections afforded by the 15th amendment. *Mobile v. Bolden*, 446 U.S. 55 (1980).

Under that standard, a plaintiff had to prove that the standard, practice, or procedure was enacted or maintained, at least in part, by an invidious purpose.

In 1982, Congress amended Section 2 to provide that a plaintiff could establish a violation of the section if the evidence established that, in the context of the "totality of the circumstance of the local electoral process," the standard, practice, or procedure being challenged had the result of denying a racial or language minority an equal opportunity to participate in the political process.

The Senate Committee on the Judiciary issued a report to accompany the 1982 legislation. In that report, it suggested several factors for courts to consider when determining if, within the totality of the circumstances in a jurisdiction, the operation of the electoral device being challenged results in a violation of Section 2. These factors include:

1. The history of official voting-related discrimination in the state or political subdivision;
2. The extent to which voting in the elections of the state or political subdivision is racially polarized;
3. The extent to which the state or political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the minority group, such as unusually large election districts, majority-vote requirements, and prohibitions against bullet voting;
4. The exclusion of members of the minority group from candidate slating processes;
5. The extent to which minority group members bear the effects of discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process;
6. The use of overt or subtle racial appeals in political campaigns; and
7. The extent to which members of the minority group have been elected to public office in the jurisdiction.

S.Rep. No. 97-417, 97th Cong., 2d Sess. (1982), pages 28-29.

The Judiciary Committee also noted that the court could consider additional factors, such as whether there is a lack of responsiveness on the part of elected officials to the particularized needs of minority group members or where the policy underlying the state or political subdivision's use of the challenged standard, practice, or procedure is tenuous. However, the Judiciary Committee report describes this list of factors as neither exclusive nor comprehensive. Moreover, a plaintiff need not prove any particular number or a majority of these factors in order to succeed in a vote dilution claim.

In its first review of a case brought under the 1982 amendment, the Supreme Court explained that the "essence of a Section 2 claim is that a certain electoral law, practice, or structure interacts with social and historical conditions to cause an inequality in the opportunities enjoyed by black and white voters to elect their preferred representatives." *Thornburg v. Gingles*, 478 U.S. 30, 47 (1986). See also, *Johnson v. DeGrandy*, 512 U.S. 997 (1994).

Section 2 Litigation

- *United States v. Upper San Gabriel Valley Municipal Water District*, (C.D. Cal. 2000)

On July 21, 2000, the United States filed a complaint against the Upper San Gabriel Valley Municipal Water District in Ventura County, California, challenging under Section 2 of the Voting Rights Act the districting plan for the five election divisions from which the Water District Board of Directors was elected. The complaint alleged that the districting plan fragmented the Hispanic population concentration primarily by dividing predominantly Hispanic areas and placing them in separate divisions, resulting in Hispanic citizens being denied an equal opportunity to participate in the electoral process and to elect candidates of their choice. While Hispanic persons comprised 46.49 percent of the population of the Water District according to the 1990 Census and nine Hispanic candidates had run for positions on the Board of Directors, no Hispanic person had ever been elected

to the Board in its 40 year history. During the pendency of the lawsuit, the Water District adopted a new districting plan which did not dilute Hispanic voting strength and under which elections were held in 2002. Consequently, on June 13, 2003, the court entered a Stipulation and Order dismissing the case, which had become moot.

- United States v. City of Santa Paula, (C.D. Cal. 2000)

On April 6, 2000, the United States filed a complaint against the City of Santa Paula, CA alleging that the city's at-large method of electing the city council diluted Hispanic voting strength in violation of Section 2 of the Voting Rights Act. On October 24, 2001, the court entered a settlement agreement under which the City would conduct a proposition vote at the November 5, 2002 general election placing three district election options on the ballot. As part of the settlement agreement, the parties also stipulated to facts establishing significant elements of the United States' claim. Pursuant to the agreement, the United States' complaint was dismissed without prejudice.

3. **Section 4** ended the use of literacy requirements for voting in six Southern states (Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Virginia) and in many counties of North Carolina, where voter registration or turnout in the 1964 presidential election was less than 50 percent of the voting-age population.

Section 4 sets forth the criteria for determining whether a jurisdiction is covered under the special provisions of the Act, including the requirement for review of changes affecting voting under Section 5, whether it may be designated by the Attorney General for federal observers, and the procedures for terminating such coverage.

As enacted in 1965, the first element in the formula was whether, on November 1, 1964, the state or a political subdivision of the state maintained a "test or device" restricting the opportunity to register and vote. The Act's definition of a "test or device" included such requirements as the applicant being able to pass a literacy test, establish that he or she had good moral character, or have another registered voter vouch for his or her qualifications.

The second element of the formula would be satisfied if the Director of the Census determined that less than 50 percent of persons of voting age were registered to vote on November 1, 1964, or that less than 50 percent of persons of voting age voted in the presidential election of November 1964.

Currently, the following states becoming, in their entirety, "covered jurisdictions": Alabama, Alaska, Georgia, Louisiana, Mississippi, South Carolina, and Virginia. In addition, certain political subdivisions (usually counties) in four other states (Arizona, Hawaii, Idaho, and North Carolina) were covered.

Section 4(a) of the Act established a formula to identify those areas where racial discrimination in voting had been more prevalent and to provide for more stringent remedies where appropriate. The first of these targeted remedies was a five-year suspension of "a test or device," such as a literacy test as a prerequisite to register to vote. The second was the requirement for review, under Section 5, of any change affecting voting made by a covered area either by the United States District Court for the District of Columbia or by the Attorney General. The third was the ability of the Attorney General to certify that specified jurisdictions also required the appointment of federal examiners. These examiners would prepare and forward lists of persons qualified to vote. The final remedy under the special provisions is the authority of the Attorney General to send federal observers to those jurisdictions that have been certified for federal examiners.

Section 4 also contains several other provisions, such as Section 4(e) and Section 4(f), that guarantee the right to register and vote to those with limited English proficiency. Section 4(e) provides that the right to register and vote may not be denied to those individuals who have completed the sixth grade in a public school, such as those in Puerto Rico, where the predominant classroom language is a language

other than English. In Section 4(f), the Act addresses the ability of those persons who are members of language minority groups identified in Section 4(f)(2), to register and vote as well as to get information relating to the electoral process in a manner that will ensure their meaningful participation in the electoral process.

Section 4 also provides that a jurisdiction may terminate or "bailout" from coverage under the Act's special provisions. Originally enacted as a means to remedy any possible over inclusiveness resulting from application of the trigger formula, Congress amended this procedure in 1982 so jurisdictions that meet the statutory standards can obtain relief. The amendment, which took effect on August 5, 1984, establishes an "objective" measure to determine whether the jurisdiction is entitled to bailout.

The successful bailout applicant must seek a declaratory judgment from a three-judge panel in the United States District Court for the District of Columbia by demonstrate that during the past ten years:

- No test or device has been used within the state or political subdivision;
- All changes affecting voting have been reviewed under Section 5 prior to their implementation;
- No change affecting voting has been the subject of an objection by the Attorney General or the denial of a Section 5 declaratory judgment from the District of Columbia district court;
- There have been no adverse judgments in lawsuits alleging voting discrimination;
- There have been no consent decrees or agreements that resulted in the abandonment of a discriminatory voting practice;
- There are no pending lawsuits that allege voting discrimination; and
- Federal examiners have not been assigned.

In 1975, the Act's special provisions were extended for another seven years, and were broadened to address voting discrimination against members of "language minority groups," which were defined as persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage." As before, Congress expanded the coverage formula, based on the presence of tests or devices and levels of voter registration and participation as of November 1972. In addition, the 1965 definition of "test or device" was expanded to include the practice of providing any election information, including ballots, only in English in states or political subdivisions where members of a single language minority constituted more than five percent of the citizens of voting age. This third prong of the coverage formula had the effect of covering Alaska, Arizona, and Texas in their entirety, and parts of California, Florida, Michigan, New York, North Carolina, and South Dakota.

In 1982, the coverage formula was extended again, this time for 25 years, but no changes were made to it. Section 4, along with those other sections that are dependent upon it, such as Section 5, 6, and 8, will expire on August 6, 2007.

4. **Section 5** freezes changes in election practices or procedures in certain states until the new procedures have been determined, either after administrative review by the United States Attorney General, or after a lawsuit before the United States District Court for the District of Columbia, to have neither discriminatory purpose or effect. This requires proof that the proposed voting change does not deny or abridge the right to vote on account of race, color, or membership in a language minority group. If the proposed change has not been shown to be free of the purpose, then the effect the Attorney General may block implementation of the change by interposing an objection. The Attorney General has published detailed procedures which explain how to make Section 5 submissions. Notices of Section 5 submissions are regularly posted to the Internet. Types of Section 5 changes include redistricting, annexation, polling place, precinct, re-registration or voter purge, incorporation, bilingual procedures, method of election, form of government, consolidation or division of political units, special election, voting methods, candidate qualifications, voter registration procedures, and election laws.

In 2006, Congress extended Section 5 for an additional 25 years.

Section 5 provides two methods for a covered jurisdiction to comply with Section 5. The first method mentioned in the statute is by means of a declaratory judgment action filed by the covered jurisdiction in the United States District Court for the District of Columbia.

The second method of compliance with Section 5 is known as administrative review. A jurisdiction can avoid the potentially lengthy and expensive litigation route by submitting the voting change to the Civil Rights Division of the Department of Justice, to which the Attorney General of the United States has delegated the authority to administer the Section 5 review process. The jurisdiction can implement the change if the Attorney General affirmatively indicates no objection to the change or if, at the expiration of 60 days, no objection to the submitted change has been interposed by the Attorney General. It is the practice of the Department of Justice to respond in writing to each submission, specifically stating the determination made regarding each submitted voting change.

Well over 99 percent of the changes affecting voting are reviewed administratively, no doubt because of the relative simplicity of the process, the significant cost savings over litigation, and the presence of specific deadlines governing the Attorney General's issuance of a determination letter.

Election Monitoring

5. **Section 3 and Section 8** give the federal courts and the Attorney General, respectively, authority to certify counties for the assignment of federal observers. Federal observers are assigned to polling places so they can monitor election-day practices in response to concerns about discrimination in the voting process and to provide information about compliance with bilingual election procedures.

The Voting Section conducts investigations to determine whether it is likely that minority voters will not be allowed to cast a ballot without interference in particular polling places on election day, and therefore whether federal observers are needed. If so, the Voting Section notifies the Office of Personnel Management (OPM) that federal observers are needed, which OPM recruits, and then, in cooperation with Voting Section attorneys, supervises the people who serve as federal observers. Federal observers write reports of the activities they witness in polling places and provide those reports to the Voting Section. The Voting Section will assess these reports to determine whether further enforcement of the Voting Rights Act is needed in the political subdivision.

A total of 148 counties and parishes in 9 states have been certified by the Attorney General: Alabama (22 counties), Arizona (3), Georgia (29), Louisiana (12), Mississippi (50), New York (3), North Carolina (1), South Carolina (11) and Texas (17).

Section 3(a) of the Voting Rights Act provides that a federal court may authorize the appointment of federal observers by the Director of the Office of Personnel Management to serve in a political subdivision for such period of time as the court deems appropriate to enforce the voting guarantees of the fourteenth or fifteenth amendment. A total of 17 political subdivisions in 9 states are currently certified by federal court order: Arizona (1), **California (3)**, Illinois (1), Louisiana (1), Massachusetts (2), New Mexico (2), New York (2), South Dakota (1), and Texas (4).

California	City of Rosemead	8/13/07 order, effective until 30 days after the 2009 municipal election (previously covered by 9/8/05 order)
	City of Paramount	8/23/05 order, effective until 12/31/09
	City of Azusa	8/26/05 order, effective until 12/31/09

Termination of Federal Observer Assignment

Section 13 of the Voting Rights Act sets forth the procedures by which a political subdivision where federal observers have been assigned due to certification by the Attorney General, may petition for the termination of such assignment authority. The Attorney General may terminate such assignment authority for a jurisdiction if:

1. the Director of the Census has determined that more than 50% of the nonwhite persons of voting age are registered to vote and
2. there is no longer reasonable cause to believe that persons will be deprived or denied the right to vote on account of race or color, or in contravention of the guarantees set forth in Section 4(f)(2) of the Voting Rights Act for language minority groups.

A political subdivision also may file an action for a declaratory judgment in the United States District Court for the District of Columbia that the federal observer assignment authority for the political subdivision should be terminated.

Language Minority Provisions

6. **Sections 203 and 4(f)(4)** are the language minority provisions of Act. These provisions require certain covered jurisdictions to provide bilingual written materials and other assistance. The Attorney General has published detailed guidelines that explain how to comply with these statutes.

Congress passed the language minority provisions because it found that:

[T]hrough the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process. Among other factors, the denial of the right to vote of such minority group citizens is ordinarily directly related to the unequal educational opportunities afforded them resulting in high illiteracy and low voting participation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting these practices, and by prescribing other remedial devices.

Congress adopted the language minority provisions of the Voting Rights Act in 1975 for a period of ten years, then extended them in 1982 for ten year and in 1992 for fifteen years.

Covered jurisdictions are determined by the Census Bureau and covered language minorities are limited to American Indians, Asian Americans, Alaskan Natives, and Spanish-heritage citizens - the groups that Congress found to have faced barriers in the political process.

Section 203 Coverage Formula

A jurisdiction is covered under Section 203 where the number of United States citizens of voting age is a single language group within the jurisdiction:

- Is more than 10,000, or
- Is more than five percent of all voting age citizens, or
- On an Indian reservation, exceeds five percent of all reservation residents; and
- The illiteracy rate of the group is higher than the national illiteracy rate

Guidance for Local Officials

The Civil Rights has identified both guiding principles and practical suggestions for local election officials to pursue with their local language minority communities to serve them effectively and efficiently. The Attorney General has published guidelines entitled "Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups." 28 C.F.R. Part 55. *Please note that 28 C.F.R. Part 55 has not yet been updated to reflect the July 26, 2002, determinations by the Director of the Bureau of the Census pursuant to Section 203 of the Voting Rights Act.*

Section 203 Litigation

- United States v. City of Walnut, CA, (C.D. Cal. 2007)
 - United States v. City of Azusa, CA (C.D. Cal. 2005)
 - United States v. City of Paramount, CA (C.D. Cal. 2005)
 - United States v. City of Rosemead, CA (C.D. Cal. 2005)
 - United States v. Ventura County (C.D. Cal. 2004)
 - United States v. San Diego County (S.D. Cal. 2004)
 - United States v. San Benito County (N.D. Cal. 2004)
 - United States v. Alameda County (N.D. Cal. 1995)
 - United States v. City and County of San Francisco (N.D. Cal. 1978)
7. **Section 208** of the Act, is the provision for voters requiring assistance to vote by reason of blindness, disability, or inability to read or write. Any such voter may be given assistance by a person of the voter's choice, other than the voter's employer or agent of the employer or officer or agent of the voter's union. (No 208 litigation in CA yet)

Military And Overseas Voting (UOCAVA)

8. **The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)** was enacted by Congress in 1986. The UOCAVA requires that the states and territories allow certain groups of citizens to register and vote absentee in elections for federal offices. In addition, most states and territories have their own laws allowing citizens covered by the UOCAVA to register and vote absentee in state and local elections as well.

United States citizens covered by the UOCAVA include:

- members of the United States Uniformed Services and merchant marine;
- their family members; and
- United States citizens residing outside the United States.

The UOCAVA provides for a "back-up" ballot, called the Federal Write-In Absence Ballot (FWAB), which can be used by citizens covered by the Act in federal general elections. The FWAB may be cast by voters who have made a timely application for but have not received their regular ballot from the state or territory, subject to certain conditions. The FWAB is available at military installations and embassies worldwide. The Secretary of Defense has administrative responsibilities for the UOCAVA. Within the Department of Defense, the Secretary has assigned these responsibilities to the Federal Voting Assistance Program (FVAP) to assure that members of the Armed Forces have a full opportunity to participate in Federal elections.

Motor Voter Act

9. **The National Voter Registration Act**, also known as the NVRA or the Motor Voter Act, facilitates voter registration for federal elections by allowing voters to register by mail, when they

obtain driver's licenses, or when they obtain services from various government agencies, and it permits voter purges only under very controlled conditions. It also helps ensure that eligible voters are not removed from the voting rolls and that people who move in the same registrar's district retain their eligibility to vote even if they have not re-registered at their new location.

Section 5 of the Act requires states to provide individuals with the opportunity to register to vote at the same time that they apply for a driver's license or seek to renew a driver's license, and requires the State to forward the completed application to the appropriate state or local election official.

Section 7 of the Act requires states to offer voter registration opportunities at all offices that provide public assistance and all offices that provide state-funded programs primarily engaged in providing services to persons with disabilities. Each applicant for any of these services, renewal of services, or address changes must be provided with a voter registration form or a declination form as well as assistance in completing the form and forwarding the completed application to the appropriate state or local election official.

Section 6 of the Act provides that citizens can register to vote by mail using mail-in-forms developed by each state and the Election Assistance Commission.

Section 8 of the Act also creates requirements for how States maintain voter registration lists for federal elections.

The NVRA became effective in most states on January 1, 1995. The Act applies to 44 states (including CA) and the District of Columbia.

NVRA Litigation

- Wilson v. United States, (N.D. Cal 1994)
- 10. On October 29, 2002, President Bush signed the "**Help America Vote Act of 2002**," (HAVA), Pub. L. No. 107-252, 116 Stat. 1666 (2002) into law (codified at 42 U.S.C. 15301 to 15545).

The legislation aims to improve the administration of elections in the United States, primarily through three means:

1. creating a new federal agency to serve as a clearinghouse for election administration information;
2. providing funds to states to improve election administration and replace outdated voting systems; and
3. creating minimum standards for states to follow in several key areas of election administration.

HAVA Litigation

- U.S. v. San Benito County, CA (N.D. Cal 2004)

In this action, the United States alleged in its complaint that the county had violated both Section 203 of the Voting Rights Act by failing to have an effective Spanish language election program and Section 302 of the Help America Vote Act by failing to post the information required by that section to be posted in polling places and by failing to provide the requisite written information regarding the process of casting a provisional ballot. The court entered a consent decree, requiring the county to provide a Spanish language election program. This consent decree expired on December 31, 2006.

Hot Topics in Voting Rights

1. Voter ID laws – Section 5

Criticism of Voting Law Was Overruled

Justice Dept. Backed Georgia Measure Despite Fears of Discrimination

By Dan Eggen

Washington Post Staff Writer

Thursday, November 17, 2005; Page A01

A team of Justice Department lawyers and analysts who reviewed a Georgia voter-identification law recommended rejecting it because it was likely to discriminate against black voters, but they were overruled the next day by higher-ranking officials at Justice, according to department documents.

The Justice Department has characterized the "pre-clearance" of the controversial Georgia voter-identification program as a joint decision by career and political appointees in the Civil Rights Division. Republican proponents in Georgia have cited federal approval of the program as evidence that it would not discriminate against African Americans and other minorities.

But an Aug. 25 staff memo obtained by The Washington Post recommended blocking the program because Georgia failed to show that the measure would not dilute the votes of minority residents, as required under the Voting Rights Act.

The memo, endorsed by four of the team's five members, also said the state had provided flawed and incomplete data. The team found significant evidence that the plan would be "retrogressive," meaning that it would reduce blacks' access to the polls.

A day later, on Aug. 26, the chief of the department's voting rights section, John Tanner, told Georgia officials that the program could go forward. "The Attorney General does not interpose any objection to the specified changes," he said in a letter to them.

The Justice Department's decision to approve the Georgia measure was the latest in a series of disputes within the Civil Rights Division, which lost nearly 20 percent of its lawyers in 2005 and has assigned dozens of those who remain to handle immigration cases instead of civil rights litigation. In the voting rights section, which handles election-related issues such as the Georgia plan, political appointees also overruled career lawyers in approving GOP-backed redistricting maps in Mississippi and Texas in recent years, current and former employees have said.

DEPARTMENT OF JUSTICE DOCUMENTS

Section 5 Recommendation Memorandum

This Aug. 25 Department of Justice memo shows that a review team decided 4-1 that Georgia's voter identification program should be halted. The next day Attorney General Alberto R. Gonzales and his aides granted pre-clearance to the program, allowing the initiative to go forward before it was blocked by the courts.

2. United States v. Ike Brown and Noxubee County, (S.D. Miss 2005) – Section 2

On August 27, 2007, the Court entered a remedial order in *United States v. Brown* (S.D. Miss). On June 29, 2007, the Court entered judgment for the United States. The Court's 104 page opinion held that the Voting Rights Act is a colorblind statute and protects all voters from racial discrimination, regardless of the race of the voter. In its complaint, the United States alleged that the practices of local election and party officials discriminate against whites in violation of Section 2 of the Voting Rights Act. The United States entered in a consent decree with the Noxubee County superintendent of general elections, administrator of absentee ballots, registrar, and the county government. The consent decree prohibits a wide range of discriminatory and illegal voting practices, and requires these officials to report such incidents if they receive information that they are continuing. This consent decree was approved by the district court and filed simultaneously with the filing of the complaint.

The defendants are the Noxubee County Democratic Executive Committee, its chairman Ike Brown, and the Noxubee County Election Commission. When the Voting Rights Act was passed in 1965, the population of Noxubee County was approximately 70% black and 30% white, but 100% of the elected officials in the county were white. Now, forty years later, the population of Noxubee County is still about 70% black and 30% white, but 93% of elected officials are black.

Moreover, the Democratic party in Noxubee County, once dominated by whites, is now majority black; and Democratic party officials in Noxubee County, including NDEC Chairman Ike Brown and all but one of the 30 current members of the NDEC, are black.

the Government's expert Dr. Theodore Arrington has put it, "You now have a situation in which whites are the minority and blacks are in a position to discriminate against them very much in the same way as whites discriminated against blacks in the history further back." In short, the Government claims that defendants have intentionally practiced racial discrimination and that their actions have had the racially discriminatory result of reducing the electoral opportunities of white voters and white voter preferred candidates.

However, where the proof establishes a specific racial intent by black election officials to disenfranchise white voters, Section 2 applies with ease. No one could reasonably argue that an election official's racially motivated decision to count the votes of black voters while rejecting those of white voters is discrimination.

Thus, the court found that defendants Brown and the NDEC violated Section 2, it is ordered that within thirty days of the issuance of this ruling on liability issues, the parties are to submit memoranda addressing what they believe would constitute a curative remedy in this case.

On August 27, 2007, the Court entered a remedial order:

1. Defendants Ike Brown and the Noxubee County Democratic Executive Committee, their agents, employees, contractors, successors, and all other persons representing the interests of these defendants, are permanently enjoined from:

(a) imposing any "voting qualification or prerequisite to voting" or applying any "standard, practice, or procedure . . . in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, 42 U.S.C. § 1973(a); or

(b) maintaining an electoral system or election-related infrastructure which, based upon the totality of the circumstances, is "not equally open to participation by members of a class of citizens . . . in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice," 42 U.S.C. § 1973(b).

The court hereby appoints Reuben Anderson to serve as the Superintendent of Elections for all Democratic Primary and Democratic runoff elections through November 20, 2011.

3. Recent Congressional Oversight Hearings on Voting Rights Oversight Hearing: Election Day Registration and Provisional Voting

November 9, 2007 | 10:00 am

1310 Longworth House Office Building | Washington, DC

U.S. House Committee on House Administration, Subcommittee on Elections

Witnesses: The Honorable Keith Ellison, U.S. Representative (MN-5)

Thursday, Nov. 15, 2007, **Washington, D.C.** – On Tuesday, Congressman Keith Ellison (D-MN) filed an amicus brief with the U.S. Supreme Court in support of the case striking down an Indiana photo id requirement as an unconstitutional poll tax.

Recently, the Chief of the Department of Justice's (DOJ) Voting Rights Division, John Tanner confirmed this when stating: "It's probably true that among those who don't [have Photo ID], it's primarily elderly persons. And that's a shame. Of course...our society is such that minorities don't become elderly. The way that white people do. They die first."

Oversight Hearing: on the Voting Section of the Civil Rights Division of the U.S. Department of Justice

October 30, 2007 | 10:00 am

2141 Rayburn House Office Building | Washington DC

U.S. House Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Civil Liberties

Witnesses: John K. Tanner, Chief, Voting Right Section, Civil Rights Division, U.S. Department of Justice

4. CA Secretary of State Debra Bowen's Review of Voting Machines

http://www.sos.ca.gov/elections/elections_vsr.htm

Martinez, Ruben

From: Martin Enriquezmarquez < >
Sent: Thursday, December 02, 2021 4:40 PM
To: PublicComment-AutoResponse; cityclerk
Subject: Minority-Language Election Rules- Public Lawyer
Attachments: 2008votingrights.pdf

CAUTION: This email was delivered from the Internet. Do not click links or open attachments unless you *know* the content is safe. Report phish using the Phish Alert Button. [Learn more...](#)

2 December 2021

Subject: Minority-Language Election Rules- Public Lawyer

Martin

Minority-Language Election Rules and the Public Lawyer

By Bruce L. Adelson

With its nationwide scope and long history of success, the Voting Rights Act of 1965 (VRA) is perhaps the most effective and far-reaching civil rights legislation ever enacted in the United States. To alleviate voting discrimination, Congress outlawed the application of any “qualification or prerequisite to voting, or standard, practice or procedure . . . to deny or abridge the right of any citizen of the United States to vote because he is a member of a language minority group.”¹ Recognizing its impact, Congress voted overwhelmingly in 2006 to reauthorize portions of this landmark statute. For decades, litigants and the federal government have used its remedial provisions to combat voting discrimination based on race, color and language.

Enforcement of the VRA

The U.S. Department of Justice (DOJ) is charged with enforcing the VRA. With the 2008 presidential election rapidly approaching and DOJ’s enforcement activities likely to increase, it’s important that public lawyers familiarize themselves with the VRA and its myriad provisions.

In addition to the VRA, DOJ enforces the Help America Vote Act (HAVA), the National Voter Registration Act (NVRA), and the Uniformed Overseas and Civilian Absentee Voting Act (UOCAVA). However, DOJ’s enforcement efforts have predominantly focused on the VRA’s minority-language provisions, primarily Section 203.² Indeed, since 2004, DOJ has filed 16 suits alleging violations of the VRA’s bilingual election requirements, more suits than DOJ filed in a comparable period to enforce UOCAVA and NVRA combined. Fifteen of these 16 cases were noncontested filings, resulting in consent decrees. The 16th, *United States v. City of Philadelphia*,³ represented DOJ’s first contested minority-language litigation and its first defeat. This case will be discussed below.

The VRA’s Requirements

The VRA’s minority-language provisions apply only to voters who are American Indian, Asian-American, Alaska Native or of Spanish heritage⁴ and are limited-English profi-

cient (LEP), speaking English “less than very well,” according to the Census Bureau. These LEP citizens speak and understand primarily their native languages. Languages such as Hopi, Apache, Japanese, Mandarin, Choctaw and Spanish are among those covered by the VRA. Other languages, such as Russian, French and Arabic, are not included; and no additional languages can be added without congressional action.

Although only those languages listed in the statute are covered, other parts of the VRA may be used to capture languages beyond Section 203’s mandate and compel jurisdictions to provide assistance. For example, Section 208 of the Voting Rights Act of 1965 states that “[a]ny voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter’s choice, other than the voter’s employer or agent of that employer or officer or agent of the voter’s union.”⁵ The phrase *inability to read or write* is generally interpreted to encompass English-language proficiency.⁶

DOJ has successfully used Section 2 of the VRA⁷ to encompass discrimination against voters who speak languages outside the scope of local Section 203 coverage.⁸ Typically, for Section 2 to be invoked successfully, there should be evidence that LEP people were denied the right to vote, or denied the right to vote effectively, because of their minority-language status. Section 203’s requirements are almost strict liability in nature: If you are a covered jurisdiction, you must provide language-based assistance. Section 2 does not have similar language-centered automatic mandates.

Section 203 requires that officials provide election information in covered non-English languages through written materials and bilingual poll workers and other personnel in certain parts of the country.

A jurisdiction is covered by Section 203 if, according to the census, the number of LEP U.S. citizens of voting age in a single language group (of a language included in the statute) within the jurisdiction is more than 10,000, is more than five percent of all citizens of voting age, or is more than five percent of the American Indian voting-age citizens on an Indian reservation; and the illiteracy rate of the citizens in the minority-language group is higher than the national illiteracy rate.⁹

According to the census, more than 4,100,000 voting-age LEP citizens lived in Section 203-covered jurisdictions in 2000. Of these people, approximately 3,300,000 are Hispanic LEP voting-age citizens. Undoubtedly, these numbers are

Bruce L. Adelson,

was an attorney with the U.S. Department of Justice from 2000 to 2006. He spent five years with DOJ’s Voting Section. During his tenure, he had Section 203 enforcement responsibility for 20 counties in several states. Today, Mr. Adelson is CEO of Federal Compliance Consulting in Potomac, Maryland, and provides strategic consulting, technical assistance and training to clients concerning various federal laws, including voting laws. He is also the author of 14 books, including *Brushing Back Jim Crow: The Integration of Minor League Baseball in the American South*.

Section 203 Programs Across the Country

Many jurisdictions across the United States successfully operate Section 203 programs. They have instituted procedures that comply with the law and serve their minority-language communities to ensure they can effectively participate in the electoral process.

Maricopa County, Arizona: This county developed election terminology glossaries in Spanish and O’odham, the language of the Tohono O’odham Nation. The county also instituted a system to survey election officials on election days to determine the number of voters per precinct who needed language assistance. The National Association of Counties recognized the county’s bilingual election programs with achievement awards in 2005 and 2006.

Maverick County, Texas: The county hired, trained and assigned trilingual poll workers to the polls on the Kickapoo Indian Reservation. The poll workers speak English, Spanish and Kickapoo.

Gila and Graham Counties, Arizona: Section 203 requires these counties to provide Apache-language assistance to LEP residents of the San Carlos Apache Reservation. In 2004, the counties held a joint voter reservation event, featuring bilingual Apache and English election staff from both jurisdictions, during an animal spaying clinic sponsored by the San Carlos Apache Tribe. The event resulted in dozens of registrations by LEP citizens who had never voted.

higher today. There are more than 200 Section 203 jurisdictions across the country that are required to provide Spanish-language election information to its LEP citizens, and more that must offer assistance in other languages. Once Section 203 applies to a county, all of its constituent jurisdictions, municipalities, school districts and special districts are also subject to the law’s bilingual election requirements.

Section 203 jurisdictions include many of the largest cities and counties in the United States: New York City, Boston, Philadelphia, Miami and Miami-Dade County, Chicago, Houston and Harris County, Dallas and Dallas County, Phoenix and Maricopa County, Los Angeles and Los Angeles County, San Francisco and San Francisco County, San Diego and San Diego County, and Seattle and King County.

The director of the census issued the current Section 203 determinations in July 2002. Courts have no jurisdiction to review or overturn these census decisions. The next determinations will follow the 2010 Census, perhaps by 2012. Given current population and demographic trends, many jurisdictions not presently covered by Section 203 should expect to be subject to this law in approximately five years.

Compliance with the VRA

There are several absolutes for compliance with Section 203. Covered counties and municipalities must ascertain the languages and dialects spoken by their LEP voters.¹⁰ Written materials, such as “any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots” must be translated into the applicable minority languages.¹¹ American Indian and Alaska Native languages are unwritten, so jurisdictions covered for these languages must provide oral language assistance.¹²

Oral assistance at the polls (i.e., with bilingual poll workers) must be provided to LEP voters who require such help to “participate effectively in the electoral process.”¹³ Jurisdictions should take “all reasonable steps” to achieve this goal.¹⁴

In evaluating how jurisdictions assist LEP voters and whether such assistance complies with the law, DOJ will consider

... the number of a precinct’s registered voters who are members of the applicable language minority group, the number of such persons who are not proficient in English, and the ability of a voter to be assisted by a person of his or her own choice. The basic standard is one of effectiveness.¹⁵

Indeed, jurisdictions are not required to provide non-English-language information to all voters. Instead, federal regulations permit them to use a “targeting system.”

To establish a workable, compliant targeting system, jurisdictions need an effective outreach program, which could include voter education events for the LEP community and the use of bilingual employees to interact with LEP populations. This outreach will allow jurisdictions to stay informed about their communities’ needs and changing demographics while also contributing to their VRA compliance.

A combination of tools, such as census data, information from community organizations, outreach to LEP populations, and Election Day survey data indicating the number of LEP voters who voted by precinct in previous elections and their primary languages, will help jurisdictions determine which precincts need minority-language materials and bilingual poll workers.¹⁶

This may all seem axiomatic. However, DOJ’s Section 203 litigation record reveals several pitfalls, but jurisdictions can avoid these with preparation.

Consent Decrees May Not Provide the Solution

In 2005, the *Boston Globe* reported that when DOJ is about to bring suit alleging Section 203 violations, the agency contacts the prospective defendant counties and municipalities to present a *fait accompli* consent decree. "They basically were asking us to agree to all their allegations, and they never shared the facts," said Merita Hopkins, then chief of staff to Boston Mayor Thomas Menino and city corporation counsel.¹⁷ Boston eventually signed a consent decree to resolve DOJ's case.¹⁸

The recent Section 203 consent decrees follow a pattern. In the vast majority, the defendants agree to hire a bilingual coordinator to assist with Section 203 compliance and to create an advisory group to advise the bilingual coordinator. Although hiring someone who is bilingual in English and the relevant minority language(s) to coordinate bilingual election compliance is advisable, federal law neither requires nor suggests this or the creation of an advisory group.

In addition, the vast majority of post-2004 Section 203 consent decrees require that the defendants assign a certain number of bilingual poll workers per voting precinct according to the number of minority-surnamed voters registered there. However, the VRA's implementing regulations do not provide for such a formula. Interestingly, DOJ did not use this formula in its pre-2004 Section 203 consent decrees.

In the 2006 case of *United States v. Hale County, Texas*,¹⁹ the defendants agreed that "[a]ny polling place in which there are 100-249 registered voters with Spanish surnames shall be staffed by at least one bilingual election official." Virtually identical formulas are included in other consent decrees involving disparate jurisdictions: *United States v. San Benito County, California*,²⁰ *United States v. San Diego County, California*,²¹ *United States v. City of Rosemead, California*,²² and *United States v. Cochise County, Arizona*.²³ Additional consent decrees are posted on DOJ's website, www.usdoj.gov/crt/voting/litigation/caselist.htm.

However, *Hale County* and similar decrees do not allow for the flexibility contained in federal regulations. Indeed, federal law does not require that jurisdictions staff polls with set numbers of bilingual poll workers based on voters' surnames alone. This formula contradicts federal regulations that state DOJ will consider the number of LEP people per precinct in evaluating a jurisdiction's Section 203 compliance. It also suggests that having a certain surname imparts LEP status and lack of English-language ability on particular voters. Assigning poll workers based on a precinct's number of voters with certain surnames, without more (i.e., information from community organizations and targeting conclusions based on outreach to LEP groups), does not seem to be a reliable way to assess the need for bilingual assistance; indeed, it belies federal regulations' "effectiveness" standard.

A three-judge federal court reached a similar conclusion in *United States v. City of Philadelphia*. In a decision on the eve of the 2006 general election, the court denied DOJ's request for injunctive relief in a case alleging Section 203 violations

What Does It All Mean?

Jurisdictions should be knowledgeable about census data and other information concerning the local population, know neighborhoods where non-English-speaking people reside, establish effective outreach and targeting programs to help pinpoint voting precincts with LEP voters, have systems in place to reach voters who require assistance, and use targeting correctly by having translated written materials and bilingual poll workers in selected precincts and districts with LEP voters.

by the city of Philadelphia. In addition to the court's remarkable castigation of DOJ for "dilatatoriness" and "undue delay"²⁴ in prosecuting the case, the court decided that DOJ's evidence was insufficient to prove that the defendants underserved their Spanish-speaking voters. The court further questioned the validity of DOJ's surname-based formula for assigning poll workers:

[DOJ's] analysis makes several assumptions regarding Spanish-speaking voters that are too attenuated to actual English language ability to support a finding regarding the distribution of limited English proficient voters throughout the City. In particular, the Government asks us ... to find a correlation between a Spanish surname and Spanish language ability.²⁵

In denying DOJ's motion for injunctive relief, the court cited with approval the Fifth Circuit's decision in *Rodriguez v. Bexar County*,²⁶ where the court found that the use of Spanish surnames to identify Hispanic voters was "highly problematic."

The *City of Philadelphia* opinion gives public lawyers a valuable tool if DOJ alleges that their clients are noncompliant with Section 203. The decision succinctly questions DOJ's use of surname-based formulas for poll worker assignments.

The Bottom Line

Section 203 is but one of myriad federal voting laws that bind states, counties, municipalities, and school and special districts across the country. Its minority-language mandates reflect our national population trends and are at the core of DOJ's enforcement priorities. Public lawyers who come to the federal negotiating table armed with knowledge of applicable law, current court decisions, and effective bilingual election programs will serve their clients well and help them better prepare for the 2008 presidential election and other elections in the future. ■

Endnotes

1. 42 U.S.C. § 1973 b(f)(2) (2005).
2. 42 U.S.C. § 1973 aa-1a.
3. *United States v. City of Phila. & Phila. City Comm'n*, No. 2:06cv-4592 (E.D. Pa. 2006).
4. 42 U.S.C. § 1973 l(b)(3).
5. 42 U.S.C. § 1973 aa-6.
6. *E.g., United States v. Miami-Dade County, Fla.*, No. 02-21698 (S.D. Fla. 2002).
7. 42 U.S.C. § 1973.
8. *United States v. City of Boston*, No. 05-11598-EGY (D. Mass. 2005).
9. 42 U.S.C. § 1973aa-1a (b)(2)(A).
10. 28 C.F.R. § 55.13 (1999).
11. 28 C.F.R. § 55.15.
12. 28 C.F.R. § 55.12.
13. 28 C.F.R. § 55.2 (b).
14. *Id.*
15. 28 C.F.R. § 55.20 (c).
16. 28 C.F.R. § 55.17.
17. *City Said No to Remedies in Voting Bias Case, Cites Lack of Data from US*, BOSTON GLOBE, Aug. 1, 2005.
18. *United States v. City of Boston*, No. 05-11598-EGY (D. Mass. 2005).
19. No. 5-05CV0043 (N.D. Tex. 2006).
20. No. 02056 (N.D. Cal. 2004).
21. No. CV1273JEG (S.D. Cal. 2004) (memorandum agreement).
22. No. CV05-5131 GAF (C.D. Cal. 2005).
23. No. CV 06-304 TUC-FRZ (D. Ariz. 2006).
24. *United States v. City of Phila. & Phila. City Comm'n*, No. 2:06cv-4592, at 2 (E.D. Pa. 2006).
25. *Id.* at 3.
26. 385 F.3d 867 n. 18 (5th Cir. 2004).

Martinez, Ruben

From: Martin Enriquezmarquez < >
Sent: Thursday, December 02, 2021 4:49 PM
To: cityclerk; PublicComment-AutoResponse
Subject: Voting Discrimination Against Racial Ethnic Minorities 1994-2019
Attachments: LC_VOTER_DISCRIM_RPT_H.pdf

CAUTION: This email was delivered from the Internet. Do not click links or open attachments unless you *know* the content is safe. Report phish using the Phish Alert Button. [Learn more...](#)

Up to date 2019 data

2 December 2021

Subject: Voting Discrimination Against Racial Ethnic Minorities 1994-2019

Martin



PRELIMINARY REPORT ON

Voting Discrimination Against Racial and Ethnic Minorities 1994-2019



ABOUT THE LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW

The Lawyers' Committee for Civil Rights Under Law (Lawyers' Committee), a nonpartisan, nonprofit organization, was formed in 1963 at the request of President John F. Kennedy to involve the private bar in providing legal services to address racial discrimination. The principal mission of the Lawyers' Committee is to secure, through the rule of law, equal justice under the law, particularly in the areas of criminal justice, fair housing and fair lending, voting, education, and economic justice. For more information about the Lawyers' Committee, visit www.lawyerscommittee.org.

ACKNOWLEDGEMENTS

A tremendous thank you to the Voting Rights Project team of the Lawyers' Committee for Civil Rights Under Law: Pooja Chaudhuri, Jacob Conrack, Brendan Downes, Jon Greenbaum, Julie Houk, Paul Joffe, Marcia Johnson-Blanco, Luis Patino, John Powers, Ezra Rosenberg, and Ryan Snow. We also thank the following firms in our *pro bono* network for their significant contributions: Ballard Spahr LLP; Bryan Cave Leighton Paisner LLP; Carlton Fields, P.A.; Crowell & Moring LLP; Duane Morris LLP; Holland & Knight LLP; King & Spalding LLP; Kirkland & Ellis LLP; Miller, Canfield, Paddock and Stone, P.L.C.; Nelson Mullins Riley & Scarborough LLP; Preti, Flaherty, Beliveau & Pachios, Chartered, LLP; Proskauer Rose LLP; Ropes & Gray LLP; Seeger Weiss LLP; WilmerHale LLP.

1500 K St., N.W., 9th Floor | Washington, D.C. 20005 | Phone: 202-662-8600

A publication of the Lawyers' Committee for Civil Rights Under Law. CC-BY2019. This publication is covered by the Creative Commons Attribution (CC BY) license (see creativecommons.org). It may be reproduced in its entirety or modified as long as the Lawyers' Committee for Civil Rights Under Law is credited, a link to the license is included, and if changes were made to the original document, notification that changes were made is noted.

This is the Preliminary Report of Racial and Ethnic Discrimination in Voting, 1994-2019 prepared by the Lawyers' Committee for Civil Rights Under Law. When completed, this Report will present in a unified package all administrative actions and court proceedings between 1994 and the present, based on claims of voting discrimination by state or local jurisdictions, that resulted in critical protections for protected racial or ethnic groups.

The Lawyers' Committee for Civil Rights Under Law has a unique vantage point from which to analyze this information. Since 1963, when President John F. Kennedy enlisted the private bar's leadership and resources in combating racial discrimination, the Lawyers' Committee has been at the forefront of the battle for equal rights. The Lawyers' Committee created and staffed the National Commission on the Voting Rights Act, which made the largest contribution to the record supporting the 2006 reauthorization of the Voting Rights Act,¹ and participated in the legal defense of the two cases challenging the constitutionality of the reauthorization, *Northwest Austin Municipal Utility District No. 1 v. Holder*² and *Shelby County*

v. Holder.³ In 2014, the Lawyers' Committee organized the National Commission on Voting Rights which issued a report documenting ongoing voting discrimination.⁴ For almost two decades, the Lawyers' Committee has led Election Protection, the largest and longest-running non-partisan voter protection program in the country. And, to this day, the Lawyers' Committee's docket of significant voting rights litigation is among the most comprehensive and far-reaching—both geographically and in terms of the issues raised—as any in the nation.

This preliminary report identifies approximately 340 instances between 1994 and the present where actions by state or local governments gave rise to either a finding of racial discrimination in voting by the Attorney General or a court, or a change in the jurisdiction's actions as a result of litigation brought claiming racial discrimination in voting. The vast majority involved court cases from all over the country, but with a disproportionate number arising from jurisdictions once covered by Section 5 of the Voting Rights Act. The remainder are objections interposed by the Attorney General pursuant to the then authority under

Section 5 of the Voting Rights Act to block or deny proposed changes in voting practices or procedures by jurisdictions formerly covered by Section 5.

The enormous number of findings of discrimination in a relatively small number of years serve as a sobering reminder that our fight for equality in the polling place is yet to be won.

THE PURPOSE OF THIS REPORT

In some ways, this Report is a response — albeit at this stage, preliminarily and partial — to the majority opinion in *Shelby County*, where the Supreme Court gutted Section 5 of the Voting Rights Act, one of the most important and most protective pieces of civil rights legislation in our history. Section 5 required jurisdictions with a history of discrimination, based on a formula set forth in Section 4(b), to obtain preclearance of any voting changes from the Department of Justice or the District Court in the District of Columbia before implementing the voting change. In the *Shelby County* case, the Supreme Court decided in a 5-4 vote that the Section 4(b) coverage formula was unconstitutional.

1 NATIONAL COMMISSION ON VOTING RIGHTS, PROTECTING MINORITY VOTERS: THE VOTING RIGHTS ACT AT WORK 1982-2005 (Feb. 2006).

2 557 U.S. 193 (2009).

3 570 U.S. 529 (2013).

4 NATIONAL COMMISSION ON VOTING RIGHTS, PROTECTING MINORITY VOTERS: OUR WORK IS NOT DONE (2014), <http://votingrightstoday.org/lcvr/resources/discriminationreport>.

The majority in *Shelby County* held that, because the Voting Rights Act “impose[d] current burdens,” it “must be justified by current needs.”⁵ The majority went on to rule that because the formula was comprised of data from the 1960s and 1970s, it could not be rationally related to determining which jurisdictions, if any, should be covered under Section 5 decades later. That Congress had reauthorized Section 5 after holding several hearings, reviewing tens of thousands of pages of records of discrimination, and with a 98-0 vote in the Senate did not appear to faze the majority. Indeed, Chief Justice Roberts, writing for the Court, said that “things have changed dramatically” in the South since passage of the Voting Rights Act in 1965,⁶ and that “[b]latantly discriminatory evasions of federal decrees are rare.”⁷ Unfortunately, as seen by even the partial record compiled in this Report, that is an overly optimistic view of the state of voting rights in this country.

Of course, some “things” have changed—we no longer have literacy tests or direct poll taxes, and perhaps more people today understand that discrimination is illegal and actionable.

But, the “[b]latantly discriminatory evasions” of decades past have been replaced by subtler, but equally pernicious discrimination. At a time when the country is progressing towards becoming majority people of color,⁸ access to the franchise is under threat by both overt and covert voter suppression laws and tactics, (1) including making voter registrations more difficult and restricting organizations from helping people register, (2) voter purges of eligible voters, (3) unduly restrictive photo ID laws, (4) polling place closures and polling place relocations to sites deemed hostile by voters of color, (5) ineffective language assistance for voters with limited English proficiency, (6) long lines at polling places due to insufficient staffing and poll locations, (7) improper handling of absentee ballots, (8) faulty technology, particularly in minority communities, that risks votes not being properly counted and exposes the machines to the risk of tampering, and (9) vote dilution that undermines the ability of people of color to elect candidates of their choice. It is these sorts of cases that this preliminary report summarizes, and which our subsequent final report will discuss in detail.

In this Report, we take a preliminary look back a quarter of a century to the two decades before *Shelby County* and the six years since. We have tried to identify instances of state or local racial discrimination in voting — anywhere in the country — that rose to a such a level of concern as to lead to a change in the conduct because of action by the Attorney General or in the courts. The Attorney General actions have been easy to identify: objection letters by the Attorney General in response to submissions by jurisdictions then covered by Section 5 of the Voting Rights Act notifying the Attorney General of proposed changes in voting practices or procedures. Those objection letters necessarily stopped the proposed changes from taking effect, and thus resulted in benefit to protected populations in those jurisdictions.

Court action is a little more difficult to categorize. First, it is necessary to discern whether the claim being litigated is a claim of racial discrimination relating to voting rights. Most of the cases listed were brought either under Section 2 or Section 5 of the Voting Rights Act and were therefore, necessarily, race-based discrimination claims. We note that, although

5 570 U.S. at 536, quoting *Northwest Austin*, 557 U.S. at 203.

6 570 U.S. at 547.

7 570 U.S. at 547, quoting *Northwest Austin*, 557 U.S. at 202.

8 William H. Frey, *The US will become 'minority white' in 2045*, *Census projects*. The Brookings Institution (Oct. 15, 2019, 1:22 PM), <https://www.brookings.edu/blog/the-avenue/2018/05/14/the-us-will-become-minority-white-in-2045-census-projects/>.

Section 2 of the Voting Rights Act remains a viable weapon in the fight against racial discrimination in voting, it is nowhere near as potent a weapon as was Section 5. Where Section 5 protected against discriminatory changes in voting, against an easily applied standard of whether minority voters would be worse off as a result of the change, Section 2 requires plaintiffs to bear the burden of complex and costly protracted litigation to show that an existing or newly instituted policy or practice is discriminatory. Where, under Section 5, the Department of Justice would necessarily bear the costs of defending against the jurisdiction's claim that the change in voting practices was not retrogressive, Section 2 places those costs on resource-strapped private litigants.

For Section 2 cases, we included both vote denial and vote dilution claims. For Section 5, we included actions seeking to enforce Section 5 of the Voting Rights Act, if filed before submission by the covered jurisdiction of its proposed voting practice change to the Attorney General, if the action succeeded in subjecting the proposed change to Section 5 review, even if the proposed change was ultimately precluded. On the other hand, we did not include Section 5 enforcement actions, if the covered jurisdiction had submitted the proposed

change for Section 5 review prior to the filing of the enforcement action, unless the proposed change was ultimately not precluded. Claims for violation of Section 203 of the Voting Rights Act, alleging failure to provide effective language assistance, were categorized as race-based claims.

We also included constitutional claims, typically brought under the Equal Protection Clause, if it was clear that the claim was of racial discrimination in voting. In this context, at least for purposes of this preliminary report, we included cases claiming racial discrimination brought by any racial group. These included, so-called “*Shaw* claims,” brought by white plaintiffs, claiming that district lines were the result of racial gerrymandering.⁹

There were many cases brought under other constitutional and statutory doctrines, like First and Fourteenth Amendment “right-to-vote” claims and claims under the National Voter Registration Act, which we did not include, even though the allegations may have included some race-based themes, such as allegations that the challenged state or local conduct affected minority populations, unless the claims specifically included allegations of discrimination and the benefit achieved was

connected to the discrimination claim.

Determining whether a benefit had been achieved by the racial group also entailed analysis. We included cases where there was a result, preliminarily or final, that benefited the racial or ethnic group in a way sought by the lawsuit. These included final judgments in favor of plaintiffs on racial discrimination grounds, the issuance of preliminary injunctions in favor of such plaintiffs that provided them with concrete relief, and the resolution of the case by way of Consent Decree or settlement — with or without the acknowledgement of liability — so long as plaintiffs received at least some of the relief the plaintiff had sought. In a few other instances, where it appeared clear that the jurisdiction had changed its conduct — by regulation, legislation or otherwise — in response to the litigation, we included such cases.

It should also be noted that we did not include the many cases that are pending around the country, where neither preliminary nor final relief has been issued yet. Nor did we include voting discrimination cases brought in state court. These cases may be discussed in our Final Report.

We consider these criteria to be conservative in

9 *Shaw v. Reno*, 509 U.S. 630 (1993).

assessing voting discrimination. By not including instances where plaintiffs received relief that inured to the benefit of racial minorities but not based a theory of racial discrimination, we have excluded many cases, including numerous cases brought by the Lawyers' Committee, where we do not file litigation unless it furthers our racial justice mission. In addition, by including only cases and DOJ objections, we have excluded other instances of racial discrimination.

Finally, we emphasize the preliminary nature of this report. When we announced that the Lawyers' Committee would publish a report of this nature, we set an October 2019 deadline, knowing that the information in this report would be of great interest to the public, as Congress is considering legislation to reestablish the protections removed by the decision in *Shelby County*. Because we intended to undertake a survey of cases in all 50 states and the District of Columbia, we enlisted the

help of our large *pro bono* network of private firms, who, as they have done since President Kennedy's clarion call in 1963, responded enthusiastically to the task. Undoubtedly, some may quibble with some of the choices made to include or not include certain matters, and we welcome feedback as we proceed with preparation of our final report, which will include not only an updated version of the list identifying each instance of racial discrimination in voting based on data from Section 5 objections and

Voting Rights Violations by State

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Jurisdiction	Type of Matter	Date of Interim or Final Resolution	Results	Reference
ALABAMA				
Statewide	Section 5 objection letter	1994	Attorney General Objection	Section 5 objection letter, James P. Turner to Lynda K. Oswald (Jan. 31, 1994) (Alabama)
Statewide	case/litigation	2006	Preliminary Injunction	United States v. State of Alabama, 2:2006cv00225 (2006)
Statewide	case/litigation	2015	Final Order	Alabama Legislative Black Caucus v. State of Alabama, 2:2012cv00691 (2017); Alabama Legislative Black Caucus v. Alabama, 231 F. Supp. 3d 1026 (M.D. Al. 2017)
Etowah County	case/litigation	1994	Final Order	Presley v. Etowah Cty. Comm'n, 869 F. Supp. 1555 (M.D. Ala. 1994)
City of Greensboro in Hale County	Section 5 objection letter	1994	Attorney General Objection	Section 5 objection letter, James P. Turner to Nicholas H. Cobbs, Jr. (Jan. 3, 1994) (Alabama)
City of Foley	case/litigation	1995	Consent Decree	Dillard v. City of Foley, 926 F. Supp. 1053, 1059 (M.D. Ala. 1995)
Tallapoosa County	Section 5 objection letter	1998	Attorney General Objection	Section 5 objection letter, Bill Lann Lee to E. Paul Jones (Feb. 6, 1998) (Alabama)
Dallas County Commission	case/litigation	2000	Final Order	Wilson v. Minor, 220 F.3d 1297 (11th Cir. 2000)
City of Alabaster	Section 5 objection letter	2000	Attorney General Objection	Section 5 objection letter, Bill Lann Lee to J. Frank Head (Aug. 16, 2000) (Alabama)

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Jurisdiction	Type of Matter	Date of Interim or Final Resolution	Results	Reference
City of Calera	Section 5 objection letter	2008	Attorney General Objection	Section 5 objection letter, Grace Chung Becker to Dan Head (Aug. 25, 2008) (Alabama)
Montgomery City	case/litigation	2008	Consent Decree	May et al v. City of Montgomery, 2:2007cv00738 (2010)
City of Evergreen	case/litigation	2013	Final Order	Allen v. City of Evergreen, Ala., No. CIV.A. 13-107-CG-M, Document 32, filed 2/2/2013
ALASKA				
Bethel	case/litigation	2009	Preliminary Injunction/Settlement Agreement	Nick v. Bethel, No. 3:07-CV-0098 (TMB) (D. Ak. July 9, 2009).
Dillingham, Yukon-Koyukuk, and Wade Hampton Census Areas	case/litigation	2015	Settlement Agreement	Toyukak v. Mallott, No. 3:13-cv-00137 (D. Ak. Sept. 30, 2015).
ARIZONA				
Statewide	case/litigation	2002	Final Order	Navajo Nation v. Arizona Indep. Redistricting Comm'n, 230 F. Supp. 2d 998, 1016 (D. Ariz. 2002)
Statewide	case/litigation	2018	Consent Decree	League of United Latin American Citizens Arizona v. Reagan, No. CV17-4102 PHX DGC, 2018 WL 5983009 (D. Ariz. Nov. 14, 2018)
Statewide	case/litigation	2019	Settlement Agreement	Navajo Nation v. Hobbs, No. CV-18-08329-PCT-DWL (D. Ariz. 2019)
Coconino County	Section 5 objection letter	1994	Attorney General Objection	Section 5 objection letter, Deval L. Patrick to Terence C. Hance (April 8, 1994) (Arizona)

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Jurisdiction	Type of Matter	Date of Interim or Final Resolution	Results	Reference
Navajo County	Section 5 objection letter	1994	Attorney General Objection	Section 5 objection letter, Deval L. Patrick to D. Rand Henderson (May 16, 1994) (Arizona)
Coconino Association for Vocations, Industry, and Technology	Section 5 objection letter	2003	Attorney General Objection	Section 5 objection letter, Ralph F. Boyd, Jr. to Jean E. Wilcox (February 4, 2003) (Arizona)
Cochise County	case/litigation	2006	Consent Decree	US v. Cochise County, case no. cv 06-304 TUC-FRZ (D. Ariz. 2006)
ARKANSAS				
City of Texarkana	case/litigation	1994	Final Order	Williams v. City of Texarkana, Ark., 32 F.3d 1265 (1994) and Williams v. City of Texarkana, Arkansas, 861 F. Supp. 756, 758 (W.D. Ark. 1992)
Blytheville	case/litigation	1995	Final Order	Harvell v. Blytheville Sch. Dist. No. 5, 71 F.3d 1382(8th Cir. 1995) (en banc)
Crittenden County	case/litigation	2000	Final Order	Taylor, et. al. v. Howe, et. al., No. 99-2282EA (8th Cir.)
Chicot County	case/litigation	2003	Final Order	Cox, et al v. Donaldson, et al., Case no. 5:02-cv-00319-GH (E.D. Ar.)
Phillips County	case/litigation	2007	Dismissed after alleged violation addressed	Nichols v. Phillips Cty Election Commission. Case No. 2:06-cv-00158-SWW (E.D. Ar.)

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Date of Interim or Final Resolution

Results

Reference

Jurisdiction

Type of Matter

CALIFORNIA

Statewide	case/litigation	2001	Consent Decree	vote denial	Common Cause v. Jones, 2002 WL 1766436 (C.D. Cal. Feb. 19, 2002)
Alameda County	case/litigation	1996	Settlement Agreement	language assistance	United States v. Alameda County, No. 95-1266 (N.D. Cal. 1996)
Los Angeles	case/litigation	1997	Final Order	vote dilution	Garcia v. Los Angeles, 96-cv-7661 (C.D.Cal. 1997)
Monterey County	case/litigation	1999	Final Order	vote dilution	Lopez v. Monterey County, 871 F. Supp. 1254 (N.D. Cal. 1994), rev'd and remanded, 519 U.S. 9 (1996), appeal after remand, 525 U.S. 266 (1999)
Upper San Gabriel Valley Municipal Water District	case/litigation	2001	Dismissed after alleged violation addressed	vote dilution	United States v. Upper San Gabriel Valley Municipal Water District, cv-07903-AHM-BQR (C.D. Cal. 2001)
City of Santa Paula	case/litigation	2001	Settlement Agreement	vote dilution	United States v. City of Santa Paula, 00-cv-03691 GHK (SHx) (C.D.Cal. 2001)
Monterey County	Section 5 objection letter	2002	Attorney General Objection	vote dilution	Section 5 objection letter, Ralph F. Boyd, Jr. to William D. Barr (March 29, 2002) (California)
San Diego County	case/litigation	2004	Settlement Agreement	language assistance	U.S. v. San Diego, 04-cv-1273 IEG (JMA) (S.D. Cal. 2004)
Ventura County	case/litigation	2004	Consent Decree	language assistance	U.S. v. Ventura County, 04-cv-6443 CAS (VBKx) (C.D.Cal. 2004)
San Benito County	case/litigation	2004	Consent Decree	language assistance, problems at the polls	U.S. v. San Benito County, 04-cv-02056 JW (N.D. Cal. 2004)

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other)

Date of Interim or Final Resolution

Results

Type of Matter

Jurisdiction

Reference

Jurisdiction	Type of Matter	Date of Interim or Final Resolution	Results	Type of Voting Discrimination	Reference
City of Paramount	case/litigation	2005	Consent Decree	language assistance	U.S. v. City of Paramount, 05-cv-05132 AHM (JTLx) (C.D.Cal. 2005)
City of Azusa	case/litigation	2005	Consent Decree	language assistance	United States v. City of Azusa, 05-cv-5147 GAF (SSx) (C.D.Cal. 2005)
City of Rosemead	case/litigation	2005	Consent Decree	language assistance	U.S. v. City of Rosemead, 05-cv-5131 GAF (MANx) (C.D.Cal. 2005)
City of Walnut, Los Angeles	case/litigation	2007	Consent Decree	language assistance	United States v. City of Walnut, 07-cv-2437 PA-SJO-MMS (VBKx) (C.D.Cal. 2007)
Riverside County	case/litigation	2010	Settlement Agreement	language assistance	U.S. v. City of Riverside, 10-cv-01059 SJD (OPx) (C.D.Cal. 2010)
Alameda County	case/litigation	2011	Consent Decree	language assistance	U.S. v. Alameda County, 11-cv-3262 EMC-MMS-RS NDCA (. 2011)
Napa County	Attorney General Letter	2016	Settlement Agreement	language assistance	Napa County Memorandum of Agreement
Kern County	case/litigation	2018	Final Order	vote dilution	Luna v. County of Kern, 291 F.Supp.3d 1088 (E.D. Ca. 2018)
COLORADO					
Statewide	case/litigation	1996	Final Order	vote dilution	Sanchez v. State of Colo., 97 F.3d 1303 (10th Cir.)
Montezuma-Cortez School District No. RE-1	case/litigation	1998	Final Order	vote dilution	Cuthair v. Montezuma-Cortez, Colorado School Dist. No. RE-1, 7 F.Supp.2d 1152 (D. Colo. 1998).

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Date of Interim or Final Resolution

Results

Reference

Jurisdiction

Type of Matter

CONNECTICUT

City of Bridgeport	case/litigation	1995	Final Order	vote dilution	Bridgeport Coalition for Fair Representation v. City of Bridgeport, Civ. No. 93-1476 (D. Conn.).
--------------------	-----------------	------	-------------	---------------	--

FLORIDA

Statewide	case/litigation	1994	Final Order	racial gerrymandering	Johnson v. Smith, Case No. 94-40025-WS, 1994 U.S. Dist. Lexis 20765, (N.D. Fl. Sept. 2, 1994)(denying PI motion); later proceedings, sub-nom. Johnson v. Mortham, 926 F.Supp. 1460 (N.D.Fla.,1996)(order granting plaintiffs' MSJ).
-----------	-----------------	------	-------------	-----------------------	---

Statewide	case/litigation	2002	Settlement Agreement	barriers to registration; problems at the polls	NAACP v. Secretary of State, No. 01-120 (S.D. Fla. 2002)
-----------	-----------------	------	----------------------	---	--

Statewide	case/litigation	2002	Dismissed after alleged violation addressed	barriers to registration	Major v. Sawyer, No. 01-10088 (S.D. Fla. 2002)
-----------	-----------------	------	---	--------------------------	--

Statewide	case/litigation	2012	Dismissed after alleged violation addressed	barriers to registration	League of Women Voters of Fla., Inc. v. Detzner, Case No. 11-cv-00628 (Aug. 30, 2012, N.D. Fla. 2012)
-----------	-----------------	------	---	--------------------------	---

Statewide	case/litigation	2012	Dismissed after alleged violation addressed	barriers to registration	Ml Familia Vota Education Fund, et al v. Detzner, 812-cv-01294-JDW-MAP (M.D.Fla. 201)
-----------	-----------------	------	---	--------------------------	---

Statewide	case/litigation	2012	Final Order	early voting	Florida v. United States, 885 F. Supp. 2d 299 (D.D.C. 2012)
-----------	-----------------	------	-------------	--------------	---

Statewide	case/litigation	2011	Dismissed after alleged violation addressed	early voting	The League of Women Voters of Florida, et al v. Rick Scott, et al, No. 11-cv-10006 (S.D. Fla. 2011)
-----------	-----------------	------	---	--------------	---

Type of Voting Discrimination

((1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other)

Date of Interim or Final Resolution

Results

Type of Matter

Jurisdiction

Reference

Statewide	case/litigation	2019	Preliminary Injunction	language assistance	Marta Valentine Rivera Madera, et al., v. Laurel Lee, Florida Secretary of State, et al., Case No. 18-00152, (May 10, 2019, N.D. Fla.)
City of Miami	case/litigation	1997	Dismissed after alleged violation addressed	vote dilution	PULSE v. City of Miami, No. 96-cv-3327 (S.D. Fla. 1997)
Ashcroft	case/litigation	2002	Attorney General Objection	vote dilution; barriers to registration	Section 5 objection letter, Ralph F. Boyd Jr. to John M. McKay (July 1, 2002) (Florida)
Dade County	case/litigation	2002	Dismissed after alleged violation addressed	vote dilution	Packingham v. Dade County, No. 96-cv-1749 (S.D.Fla. 2002)
Orange County	case/litigation	2002	Consent Decree	language assistance; problems at the polls	United States v. Orange County Florida; 6:02-cv-00737-ACC (M.D.Fla.)
Osceola County	case/litigation	2002	Final Order	language assistance; problems at the polls	United States v. Osceola County Florida; 6:02-cv-00738-ACC (M.D.Fla.)
Miami-Dade County	case/litigation	2002	Consent Decree	Language assistance; problems at the polls	United States v. Miami-Dade County Florida; 1:02-cv-21698 (S.D. Fla. 2002)
Volusia County	case/litigation	2004	Dismissed after alleged violation addressed	Polling place locations; Early voting	NAACP et al v. Lowe; 6:04-cv-01469-GKS-KRS (M.D.Fla.)
Osceola County	case/litigation	2006	Final Order	vote dilution	United States v. Osceola County Florida; 6:05-cv-01053-GAP-DAB (M.D.Fla. 2006)
Osceola County	case/litigation	2008	Consent Decree	vote dilution	United States v. School Board of Osceola County Florida; 6:08-cv-00582-GAP-DAB (M.D.Fla. 2008)

Type of Voting Discrimination

((1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other)

Date of Interim or Final Resolution

Type of Matter

Results

Reference

Jurisdiction	Type of Matter	Date of Interim or Final Resolution	Results	Reference
Town of Lake Park	case/litigation	2009	Consent Decree	United States v. Town of Lake Park, Florida, No. 09-cv-80507 (S.D. Fla. Oct. 26, 2009)
Volusia County	case/litigation	2010	Settlement Agreement	Perez-Santiago v. Volusia County Department of Elections, 6:08-cv-1868-JA-KRS (M.D.Fla 2008)
GEORGIA				
Statewide	case/litigation	2008	Dismissed after alleged violation addressed	Morales v. Handel, United States District Court for the Northern District Court of Georgia Case No.: 1:08-cv-03172
Statewide	Section 5 objection letter	2009	Attorney General Objection	Section 5 objection letter, Loretta King to Thurbert E. Baker (May 29, 2009) (Georgia)
Statewide	Section 5 objection letter	2012	Attorney General Objection	Section 5 Objection letter, Thomas E. Perez to Dennis R. Dunn (December 21, 2012) (Georgia)
Statewide	case/litigation	2017	Settlement Agreement	Georgia State Conference of the NAACP v. Kemp; No. 2:16-cv-219 (N.D. Ga.)
Statewide	case/litigation	2018	Preliminary Injunction	Georgia Coalition for the Peoples' Agenda, Inc. v. Brian Kemp, Case 1:18-cv-04727-ELR
Randolph County	case/litigation; Section 5 objection letter	2006	Final Order; Attorney General Objection	Jenkins v. Ray, No. 4:06-CV-43, 2006 WL 1582426 (M.D. Ga. June 5, 2006); Section 5 objection letter, Wan J. Kim to Tommy Coleman (September 12, 2006) (Georgia)

Type of Voting Discrimination

((1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other)

Date of Interim or Final Resolution

Results

Reference

Jurisdiction	Type of Matter	Date of Interim or Final Resolution	Results	Reference
Lowndes County	Section 5 objection letter	2009	Attorney General Objection	Section 5 objection letter, Thomas E. Perez to Walter G. Elliott (November 30, 2009) (Georgia)
Greene County	Section 5 objection letter	2012	Attorney General Objection	Section 5 objection letter, Thomas E. Perez to Michael S. Greene & Cory O. Kirby (April 13, 2012) (Georgia)
Long County	Section 5 objection letter	2012	Attorney General Objection	Section 5 objection letter, Thomas E. Perez to Andrew S. Johnson & B. Jay Swindell (August 27, 2012) (Georgia)
Fayette County	case/litigation	2015	Consent Decree	Georgia State Conference of the NAACP v. Fayette Cnty. Bd. of Comm'rs, 118 F.Supp 3d 1338 (N.D. Ga. 2015)
Emanuel County	case/litigation	2016	Settlement Agreement	Georgia State Conference of the NAACP v. Emmanuel Cnty. Bd. Of Comm'rs; No. 6:16-CV-21 (S.D. Ga.)
Hancock County	case/litigation	2016	Consent Decree	Georgia State Conference of the NAACP v. Hancock Cnty. Bd. of Elections & Registration; No. 5:15-cv-414 (M.D. Ga.)
HAWAII				
Statewide	case/litigation	2000	Final Order	Rice v. Cayetano, 941 F.Supp. 1529 (1999) ; Rice v. Cayetano, 528 U.S. 495 (2000)
Statewide	case/litigation	2002	Final Order	Arakaki v. State of Hawaii, 314 F. 3d 1091 (9th Cir 2002)

Type of Voting Discrimination

((1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other)

Date of Interim or Final Resolution

Results

Type of Matter

Jurisdiction

Reference

ILLINOIS

City of Chicago Heights	case/litigation	1993	Final Order	vote dilution	Harper v. City of Chicago Heights, 223 F.3d 593 (7th Cir. 2000)
City of Chicago	case/litigation	1998	Final Order	vote dilution	Barnett v. City of Chicago, 17 F. Supp. 2d 753, 759 (N.D. Ill. 1998)
Lake County	case/litigation	2001	Settlement Agreement	vote dilution	Vazquez v. Lake County, Case No. 1:01-cv-06541 (N.D. Ill. Aug. 22, 2001)
Chicago Board of Elections	case/litigation	2003	Settlement Agreement	vote dilution; problems at the polls	Black et al. v. McGuffage et al., Case No. 1:01-cv-00208 (N.D. Ill. Jan. 11, 2001)
Kane County	case/litigation	2007	Settlement Agreement	language assistance	USA v. County of Kane, et al. 07-cv-5451 (ND Ill. Sept. 26, 2007)
St. Clair County	case/litigation	2009	Settlement Agreement	barriers to registration	Chatman et al v. Delaney et al, Case No. 3:09-cv-00259-CJP (S.D. Ill. April 3, 2009)

KANSAS

Ford County	case/litigation	2018	Dismissed after violation addressed	polling place locations	League of United Latin America Citizens, Kansas, Rangel-Lopez v. Cox, No. 2:18-cv-02572 (D. Kan. Oct. 26, 2018)
-------------	-----------------	------	-------------------------------------	-------------------------	---

Type of Voting Discrimination

((1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Reference

Date of Interim or Final Resolution

Results

Type of Matter

Jurisdiction

KENTUCKY

Statewide	case/litigation	2013	Final Order	vote dilution	Brown v. Kentucky Legislative Research Comm'n, 966 F. Supp. 2d 709, 718 (E.D. Ky. 2013); judgment entered, No. CV13CV25DJGGFTWOB, 2013 WL 12320875 (E.D. Ky. Oct. 31, 2013); Herbert v. Kentucky State Board of Elections, Case No. 3:13-cv-00025 (E.D. Ky. 2013) (consolidated with Brown)
-----------	-----------------	------	-------------	---------------	---

LOUISIANA

Statewide	case/litigation	1996	Final Order	vote dilution	Hays v. Louisiana, 936 F. Supp. 360, 365 (W.D. La. 1996)
Statewide	Section 5 objection letter	1996	Attorney General Objection	dismissed after violation addressed	Section 5 objection letter, Deval L. Patrick, to E. Kay Kirkpatrick, (Aug. 12, 1996) (Louisiana)
Statewide	Section 5 objection letter	1998	Attorney General Objection	other barriers to voter registration	Section 5 objection letter, Bill Lann Lee to Angie Rogers LaPlace (Jan. 13 1998) (Louisiana)
Statewide	Section 5 objection letter	2003	Settlement Agreement	vote dilution	House of Representatives v. Ashcroft, No. 1:02-CV-00062 (D.D.C. May 20, 2003)
Statewide	case/litigation	2005	Settlement Agreement	early or absentee voting	Wallace v. Chertoff, No. 2:05-CV-05519 (E.D. La. 2005)
Statewide	case/litigation	2016	Dismissed after Violation Addressed	identification requirements; other barriers to voter registration	VAYLA New Orleans v Schedler, No. 3:16-CV-00305 (M.D. La. 2016)
Veron Parish School Board	case/litigation	1994	Final Order	vote dilution	Dye v. McKeithen, 856 F. Supp. 303 (W.D. La. 1994)

Type of Voting Discrimination

((1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other)

Date of Interim or Final Resolution

Results

Reference

Jurisdiction

Type of Matter

Jurisdiction	Type of Matter	Date of Interim or Final Resolution	Results	Reference
City of Shreveport	case/litigation	1997	Final Order	United States v. Louisiana, 952 F. Supp. 1151 (W.D. La. 1997)
City of Morgan City	case/litigation	2001	Settlement Agreement	United States of America v. Morgan City, No. 6:00-CV-01541 (W.D. La. 2001)
St. Bernard Parish	case/litigation	2002	Final Order	St. Bernard Citizens for Better Government v. St. Bernard Parish Sch. Bd., No. 02-2209, 2002 U.S. Dist. LEXIS 16540 (E.D. La. Aug. 28, 2002)
Ouachita Parish	case/litigation	2002	Preliminary Injunction	Young & Golsby v. Ouachita Parish School Board, No. 3:02-CV-1644 (W.D. 2002)
Pointe Coupee Parish	Section 5 objection letter	2002	Attorney General Objection	Section 5 objection letter from Ralph F. Boyd, Jr. to Gregory B. Grimes (Oct. 4, 2002) (Louisiana)
DeSoto Parish	Section 5 objection letter	2002	Attorney General Objection	Section 5 objection letter, Andrew E. Lelling to Walter Lee, (Dec. 31, 2002) (Louisiana)
Richmond Parish	Section 5 objection letter	2003	Attorney General Objection	Ralph F. Boyd, Jr. to John R. Sartin (May 13, 2003) (Louisiana)
Jefferson Parish	case/litigation	2003	Consent Decree	Jefferson Citizens for Better Government v. Parish of Jefferson, No. 2:03-CV-00345, 2003 WL 1595167 (E.D. 2003)
St. John the Baptist Parish City Council and School Board	case/litigation	2003	Consent Decree	Sorapur v. Mitchell, No. 2:02-CV-02524 (E.D. La. 2003)

Type of Voting Discrimination

((1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other)

Date of Interim or Final Resolution

Type of Matter

Results

Reference

Jurisdiction	Type of Matter	Date of Interim or Final Resolution	Results	Reference
City of Baton Rouge	case/litigation	2004	Settlement Agreement	Giasper v. Baton Rouge, No. 3:93-CV-00537 (M.D. La. 2004)
Tangipahoa Parish	case/litigation, Section 5 objection letter	2004	Dismissed after alleged violation addressed	Tangipahoa Citizens v. Tangipahoa Parish, No. 2:03-CV-02710, 2004 WL 1638106 (E.D. La. 2004)
St. Landry Parish	case/litigation	2005	Settlement Agreement	Section 5 objection letter, R. Alexander Acosta to Carlos Natarino (October 16, 2003) (Louisiana) NAACP v. St. Landry Parish, No. 6:03-CV-00610 (W.D. La. 2005)
Avoyelles Parish School Board	case/litigation	2006	Settlement Agreement	Guillory v. Avoyelles Parish School Board, No. 1:03-CV-00285, 2011 WL 499196 (W.D. La. 2006)
Jefferson Parish	case/litigation	2007	Consent Decree	Williams v McKeithen, No. 2:05-CV-01180, 2007 WL 9676892 (E.D. La. 2007)
City of St. Martinville	case/litigation	2011	Dismissed after alleged violation addressed	Greig v. St. Martinville & United States of America, No.6:00-CV-00603 (W.D. La. 2000)
Terrebonne Parish	case/litigation	2017	Final Order	Terrebonne Parish Branch NAACP v. Jindal, 274 F. Supp. 3d 395 (M.D. La. 2017)

Type of Voting Discrimination

((1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other)

Date of Interim or Final Resolution

Type of Matter

Results

Reference

MARYLAND

Statewide	case / litigation	1994	Final Order	vote dilution	Marylanders for Fair Representation, Inc. v. Schaefer, 849 F. Supp. 1022 (D. Md. 1994)
Worcester County	case / litigation	1994	Final Order	vote dilution	Cane v. Worcester Cty., Md., 840 F. Supp. 1081 (D. Md. 1994).

MASSACHUSETTS

Statewide	case/litigation	2004	Preliminary Injunction	vote dilution	Black Political Task Force v. Galvin, 300 F. Supp. 2d 291, 2004 U.S. Dist. LEXIS 2681
City of Lawrence	case/litigation	2001	Preliminary Injunction	identification requirements	Morris, et al v. City of Lawrence, et al
City of Lawrence	case/litigation	2002	Consent Decree	vote dilution	USA v. City of Lawrence, MA, et al
City of Boston	case/litigation	2005	Dismissed after alleged violation addressed	language assistance; problems at the polls	United States of America v. City of Boston, Massachusetts et al
City of Lawrence	case/litigation	2006	Dismissed after alleged violation addressed	language assistance; problems at the polls	OISTE inc. et al v. City of Lawrence, Massachusetts et al 1:05-cv-12218
City of Springfield	case/litigation	2007	Settlement Agreement	vote dilution	Arise for Social Justice, et al. v. City of Springfield, et al.
City of Springfield	case/litigation	2008	Settlement Agreement	language assistance; problems at the polls	United States of America v. City of Springfield et al
City of Lowell	case/litigation	2019	Consent Decree	vote dilution	Huot v. City of Lowell, No. 1:17-cv-10895-DLC

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Date of Interim or Final Resolution

Type of Matter

Results

Reference

MICHIGAN

City of Hamtramck	case	1999	Consent Decree	language assistance, identification requirements, problems at polls	United States v. City of Hamtramck, no. 00-73541 (E.D. Mich. Aug. 7, 2000; Sep. 3, 2003; Jan 29, 2004)
-------------------	------	------	----------------	---	--

City of Eastpointe	case/litigation	2019	Consent Decree	vote dilution	United States v. City of Eastpointe, No. 417CV10079TGBDRG, 2019 WL 2647355, at *2 (E.D. Mich. June 26, 2019)
--------------------	-----------------	------	----------------	---------------	--

MINNESOTA

Statewide	case/litigation	2005	Preliminary Injunction; Dismissed after alleged violation addressed	identification requirements and other barriers to voter registration	American Civil Liberties Union of Minnesota et al v. Kiffmeyer, Case No. 00:2004cv04653
-----------	-----------------	------	---	--	---

MISSISSIPPI

Statewide	Section 5 objection letter	1995	Attorney General Objection	other - denial of office	Section 5 objection letter, Deval L. Patrick to Sandra Murphy Shelson (February 6, 1995) (Mississippi)
-----------	----------------------------	------	----------------------------	--------------------------	--

Statewide	Section 5 objection letter; case/litigation	1997	Attorney General Objection; Final Order	dual registration	Section 5 objection letter, Isabelle Katz Pinzler to Sandra M. Shelson (September 22, 1997) (Mississippi); Young v. Fordice, 520 U.S. 273 (1997)
-----------	---	------	---	-------------------	--

Statewide	Section 5 objection letter	2010	Attorney General Objection	vote dilution	Section 5 objection letter, Thomas E. Perez to Margarete L. Meeks (March 24, 2010) (Mississippi)
-----------	----------------------------	------	----------------------------	---------------	--

Statewide	case/litigation	2019	Final Order	vote dilution	Thomas v. Bryant, 939 F. 3d 134 (5th Cir. 2019) reh'g granted, 939 F. 3d. 629 (5th Cir. 2019)
-----------	-----------------	------	-------------	---------------	---

Clarke County	Section 5 objection letter	1994	Attorney General Objection	vote dilution	Section 5 objection letter, James P. Turner to Gilford F. Dabbs, III (January 10, 1994) (Mississippi)
---------------	----------------------------	------	----------------------------	---------------	---

Type of Voting Discrimination

(1) vote dilution; (2) language assistance;
 (3) identification requirements; (4) other
 barriers to voter registration; (5) problems
 at the polls; (6) polling place locations; (7)
 early or absentee voting; and/or (8) other

**Date of
Interim
or Final
Resolution**

Results

Reference

Jurisdiction

Type of Matter

Jurisdiction	Type of Matter	Date of Interim or Final Resolution	Results	Reference
Carroll County	Section 5 objection letter	1994	Attorney General Objection	Section 5 objection letter, Deval L. Patrick to Kenneth E. Downs (April 18, 1994) (Mississippi)
Quitman (Clarke County)	Section 5 objection letter	1994	Attorney General Objection	Section 5 objection letter, Deval L. Patrick to Hubbard T. Saunders, IV (December 19, 1994) (Mississippi)
Adams County	Section 5 objection letter	1995	Attorney General Objection	Section 5 objection letter, Deval L. Patrick to Marion Smith (January 30, 1995) (Mississippi)
Monroe County	Section 5 objection letter	1995	Attorney General Objection	Section 5 objection letter, Deval L. Patrick to Claude A. Chamberlin (March 20, 1995) (Mississippi)
Chickasaw County	Section 5 objection letter	1995	Attorney General Objection	Section 5 objection letter, Isabelle Katz Pinzler to James S. Gore (April 11, 1995) (Mississippi)
Union County	Section 5 objection letter	1995	Attorney General Objection	Section 5 objection letter, Deval L. Patrick to Lester F. Sumner (June 20, 1995) (Mississippi)
Aberdeen (Monroe County)	Section 5 objection letter	1995	Attorney General Objection	Section 5 objection letter, Deval L. Patrick to Jeffrey M. Navarro (December 4, 1995) (Mississippi)
Calhoun County	case/litigation	1996	Final Order	Clark v. Calhoun Cty., Miss., 88 F.3d 1393 (5th Cir. 1996)
Attala County	case/litigation	1996	Final Order	Teague v. Attala Cty., Miss., 92 F.3d 283 (5th Cir. 1996)
Grenada County	Section 5 objection letter	1997	Attorney General Objection	Section 5 objection letter, Isabelle Katz Pinzler to James McRae Criss (March 3, 1997) (Mississippi)

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other)

Date of Interim or Final Resolution

Results

Type of Matter

Jurisdiction

Reference

Jurisdiction	Type of Matter	Date of Interim or Final Resolution	Results	Type of Matter	Type of Voting Discrimination	Reference
Grenada County	Section 5 objection letter	1997	Attorney General Objection	vote dilution	Section 5 objection letter, Bill Lann Lee to T.H. Freeland, IV (August 17, 1998) (Mississippi)	
Chickasaw County	case/litigation	1997	Final Order	vote dilution	Gunn v. Chickasaw County, Mississippi, No. CIV.A. 192CV142-JAD, 1997 WL 33426761 (N.D. Miss. Oct. 28, 1997)	
Lafayette County	case/litigation	1998	Final Order	vote dilution	Houston v. Lafayette Cty., 20 F. Supp. 2d 996 (N.D. Miss. 1998)	
Pike County	Section 5 objection letter	1999	Attorney General Objection	polling place locations	Section 5 objection letter, Bill Lann Lee to John H. White, Jr. (June 28, 1999) (Mississippi)	
Montgomery County	Section 5 objection letter	2001	Attorney General Objection	denial of voting opportunity	Section 5 objection letter, Ralph F. Boyd, Jr. to Lane Green Lee (December 11, 2001) (Mississippi)	
Tupelo	case/litigation	2007	Final Order	vote dilution	Jamison v. Tupelo, Mississippi, 471 F. Supp. 2d 706 (N.D. Miss. 2007)	
Noxubee County	case/litigation	2007	Final	vote dilution	United States v. Brown, 494 F. Supp. 2d 440 (S.D. Miss. 2007) aff'd by United States v. Brown, 561 F.3d. 420 (5th Cir. 2009)	
Amite County	Section 5 objection letter	2011	Attorney General Objection	vote dilution	Section 5 objection letter, Thomas E. Perez to Tommie S. Cardin (October 4, 2001) (Mississippi)	
Adams County	Section 5 objection letter	2012	Attorney General Objection	vote dilution	Section 5 objection letter, Thomas E. Perez to Everett T. Sanders (April 30, 2012) (Mississippi)	
Hinds County	Section 5 objection letter	2012	Attorney General Objection	vote dilution	Section 5 objection letter, Thomas E. Perez to Kenneth Dreber and David Wade (December 3, 2012) (Mississippi)	

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Date of Interim or Final Resolution

Results

Type of Matter

Jurisdiction

Reference

MISSOURI

Ferguson-Florissant School District, St. Louis County Board of Election Commissioners	case/litigation	2016	Final Order	vote dilution	Mo. State Conference of NAACP v. Ferguson-Florissant Sch. Dist., 201 F. Supp. 3d 1006 (E.D. Mo. 2016), affirmed, 894 F.3d 924 (8th Cir. 2018), cert. denied sub nom. Ferguson Florissant Sch. Dist. v. Missouri State Conference of N.A.A.C.P., 139 S. Ct. 826, 202 L. Ed. 2d 579 (2019).
---	-----------------	------	-------------	---------------	---

MONTANA

Statewide	case/litigation	2014	Settlement Agreement	polling place locations; early or absentee voting	Wandering Medicine v. Montana Secretary of State, Case No. 1:12-cv-00135-DWM
Blaine County	case/litigation	2001	Final Order	vote dilution	United States v. Blaine Cty., Mont., 157 F. Supp. 2d 1145 (D. Mont. 2001); United States. v. Blaine Cty., Mont., 363 F.3d 897 (9th Cir. 2004), Case No. 4:99-00-00122

NEBRASKA

Wolf Point School District	case/litigation	2014	Consent Decree	vote dilution	Jackson v. Bd. of Trustees of Wolf Point Sch. Dist., et al., Case No. 4:13-cv-00065-BMM
County of Thurston	case/litigation	1995	Final Order	vote dilution	Stabler v. County of Thurston, No. 8:CV93-00394(D.Neb.Aug.29, 1995), aff'd,129 F.3d 1015 (8th Cir. 1997), cert.denied,523 U.S. 1118 (1998)
Colfax County	case/litigation	2012	Consent Decree	language assistance	US v. Colfax County, 8:12-cv-84 (D.Neb.) Consent Order

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Reference

Results

Date of Interim or Final Resolution

Type of Matter

Jurisdiction

NEVADA

Washoe and Mineral Counties	case/litigation	2016	Preliminary Injunction	polling place locations; early voting	Sanchez v. Cegavske, 214 F. Supp. 3d 961 (D. Nev. 2016).
-----------------------------	-----------------	------	------------------------	---------------------------------------	--

NEW MEXICO

Sandoval County	case/litigation	2011	Consent Decree	language assistance	U.S. v. Sandoval County, NM, 797 F.Supp.2d 1249 (D. New Mexico 2011)
-----------------	-----------------	------	----------------	---------------------	--

NEW YORK

Statewide	Section 5 objection letter	1994	Attorney General Objection	vote dilution; barriers to registration	Section 5 objection letter. Loretta King to G. Oliver Koppell (Dec. 5, 1994) (New York)
-----------	----------------------------	------	----------------------------	---	---

City of Hinesville	Section 5 objection letter	1991	Attorney General Objection	vote dilution	Section 5 objection letter, John R. Dumme to Judith Reed (Jul 19, 1991) (New York)
--------------------	----------------------------	------	----------------------------	---------------	--

Kings and New York Counties in New York City, New York	Section 5 objection letter	1994	Attorney General Objection	language assistance	Section 5 objection letter, Deval L. Patrick to Kathy King (May 13, 1994) (New York)
--	----------------------------	------	----------------------------	---------------------	--

Bronx County, New York	Section 5 objection letter	1996	Attorney General Objection	vote dilution	Section 5 objection letter, Deval L. Patrick to Judith Kay (Nov. 15, 1996) (New York)
------------------------	----------------------------	------	----------------------------	---------------	---

City of New York	case/litigation	1998	Settlement Agreement	language assistance	Chinatown Voter Education Alliance v. Ravitz, Case 1: 06-Civ-00 913-NRB, S.D.N.Y. 2006 (Reice Buchwald, J.).
------------------	-----------------	------	----------------------	---------------------	--

Town of Hempstead	case/litigation	1999	Final Order	vote dilution	Goosby v. Town Board of the Town of Hempstead, 180 F.3d 476 (2d Cir. 1999)
-------------------	-----------------	------	-------------	---------------	--

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Date of Interim or Final Resolution

Results

Type of Matter

Jurisdiction

Reference

City of Rochelle and city council	case/litigation	2003	Final Order	vote dilution	New Rochelle Voter Defense Fund v. City of New Rochelle, 308 F. Supp. 2d 152 (S.D.N.Y. 2003)
Albany County	case/litigation	2004	Final Order	vote dilution	Arbor Hill Concerned Citizens Ass'n v. County of Albany, 357 F.2d 260 (2d Cir. 2004)
Suffolk County, Suffolk County Board of Elections	case/litigation	2004	Consent Decree	language assistance	Consent Decree, U.S. v. Suffolk County, Case 2:04-cv-02689-TCP-MLO, June 29, 2004.
Westchester County, New York	case/litigation	2005	Consent Decree	language assistance	US v. Westchester County, et al. 05 Civ 0650 (S.D.N.Y. 2005);
Albany County Board of Elections	case/litigation	2011	Final Order	vote dilution	Anne Pope, et al. v. County of Albany, et al. Case No.: 11-cv-00736 (N.D.N.Y.)
County of Orange	case/litigation	2013	Final Order	vote dilution	Order Adopting Special Master's Legislative Redistricting Plan, Molina v. County of Orange, 13-cv-3018-ER (S.D.N.Y. June 14, 2013)
Orange County Board of Elections	case/litigation	2015	Settlement Agreement	vote dilution; language assistance; other barriers to voter registration; problems at polling places	USA v. Orange County Board of Elections et al.; Case No. 7:12-cv-03071 (S.D.N.Y. 2012)
Village of Port Chester	case/litigation	2018	Final Order	vote dilution	United States of America v. Village of Port Chester, 704 F.Supp.2d 411 (S.D.N.Y. 2010)

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Date of Interim or Final Resolution **Results**

Reference

Jurisdiction

Type of Matter

NORTH CAROLINA

Statewide	Section 5 objection letter	1996	Attorney General Objection	vote dilution	Section 5 objection letter, Loretta King to Charles M. Hensey (Feb. 13, 1996) (North Carolina)
Statewide	case/litigation	1996	Final Order	vote dilution	Shaw v. Hunt, 517 U.S. 899, 900 (1996)
Statewide	case/litigation	2016	Final Order	identification requirements; barriers to registration; problems at the polls; early voting	North Carolina State Conference of NAACP v. McCrory, 831 F.3d 204 (4th Cir. 2016) cert. denied 137 S. Ct. 1399, 198 L. Ed. 2d 220 (2017)
Statewide	case/litigation	2018	Final Order	racial gerrymandering	Covington v. North Carolina (Covington I), 316 F.R.D. 117 (M.D.N.C. 2016) summarily aff'd North Carolina v. Covington, 137 S.Ct. 2211 (2017) Covington v. North Carolina (Covington II), 283 F. Supp. 3d 410 (M.D. N.C. 2018), summarily aff'd in part, rev'd in part, North Carolina v. Covington, 138 S.Ct. 2548 (2018).
Anson County Board of Education	case/litigation	1994	Consent Decree	vote dilution	United States v. Anson Board of Education, No. 3:93-cv-00210 (W.D.N.C. 1994)
Cleveland County Board of Commissioners	case/litigation	1994	Consent Decree	vote dilution	Campbell v. Cleveland Co. Board of Commissioners, 4:49-cv-00011 (W.D.N.C. 1994)
Laurinburg City Council	case/litigation	1994	Dismissed after alleged violation addressed	vote dilution	Speller v. Laurinburg, No. 3:93-cv-00365 (M.D.N.C. 1994)

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Date of Interim or Final Resolution

Results

Reference

Jurisdiction

Type of Matter

Jurisdiction	Type of Matter	Date of Interim or Final Resolution	Results	Reference
Rowan County Board of Education	case/litigation	1994	Consent Decree	N.A.A.C.P. v. Rowan Board of Education, No. 4-91-cv-00293-FWB-RAE (M.D.N.C. 1994)
Tyrrell County	case/litigation	1994	Consent Decree	Rowson v Tyrrell County Commissioners, No. 2-93-cv-00033 (E.D.N.C. 1994)
Washington County	case/litigation	1994	Consent Decree	Wilkins v. Washington County Commissioners, No. 2-93-cv-0012 (E.D.N.C. 1996)
Town of Mt. Olive	case/litigation	1995	Dismissed after alleged violation addressed	Fussell v. Town of Mount Olive, No. 5-93-cv-00303 (E.D.N.C. 1995)
Person County	case/litigation	1995	Consent Decree	Webster v. Board of Education of Person County, No. 1-91-cv-00554 (M.D.N.C. 1995)
Granville County	Section 5 objection letter	1997	Attorney General Objection	Section 5 objection letter, Isabelle Katz Pinzler to Susan K. Nichols (Feb. 3, 1997) (North Carolina)
Harnett County	case/litigation	2003	Dismissed after alleged violation addressed	Porter v. Stewart, No. 5-88-cv-00950 (E.D.N.C. 2003)
Franklin County	case/litigation	2004	Dismissed after alleged violation addressed	White v. Franklin County, No. 5-03-cv-00481 (E.D.N.C. 2004)
City of Fayetteville	Section 5 objection letter	2007	Attorney General Objection	Section 5 objection letter, Wan J. Kim to Michael Crowell (Jun. 25, 2007) (North Carolina)

Type of Voting Discrimination

(1) vote dilution; (2) language assistance;
 (3) identification requirements; (4) other
 barriers to voter registration; (5) problems
 at the polls; (6) polling place locations; (7)
 early or absentee voting; and/or (8) other)

**Date of
Interim
or Final
Resolution**

Results

Type of Matter

Jurisdiction

Reference

City of Kingston	Section 5 objection letter	2009	Attorney General Objection	vote dilution	Section 5 objection letter, Loretta King to James P. Cauley III (Aug. 17, 2009) (North Carolina)
Pitt County School District	Section 5 objection letter	2012	Attorney General Objection	vote dilution	Section 5 objection letter, Tom Perez to Robert T. Sonnenberg (April 30, 2012) (North Carolina)

Jones	case/litigation	2017	Consent Decree	vote dilution	Hall, et al. v. Jones County Board of Commissioners, Case No. 4-17-cv-18 (ED NC 2017)
-------	-----------------	------	----------------	---------------	---

NORTH DAKOTA

Benson County	case/litigation	2000	Consent Decree	vote dilution	United States v. Benson Cty., No. 2:00-cv-00030-RSW-KKK (D.N.D. Mar. 10, 2000).
Benson County	case/litigation	2011	Preliminary Injunction	polling place locations	Spirit Lake Tribe v. Benson Cty., No. 2:10-cv-00095-RRE-KKK, 2010 WL 4226614 (D.N.D. Oct. 21, 2010)

OHIO

City of Euclid	case/litigation	2008	Final Order	vote dilution	U.S. v. City of Euclid, WL 4790789, Case No. 1:06CV1652, (N.D. Ohio Aug. 1, 2007).
Cuyahoga County	case/litigation	2010	Settlement Agreement	language assistance	United States of America v. Cuyahoga Board of Elections, et al., No. 1:10-cv-01949
Lorain County	case/litigation	2011	Settlement Agreement	language assistance	United States of America v. Lorain County, et al., No. 1:11-cv-02122

Type of Voting Discrimination

((1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other)

Date of Interim or Final Resolution

Type of Matter

Results

Reference

PENNSYLVANIA

Statewide	case/litigation	2009	Final Order	problems at the polls	Pa. NAACP v. Cortes, No. 2:08-cv-05048 (E.D. Pa. Jan. 29, 2009). https://ecf.paed.uscourts.gov/doc1/15315000562
Berks County	case/litigation	2003	Final Order	problems at the polls; language assistance	United States v. Berks County, Pa., 277 F. Supp.2d 570 (E.D. Pa. 2003)
City of Philadelphia, et. al.	case/litigation	2007	Settlement Agreement	language assistance	United States v. City of Philadelphia, PA (E.D. Pa. 2006) https://www.justice.gov/sites/default/files/crt/legacy/2010/12/15/phil_a_settlement.pdf https://www.justice.gov/sites/default/files/crt/legacy/2010/12/15/phil_a_amend.pdf
Bethlehem Area School District	case/litigation	2008	Settlement Agreement	vote dilution	Negron v. Bethlehem Area School District, No. 2:06-cv-0666 (E.D. Pa. Aug. 12, 2008), https://ecf.paed.uscourts.gov/doc1/15314381817
Bucks County, et. al.	case/litigation	2009	Dismissed after alleged violation addressed	polling place locations	Prescod v. Bucks County, Pa., No. 2:08-cv-03778 (E.D. Pa. Oct. 10, 2008), https://ecf.paed.uscourts.gov/doc1/15314630796
Chester County, et. al.	case/litigation	2010	Settlement Agreement	problems at the polls polling place locations	English, et al v. Chester County. Case No. 2:2010cv0044 (E.D. Pa. 2010)

Type of Voting Discrimination

((1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other)

Date of Interim or Final Resolution

Type of Matter

Results

Reference

SOUTH CAROLINA

Statewide	Section 5 objection letter	1994	Attorney General Objection	vote dilution	Section 5 objection letter, Deval L. Patrick to Robert J. Sheheen (May 2, 1994) (South Carolina)
Statewide	case/litigation	1996	Final Order	racial gerrymandering	Smith v. Beasley, 946 F.Supp. 1174 (D.S.C. 1996)
Statewide	Section 5 objection letter	1997	Attorney General Objection	vote dilution	Section 5 objection letter, Isabelle Katz Pinzler to John W. Drummond (Apr. 1, 1997) (South Carolina)
Statewide	Section 5 objection letter; case/litigation	2011	Attorney General Objection; Final Court Order	identification requirements; case/litigation	Thomas E. Perez objection letter (5/18/2011); South Carolina v. United States, Civil Action No. 898 F. Supp. 30 (D.D.C. 2012);
Lee County and Lee County School District	Section 5 objection letter	1994	Attorney General Objection	problems at the polls	Section 5 objection letter, Deval L. Patrick to Jacob H. Jennings (June 6, 1994) (South Carolina)
Florence and Williamsburg Counties	Section 5 objection letter	1994	Attorney General Objection	vote dilution	Section 5 objection letter Deval L. Patrick objection letter
Town of Hemingway	Section 5 objection letter	1994	Attorney General Objection	vote dilution	Section 5 objection letter, Deval L. Patrick to Gregory B. Askins and Jeffrey N. Thorndahl (July 2, 1994) (South Carolina)
Georgetown County School District	Section 5 objection letter	1994	Attorney General Objection	vote dilution	Section 5 objection letter, Kerry Alan Scanlon to C. Havird Jones, Jr. (Oct. 3, 1994) (South Carolina)
North Charleston	Section 5 objection letter	1994	Attorney General Objection	vote dilution	Section 5 objection letter, Deval L. Patrick to James E. Gonzales (Oct. 17, 1994) (South Carolina)

Type of Voting Discrimination

((1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other)

Date of Interim or Final Resolution

Results

Reference

Type of Matter

Jurisdiction

Jurisdiction	Type of Matter	Date of Interim or Final Resolution	Results	Reference
Spartanburg County School District	Section 5 objection letter	1994	Attorney General Objection	Section 5 objection letter, Deval L. Patrick to C. Havird Jones (Nov. 20, 1995) (South Carolina)
Spartanburg County School District	Section 5 objection letter	1995	Attorney General Objection	Section 5 objection letter, Deval L. Patrick to C. Havird Jones (No. 20, 1995) (South Carolina)
Gaffney Board of Public Works	Section 5 objection letter	1996	Attorney General Objection	Section 5 objection letter, Deval L. Patrick to James R. Thompson (March 5, 1996) (South Carolina)
Horry County	Section 5 objection letter	1998	Attorney General Objection	Section 5 objection letter, Bill Lann Lee to John C. Henry (May 20, 1998) (South Carolina)
Charleston	Section 5 objection letter	2001	Attorney General Objection	Section 5 objection letter, Alex Acosta to Francis I. Cantwell (Oct. 12, 2001) (South Carolina)
Greer	Section 5 objection letter	2001	Attorney General Objection	Section 5 objection letter, Ralph F. Boyd, Jr. to John B. Duggan (Nov. 2, 2001) (South Carolina)
Sumter County	Section 5 objection letter	2002	Attorney General Objection	Section 5 objection letter, Ralph F. Boyd, Jr. to Charles T. Edens (Jun. 27, 2002) (South Carolina)
Union County School District	Section 5 objection letter	2002	Attorney General Objection	Section 5 objection letter, Ralph F. Boyd, Jr. to C. Havird Jones (Sep. 3, 2002) (South Carolina)
Clinton	Section 5 objection letter	2002	Attorney General Objection	Section 5 objection letter, Ralph F. Boyd, Jr. to C. Samuel Bennett II (Dec. 9, 2002) (South Carolina)

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Date of Interim or Final Resolution

Results

Reference

Jurisdiction	Type of Matter	Date of Interim or Final Resolution	Results	Reference
Charleston County	case/litigation	2003	Final Order	United States v. Charleston Cty., 316 F. Supp. 2d 268 (D.S.C. 2003), aff'd sub nom. United States v. Charleston Cty., S.C., 365 F.3d 341 (4th Cir. 2004)
Cherokee County School District No. 1	Section 5 objection letter	2003	Attorney General Objection	Section 5 objection letter, Ralph F. Boyd, Jr. to C. Havird Jones (Jun. 16, 2003) (South Carolina)
North	Section 5 objection letter	2003	Attorney General Objection	Section 5 objection letter, Alex Acosta to H. Bruce Buckheiser (Sep. 16, 2003) (South Carolina)
Charleston County School District	Section 5 objection letter	2004	Attorney General Objection	Section 5 objection letter, Alex Acosta to C. Havird Jones (Feb. 26, 2004) (South Carolina)
Richland-Lexington School District No. 5	Section 5 objection letter	2004	Attorney General Objection	Section 5 objection letter, Alex Acosta to C. Havird Jones (Jun. 25, 2004) (South Carolina)
City of Columbia	case/litigation	2010	Preliminary Injunction	Butler v. City of Columbia, No. 3:10-CV-794-CMC-CHH-JFA, 2010 WL 1372299 (D.S.C. 2010)
Fairfield County School District	Section 5 objection letter	2010	Attorney General Objection	Section 5 objection letter, Thomas E. Perez to C. Havird Jones (Aug. 16, 2010) (South Carolina)

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Date of Interim or Final Resolution **Results**

Reference

Jurisdiction **Type of Matter**

SOUTH DAKOTA

Statewide	Section 5 objection letter	1995	Attorney General Objection	other barriers to voter registration	Section 5 objection letter, Deval L. Patrick to Hon. Joyce Hazeltine (Jun. 19, 1995) (South Dakota)
Statewide	case/litigation	2002	Final Order	violation of Section 5 of the VRA	Bone Shirt v. Hazeltine, 200 F. Supp. 2d 1150 (D.S.D. 2002).
Statewide	case/litigation	2002	Consent Decree	violation of Section 5 of the VRA	Quick Bear Quiver v. Hazeltine, No. 02-5069 (D.S.D. 2002).
Statewide	case/litigation	2004	Final Order	vote dilution	Reference: Bone Shirt v. Hazeltine, 336 F.Supp.2d 976 (D.S.D. 2004)
Statewide	case/litigation	2009	Settlement Agreement	other barriers to voter registration	Janis v. Nelson, CIV. 06-5019 (D.S.D. 2009).
Enemy Swim Sanitary District	case/litigation	2000	Settlement Agreement	other barriers to voter registration (maintaining boundaries with the purpose and effect of excluding Native American voters)	United States v. Day County, S.D. CIV. 99-1024 (D.S.D. 2000).
Wagner Community School District	case/litigation	2003	Consent Decree	vote dilution	Weddell v. Wagner Cmty. Sch. Dist., CIV. 02-4056 (D.S.D. 2003).
Buffalo County	case/litigation	2004	Consent Decree	vote dilution	Kirkie v. Buffalo County, S.D., CIV. 03-3011 (D.S.D. 2004).
Charles Mix County	case/litigation	2005	Settlement Agreement	vote dilution, violation of Section 5 of the VRA	Blackmoon v. Charles Mix County, CIV. 05-4017 (2007); Quick Bear Quiver v. Nelson, 387 F. Supp. 2d 1027 (D.S.D. 2005).

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Date of Interim or Final Resolution

Results

Type of Matter

Jurisdiction

Reference

Charles Mix County	Section 5 objection letter	2008	Attorney General Objection	vote dilution	Section 5 objection letter, Grace Chung Becker to Sara Frankenstein (Feb. 11, 2008) (South Dakota)
Shannon County	case/litigation	2013	Dismissed after alleged violation addressed	early or absentee voting	Brooks v. Gant, CIV. 12-5003 (D.S.D. 2013),

TENNESSEE

Crockett County and the Crockett County Board of County Commissioners	case/litigation	2001	Settlement Agreement	vote dilution	United States v. Crockett County, Civil Action 1-01-1129 (W.D. Tenn. 2001); Complaint and Consent Decree.
City of Bolivar	case/litigation	2003	Consent Decree	vote dilution	Hardeman Cty NAACP v. Frost, et al., 03-1041 (W.D. Tenn. Dec. 9, 2003)

TEXAS

Statewide	Section 5 objection letter	1995	Attorney General Objection	language assistance	Section 5 objection letter, Deval L. Patrick to Ronald Kirk (Feb. 17, 1995) (Texas)
Statewide	Section 5 objection letter	1996	Attorney General Objection	barriers to registration	Section 5 objection letter, Deval L. Patrick to Antonio Garza (Jan. 16, 1996) (Texas)
Statewide	case/litigation	1998	Preliminary Injunction	other - change of election structure	LULAC of Texas v. State of Texas, Case no. 96-cv-00930-HFG-SS (W.D. Tex 1996)
Statewide	Section 5 objection letter	2001	Attorney General Objection	redistricting	Section 5 objection letter, Ralph R. Boyd to Geoffrey Connor (Nov. 16, 2001) (Texas)
Statewide	Section 5 objection letter	2008	Attorney General Objection	other - change in election qualification requirement	Section 5 objection letter, Grace Chung Becker to Phil Wilson (Aug. 21, 2008) (Texas)

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Date of Interim or Final Resolution

Results

Reference

Jurisdiction	Type of Matter	Date of Interim or Final Resolution	Results	Reference
Statewide	Section 5 objection letter	2012	Attorney General Objection	Section 5 objection letter, Thomas E. Perez to Keith Ingram (March 12, 2012)(Texas)
Statewide	case/litigation	2013	remedial plan adopted	Perez v. Perry, 891 F. Supp. 2d 808 (W.D. Tex. 2012)
Statewide	case/litigation	2014	Final Order	Texas v. Holder, 888 F.Supp.2d, 113 (D.D.C. 2012), vacated and remanded, 570 U.S. 928 (2013), dismissed, cv. 12-128 (RMC)(2014)
Statewide	case/litigation	2016	Final Order	Veasey v. Abbott, 830 F.3d 216 (2016)
Statewide	case/litigation	2018	Final Order	Perez et al v. Perry et al, Case No. 11-CV-360 (W.D. Tex. 2011). Later Abbott v. Perez. 138 S.Ct. 2305 (2018).
Statewide	case/litigation	2019	Final Order	OCA-Greater Houston et al v. State of Texas et al, 1:2015cv00679, (W. D. Tex. 2015).
Statewide	case/litigation	2019	Preliminary Injunction; Settlement	MOVE Texas Civic Fund et al v. Whitley et al, 5:2019cv00171, (W.D. Tex. 2019).
Tarrant County	Section 5 objection letter	1994	Attorney General Objection	Section 5 objection letter, Deval L. Patrick to Ronald Kirk (Aug. 15, 1994) (Texas)
Marion County	Section 5 objection letter	1994	Attorney General Objection	Section 5 objection letter, Deval L. Patrick to James P. Finstrom (Apr. 18, 1994) (Texas)

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Date of Interim or Final Resolution

Results

Reference

Jurisdiction	Type of Matter	Date of Interim or Final Resolution	Results	Reference
Midland County	Section 5 objection letter	1994	Attorney General Objection	Section 5 objection letter, Deval L. Patrick to John Hannah, Jr. (May 9, 1994) (Texas)
Fort Bend County and Harris County	Section 5 objection letter	1994	Attorney General Objection	Section 5 objection letter, Deval L. Patrick to Ronald Kirk (May 31, 1994) (Texas)
Limestone County	Section 5 objection letter	1994	Attorney General Objection	Section 5 objection letter, Deval L. Patrick to David M. Guinn (Jun. 13, 1994) (Texas)
Galveston Independent School District	case/litigation	1994	Settlement Agreement	Henderson, et al v. Galveston Independent, et al, Case No. 1994cv00144 (S. D. Tex. 1994)
Edna Independent School District	Section 5 objection letter	1994	Attorney General Objection	Section 5 objection letter, Stuart Ishimaru to Arturo G. Michel (Aug. 22, 1994) (Texas)
Morlon	Section 5 objection letter	1994	Attorney General Objection	Section 5 objection letter, Kerry Scanlon to Paul Lyle (Sep. 12, 1994) (Texas)
San Antonio	Section 5 objection letter	1994	Attorney General Objection	Section 5 objection letter, Deval L. Patrick to Lloyd Garcia (Oct. 21, 1994) (Texas)
Gonzalez County Underground Water Conservation District	Section 5 objection letter	1994	Attorney General Objection	Section 5 objection letter, Deval L. Patrick to Mary Ann Wyatt (Oct. 31, 1994) (Texas)
Judton Independent School District	Section 5 objection letter	1994	Attorney General Objection	Section 5 objection letter, Deval L. Patrick to Galen R. Eloif (Nov. 18, 1994) (Texas)

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Date of Interim or Final Resolution

Results

Reference

Jurisdiction	Type of Matter	Date of Interim or Final Resolution	Results	Reference
Edwards Underground water District	Section 5 objection letter	1995	Attorney General Objection	Section 5 objection letter, Deval L. Patrick to Sally Tamez-Salas (March 2, 1995) (Texas)
Karnes City	Section 5 objection letter	1995	Attorney General Objection	Section 5 objection letter, Deval L. Patrick to Don Tymrac (Oct. 31, 1994) (Texas)
City of Boerne	case/litigation	1996	Settlement Agreement	League of United Latin American Citizens, District 19 v. City of Boerne et al; Case no. 5:96-cv-00808 (W.D. Tex 1996)
Sharyland Independent School District	case/litigation	1997	Dismissed after alleged violation addressed	League of United Lat. et al v. Sharyland ISD, et al, Case No. 1996cv00132 (S. D. Tex. 1996)
Galveston County	Section 5 objection letter	1998	Attorney General Objection	Section 5 objection letter, Bill Lann Lee to Barbara E. Roberts (Dec. 14, 1998) (Texas)
Lamesa	Section 5 objection letter	1999	Attorney General Objection	Section 5 objection letter, Bill Lann Lee to Robert Gorsline (Jul. 16, 1999) (Texas)
Sealy Independent School District	Section 5 objection letter	2000	Attorney General Objection	Section 5 objection letter, Bill Lann Lee to David Mendez (Jun. 5, 2000) (Texas)
Haskell Consolidated Independent School District	Section 5 objection letter	2001	Attorney General Objection	Section 5 objection letter, Ralph F. Boyd to Cheryl T. Mehl (Sept. 24, 2001) (Texas)
Schleicher County Independent School District	case/litigation	2002	Final Order	Belman, et al v. Schleicher Co ISD, et al., Case No. 6:2002cv00022 (N.D. Tex. 2002).

Type of Voting Discrimination

((1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Jurisdiction	Type of Matter	Date of Interim or Final Resolution	Results	Reference
Waller County	Section 5 objection letter	2002	Attorney General Objection redistricting	Section 5 objection letter, J. Michael Wiggins to Denise Nance Pierce (Jun. 21, 2002) (Texas)
Freeport	Section 5 objection letter	2002	Attorney General Objection vote dilution	Section 5 objection letter, J. Michael Wiggins to Wallace Shaw (Aug. 12, 2002) (Texas)
Bexar County	case/litigation	2003	Preliminary Injunction vote dilution	M Hernandez Chapter v. Bexar County, et al Case No. 5:03-cv-00816-WRF (W.D. Tex. 2003)
Yorktown City Council	case/litigation	2003	Dismissed after alleged violation addressed failure to obtain section 5 preclearance	Perez v. City of Yorktown, The, et al, Case No. 2003-cv-029 (S.D. Tex. 2003)
Waller County	case/litigation	2004	Settlement Agreement other barriers to voter registration	Prairie View Chapter, et al v. Kitzman, Case No. 2004cv00459 (S. D. Tex. 2004)
Bexar County	case/litigation	2005	Final Order polling place locations	American GI Forum, et al v. Bexar County, et al, Case No. 5:04-cv-00181-FB (W.D. Tex. 2004)
Ector County	case/litigation	2005	Consent Decree language assistance	United States, et al v. Ector County, Texas, et al, Case No. 7:05-cv-00131-RAJ (W.D. Tex. 2005)
Hale County, TX	case/litigation	2006	Consent Decree language assistance	United States of America v. Hale County, Texas et al., Case No. 5:2006cv00043 (N.D. Tex. 2006).
North Harris Montgomery Community College District	Section 5 objection letter	2006	Attorney General Objection polling place location	Section 5 objection letter, Wan J. Kim to Renee Smith Byas (May 5, 2006) (Texas)

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Date of Interim or Final Resolution

Results

Type of Matter

Jurisdiction

Reference

Brazos County	case/litigation	2006	Consent Decree	language assistance	The United States Of America v. Brazos County, Texas et al, Case No. 2006cv02165 (S. D. Tex. 2006)
North Harris Montgomery Community College District	case/litigation	2006	Settlement Agreement	problems at the polls	The United States Of America v. North Harris Montgomery Community College District et al, Case No. 2006-cv-02488 (S. D. Tex. 2006)
Amarillo College District	case/litigation	2006	Dismissed after alleged violation addressed	vote dilution	Bosquez et al v. Amarillo College District, Case No. 2:2005cv00323 (N.D. Tex. 2006).
Dallas Independent School District	case/litigation	2006	Dismissed after alleged violation addressed	vote dilution	Villegas, et al v. Dallas Independent S. et al., Case No. 3:2002cv00858 (N.D. Tex. 2006).
Bexar Metropolitan Water District	case/litigation	2007	Preliminary Injunction	vote dilution	Rios v. Bexar Metro. Water, et al - Case no. 5:96-cv-00335 (W.D. Tex 1996)
The City of Amarillo, TX	case/litigation	2007	Settlement Agreement	vote dilution	Bosquez et al v. City of Amarillo, TX, Case No. 2:2005cv00324 (N.D. Tex. 2007).
Galveston County	case/litigation	2007	Consent Decree	language assistance; problems at the polls	United States v. Galveston County, Case No. 07-cv-00377 (S.D. Tex. 2007)
City of Hondo, Texas	case/litigation	2007	Dismissed after alleged violation addressed	1) vote dilution; (2) language assistance	Garcia, et al v. City of Hondo, Texas, Case No. 09-cv-00394 (W.D. Tex.2007)
Littlefield Independent School District	case/litigation	2007	Consent Decree	language assistance	United States of America v. Littlefield Independent School District et al., Case No. 5:2007cv00145 (N.D. Tex. 2007).

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Jurisdiction	Type of Matter	Date of Interim or Final Resolution	Results	Reference
Post Independent School District	case/litigation	2007	Consent Decree	United States of America v. Post Independent School District et al., Case No. 5:2007cv00146 (N.D. Tex. 2007).
Seagraves Independent School District	case/litigation	2007	Consent Decree	United States of America v. Seagraves Independent School District et al., Case No. 5:2007cv00147 (N.D. Tex. 2007).
Smyer Independent School District	case/litigation	2007	Consent Decree	United States of America et al v. Lewis, Case No. 5:2007cv00148 (N.D. Tex. 2007).
City of Earth	case/litigation	2007	Consent Decree	United States of America v. City of Earth, Texas et al., Case No. 5:2007cv00144 (N.D. Tex. 2007).
Engelman Irrigation District	case/litigation	2008	Final Order	Shields et al v Engelman Irrigation District et al, Case No. 08-cv-00116 (S.D. Tex. 2008)
Waller County	case/litigation	2008	Consent Decree	UNITED STATES DEPARTMENT OF JUSTICE v. Waller County et al. Case No. 18-cv-03022 (S.D. Tex. 2008)
Dumas Independent School District	case/litigation	2008	Dismissed after alleged violation addressed	League of United Latin American Citizens, Statewide v. Dumas Independent School District et al., Case No. 2:1993cv00154 (N.D. Tex. 2008).
Gonzales County	Section 5 objection letter	2009	Attorney General Objection	Section 5 objection letter, Loretta King to Robert T. Bass (March 24, 2009) (Texas)

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Jurisdiction	Type of Matter	Date of Interim or Final Resolution	Results	Reference
Fort Bend County	case/litigation	2009	Consent Decree	United States of America v. Fort Bend County, Texas, Case No. 09-cv-01058 (S.D. Tex. 2009)
Texas Democratic Party and State of Texas	case/litigation	2009	Dismissed after alleged violation addressed	LULAC of Texas et al v. State of Texas et al, Case 08-cv-00389 (W.D. Tex.2007)
City of Irving	case/litigation	2010	Final Order	Benavidez v. The City of Irving, Texas et al, Case No. 3:2007cv01850 (N.D. Tex. 2010).
Runnels County	Section 5 objection letter	2010	Attorney General Objection	Section 5 objection letter, Thomas E. Perez to Elsa Ocker (Jun. 28, 2010) (Texas)
Val Verde County Clerk, Val Verde County and State of Texas	case/litigation	2010	Dismissed after alleged violation addressed	LULAC of Texas et al, Case No. :10-cv-00058 (W.D. Tex. 2010)
Dallas County, Texas	case/litigation	2011	Dismissed after alleged violation addressed	Texas Democratic Party v. Dallas County, Case No. 3:2008cv02117 (N.D. Tex. 2011).
Board of Directors for Garza County Hospital District	case/litigation	2011	Consent Decree	Tobias, et al v. Garza County Hospital, et al:5:2000-cv-00293, (N.D. Tex. 2000).
Galveston County	Section 5 objection letter	2011	Attorney General Objection	Section 5 objection letter, Thomas E. Perez to C. Robert Heath (Oct. 3, 2011) (Texas)
Medina County	case/litigation	2011	Final Order	Vasquez-Lopez et al v. Medina County, Texas et al, Case 5:11-cv-00945 (W.D. Tex. 2011)

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Jurisdiction	Type of Matter	Date of Interim or Final Resolution	Results	Reference
Nueces County	Section 5 objection letter	2012	Dismissed after alleged violation addressed	No. 11-1784 (D.D.C. 2011)
Galveston County	Section 5 objection letter; case/litigation	2012	Attorney General Objection	Section 5 objection letter, Thomas E. Perez to James E. Trainor III (March 5, 2012) (Texas); Galveston County, Texas v. United States of America et al., Case No. 11-1837 (D.D.C. 2011)
Galveston County	case/litigation	2012	Preliminary Injunction	Petteway, et al. v. Galveston County, Texas, et al., Case No. 2011cv00511 (S.D. Tex 2011)
Beaumont Independent School District, Jefferson County	Section 5 objection letter	2012	Attorney General Objection	Section 5 objection letter, Thomas E. Perez to Melody Thomas Chappell (Dec. 21, 2012) (Texas)
City of Farmers Branch	case/litigation	2013	Dismissed after alleged violation addressed	Fabela et al. v. City of Farmers Branch Texas et al., Case No. 3:2010cv01425 (N.D. Tex. 2013).
Beaumont Independent School District, Jefferson County	Section 5 objection letter	2013	Attorney General Objection	Section 5 objection letter, Thomas E. Perez to Melody Thomas Chappell (Apr. 8, 2013) (Texas)
Lone Star College System District	case/litigation	2013	Consent Decree	Hubbard et al. v. Lone Star College System et al. Case No. 2013cv01635 (S.D. Tex 2013)
Irving Independent School District	case/litigation	2014	Final Order	Benavidez v. Irving Independent School District et al., Case No. 3:2013cv00087 (N.D. Tex. 2014).
Grand Prairie Independent School District	case/litigation	2014	Settlement Agreement	Rodriguez v. Grand Prairie Independent School District et al., Case No. 3:202013cv01788 (N.D. Tex. 2014).

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Date of Interim or Final Resolution

Type of Matter

Results

Reference

Jurisdiction	Type of Matter	Date of Interim or Final Resolution	Results	Reference
City of Pasadena	case/litigation	2017	Final Order	Patino et al v. City of Pasadena et al, Case No. 2014cv03241 (S.D. Tex. 2014)
Hereford Independent School District	case/litigation	2018	Settlement Agreement	Gamez v. Hereford Independent School District et al., Case No. 2:1995cv00028 (N.D. Tex. 2018).
Richardson Independent School District	case/litigation	2019	Settlement Agreement	Tyson v. Richardson Independent School District et al., Case No. 3:2018cv00212 (N.D. Tex. 2019).
UTAH				
San Juan County	case/litigation	2016	Final Order	Navajo Nation et al v. San Juan Cty., 929 F.3d 1270 (10th Cir. 2019) (affirming the district court); Navajo Nation et al v. San Juan Cty., 162 F. Supp. 3d 1162 (D. Utah 2016); Navajo Nation v. San Juan Cty., 266 F. Supp. 3d 1341 (D. Utah 2017); Navajo Nation v. San Juan Cty., 2:12-cv-39, 2017 U.S. Dist. LEXIS 211230 (D. Utah Dec. 21, 2017)
San Juan County	case/litigation	2018	Settlement Agreement	Navajo Nation Human Rights Commission et al v. San Juan Cty. et al, 215 F. Supp. 3d 1201 (D. Utah 2017); Id. Case No. 2:16-cv-154, 2017 U.S. Dist. LEXIS 145158 (D. Utah Sept. 7, 2017); 2:16-cv-154, Dkt. No. 198 (D. Utah Feb. 20, 2018)

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Reference

Date of Interim or Final Resolution

Type of Matter

Jurisdiction

Results

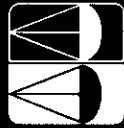
VIRGINIA

Statewide	case/litigation	1997	Final Order	vote dilution	<p>Moon v. Meadows, 952 F. Supp. 1141 (E.D. Va.), aff'd, 521 U.S. 113, 117 S. Ct. 2501 (1997), and aff'd sub nom. Harris v. Moon, 521 U.S. 113 (1997)</p>
Statewide	case/litigation	2015	Final Order	racial gerrymandering	<p>Page v. Virginia State Bd. Of Elections, No. 3:13CV678, 2015 WL 3604029, at *1 (E.D. Va. June 5, 2015)</p>
Statewide	case/litigation	2018	Final Order	racial gerrymandering	<p>Bethune-Hill v. Virginia State Bd. of Elections, 326 F. Supp. 3d 128 (E.D. Va. 2018), appeal dismissed sub nom. Virginia House of Delegates v. Bethune-Hill, 139 S. Ct. 1945 (2019)</p>
City of Newport News, VA	case/litigation	1994	Consent Decree	vote dilution	<p>U.S. v. City of Newport News, No. 4:94-cv-00155 (E.D. Va. 1994)</p>
Dinwiddie County, VA	Section 5 objection letter	1999	Attorney General Objection	polling place locations	<p>Section 5 objection letter, Bill Lann Lee to Benjamin W. Emerson (Dec. 27, 1999) (Virginia)</p>
Northhampton County, VA	Section 5 objection letter	2001	Attorney General Objection	vote dilution	<p>Section 5 objection letter, Ralph F. Boyd, Jr. to James E. Trainor III (Sept. 28, 2001) (Virginia)</p>
Northhampton County, VA	Section 5 objection letter	2001	Attorney General Objection	vote dilution	<p>Section 5 objection letter, Ralph F. Boyd, Jr. to James E. Trainor III (Sept. 28, 2001) (Virginia)</p>
Pittsylvania County, VA	Section 5 objection letter	2002	Attorney General Objection	vote dilution	<p>Section 5 objection letter, Ralph F. Boyd, Jr. to William D. Sleeper (Apr. 29, 2002) (Virginia)</p>

Type of Voting Discrimination

(1) vote dilution; (2) language assistance; (3) identification requirements; (4) other barriers to voter registration; (5) problems at the polls; (6) polling place locations; (7) early or absentee voting; and/or (8) other

Jurisdiction	Type of Matter	Date of Interim or Final Resolution	Results	Reference
Cumberland County, VA	Section 5 objection letter	2002	Attorney General Objection	Section 5 objection letter, Ralph F. Boyd, Jr. to Darvin Satterwhite (July 9, 2002) (Virginia)
Northhampton County, VA	Section 5 objection letter	2003	Attorney General Objection	Section 5 objection letter, Ralph F. Boyd, Jr. to Bruce D. Jones, Jr. (May 19, 2003) (Virginia)
Northhampton County, VA	Section 5 objection letter	2003	Attorney General Objection	Section 5 objection letter, J. Michael Wiggins to Bruce D. Jones, Jr. (Oct. 21, 2001) (Virginia)
WASHINGTON				
Yakima County	case/litigation	2004	Consent Decree	United States v. Yakima County, No. CV-04- 3072-LRS (E.D. Wash. 2004)
City of Yakima	case/litigation	2014	Final Order	Montes v. City of Yakima: https://aclu-wa.org/file/99782/download?token=OWBWKUP
City of Pasco	case/litigation	2016	Consent Decree	Glatt v. City of Pasco: https://www.aclu-wa.org/file/101908/download?token=oHPP3KU5
WISCONSIN				
Statewide	case/litigation	2012	Final Order	Baldus v. Members of Wisconsin Gov't Accountability Board, 849 F.Supp.2d 840 (E.D. Wis 2012)
WYOMING				
Fremont County	case/litigation	2010	Final Order	Large v. Fremont County, Wyo., 709 F. Supp. 2d 1176 (D. Wyo. 2010)



LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
U N D E R L A W

1500 K St., N.W., 9th Floor
Washington, D.C. 20005
Phone: 202-662-8600

www.lawyerscommittee.org

Martinez, Ruben

From: Martin Enriquezmarquez <martin.enriquezmarquez@cityofsanjose.org>
Sent: Thursday, December 02, 2021 4:54 PM
To: PublicComment-AutoResponse; cityclerk
Subject: US v Upper San Gabriel Valley Municipal Water District 2000
Attachments: U.S. v. Upper San Gabriel Valley Mun. Water Dist.pdf

CAUTION: This email was delivered from the Internet. Do not click links or open attachments unless you *know* the content is safe. Report phish using the Phish Alert Button. [Learn more...](#)

Anti-Mexicanism everywhere, local example

US v Upper San Gabriel Valley Municipal Water District 2000

2 December 2021

Martin

U.S. v. Upper San Gabriel Valley Mun. Water Dist.

Decided Sep 8, 2000

CV 00-7903 AHM (BQRx)

September 8, 2000

ORDER DENYING PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

A. HOWARD MATZ, United States District
Judge.

INTRODUCTION

Plaintiff United States seeks to enforce § 2 of the Voting Rights Act of 1965 (42 U.S.C. § 1973 or "section 2") against Defendant Upper San Gabriel Valley Municipal Water District ("District"), named members of its current Board of Directors and the Los Angeles County Registrar-Recorder. Plaintiff alleges that the boundaries for the five seats on the Board of Directors were drawn in such a way as to impermissibly dilute votes of Hispanics. The Board of Directors is responsible for carrying out the mission of the District: "To provide a reliable supply of imported water for groundwater recharge and domestic consumption within the boundaries of the Upper San Gabriel Valley Municipal Water District."

The Board of Directors is comprised of five positions elected from five single member divisions to four year terms. (Mem. In Supp. Of United States' Mot. For Prelim. Relief at 5.) The Directors are elected to staggered terms. (Id.) Three Directors are up for election in the November 7, 2000 General Election. (Id.) To succeed, a candidate must only garner the most votes in a plurality system. (Id.) The incumbents

are running in all three races. (Defs.' Opp'n to Pl.'s Mot. For Prelim. Inj. Exh. E.) It appears that candidates with Hispanic surnames are running in Divisions 3 4. (Id.) The election is scheduled for November 7, 2000.

On August 29, 2000, Plaintiff first brought this matter before the Court by moving for leave to seek an injunction on an expedited basis. Because the Los Angeles County Registrar-Recorder must complete the General Election ballot materials by the close of business today, September 8, 2000, the Court ordered an expedited briefing schedule because of the importance of the issues raised here. The Defendants thus were required to file their opposition to Plaintiff's Motion for Preliminary Injunction ("Motion") on September 5, 2000 and Plaintiff's reply was filed on September 6, 2000. A hearing was conducted yesterday. The Court took the matter under submission.

This Order provides the parties with the Court's ruling and a brief explanation based on the balance of the hardships. As disclosed at the hearing, the Court has serious questions concerning Plaintiff's theories and conclusions. The Court will at a later date provide a more detailed opinion illustrating how Plaintiff failed to meet its burden to show a probability of success.

DISCUSSION I. LEGAL STANDARD FOR PRELIMINARY INJUNCTION

"The standard for granting a preliminary injunction in redistricting cases does not differ from the general preliminary injunction standard."

Cardona v. Oakland Unified School District, 785 F. Supp. 837, 839-40 (N.D.Cal. 1992). A plaintiff is entitled to a preliminary injunction upon showing "either (1) a combination of probable success on the merits and the possibility of irreparable injury or (2) the existence of serious questions going to the merits and that the balance of hardships tips sharply in his favor." *Sardi's Restaurant Corp. v. Sardie*, 755 F.2d 719, 723 (9th Cir. 1985) (citing *Apple Computer, Inc. v. Formula Int'l, Inc.*, 725 F.2d 521, 523 (9th Cir. 1984)). These standards are not two distinct tests, but rather are "the opposite ends of a single continuum in which the required showing of harm varies inversely with the required showing of meritoriousness." *Rodeo Collection, Ltd v. West Seventh*, 812 F.2d 1215, 1217 (9th Cir. 1987) (internal quotations omitted). "Where an injunction is authorized by statute, and the statutory conditions are satisfied . . . the agency to whom the enforcement of the right has been entrusted is not required to show irreparable injury." *United States v. Odessa Union Warehouse Co-op*, 833 F.2d 172, 175 (9th Cir. 1987) (footnote omitted); see also *Cardona*, 785 F. Supp. at 840 ("Abridgement or dilution of a right so fundamental as the right to vote constitutes irreparable injury."). As the Court stated on the record at the hearing, if it found probability of success it would also find irreparable injury.

However, before issuing an injunction, this Court "must consider the public interest as a factor in balancing the hardships when the public interest may be affected." *Caribbean Marine Services Co. v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988). In the context of voting rights cases, the Supreme Court frames this test as follows:

[O]nce a State's legislative apportionment scheme has been found to be unconstitutional, it would be the unusual case in which a court would be justified in not taking appropriate action to insure that no further elections are conducted under the invalid plan. However, under certain circumstances, such as where an impending

election is imminent and a State's election machinery is already in progress, equitable considerations might justify a court in withholding the granting of immediately effective relief in a legislative apportionment case, even though the existing apportionment scheme was found invalid. In awarding or withholding immediate relief, a court is entitled to and should consider the proximity of a forthcoming election and the mechanics and complexities of state election laws, and should act and rely upon general equitable principles. With respect to the timing of relief, a court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes that could make unreasonable or embarrassing demands on a State in adjusting to the requirements of the court's decree.

Reynolds v. Sims, 377 U.S. 533, 585 (1964). **II. APPLICATION TO THIS CASE**

The Court is persuaded that "[t]he strong public interest in having elections go forward . . . weighs heavily against an injunction that would delay an upcoming election," for the following reasons. *Cardona*, 785 F. Supp. at 842.

A. Expense and Administrative Burden

In addition to enjoining the upcoming election, Plaintiff proposes to conduct a special election after boundaries are redrawn. The expense would certainly be borne by the District and, ultimately, the District water customers. If, on the other hand, the November election proceeds and Plaintiff does not prove its case at trial, the results of the election would be valid and there would be no need for a special election. The costs of a special election are substantial. The Registrar-Recorder of Los Angeles County filed a declaration establishing that it will cost the District \$185,000 to conduct the election for Divisions 2, 3 and 4 as part of the November 7, 2000 General Election and that a special election would cost three to five times that

amount.¹ Decl. of Kathleen Scollard at 3. The cost of a special election should be avoided if possible. Should Plaintiff prevail at trial, the Court could order a special election at that time.

¹ Plaintiff makes an unsworn assertion that the cost of a special election would be "reduced substantially" if conducted in conjunction with the regularly scheduled November 2001 election. United States' Supp. Brief Re: Mot. For Prelim. Inj. at 5.

B. The November Election Will Provide Relevant Evidence

Plaintiff conceded at the hearing that under the "totality of the circumstances" method of assessing the lawfulness of the current election structure, it would be relevant evidence if an Hispanic candidate were elected this November, although this would not be decisive or make the case moot. *See Ruiz v. City of Santa Maria*, 160 f.3d 543, 549 (9th Cir. 1998). The Court believes that it would be advisable, and perhaps very enlightening, to have the record include the results of the upcoming election.

C. Harm to the Candidates

Thirteen citizens already chose to run in November for the three vacancies on the District Board. These candidates each had to pay a \$550 fee associated with the filing of their candidate statements on or about September 1, 2000. The nomination period for candidates closed September 1, 2000. The candidates have already begun to organize their campaigns, raise funds, and incur campaign costs. *See, e.g.*, Manning Decl. To enjoin the election now would be unfair to the candidates and their supporters who have acted in reliance on the scheduled date for the election. *See Cardona*, 785 F. Supp. at 842-43 (denying a preliminary injunction because the "election machinery [was] already in gear" for the upcoming election on similar facts).

D. Plaintiff's Request Would Subject the Electorate to an Anomalous Result

Plaintiff contends that the incumbents obtained their positions illegally. Nevertheless, Plaintiff requests this Court not only to enjoin the November election but to allow the incumbents to remain in office until this case is resolved and a special election is held. That would take approximately 18 months. In the meantime, the voters would have been deprived of their right to replace the allegedly unlawful incumbents. If Plaintiff prevails at trial the Court can and will fashion a remedy at that time. Until then, based on the record before the Court, it would be inequitable to interfere with the democratic process.

E. Inadequate Record and Time

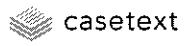
This Court is exceedingly reluctant on such an incomplete record and absurdly short notice² to interfere with the right of all the citizens in the District to exercise their vote. *See Banks v. Bd. of Education*, 659 F. Supp. 394 (C.D.Ill. 1987) (denying preliminary injunction precluding an election that was less than a month from the hearing date). "The issues raised in these voting rights cases are complex and require the Court to review a great deal of social and demographic statistical evidence. *If the Court is to make a reasoned decision on the request for preliminary injunction, the Court must allow the parties the opportunity to gather and evaluate this type of evidence.*" *Id.* at 398 (emphasis added).

² The parties are aware of the Court's concern, expressed at the hearing, that this Motion was brought on unusually short notice, and unnecessarily so.

CONCLUSION

Based on the foregoing, and the fact that Plaintiff has failed to make a sufficient showing, the Court DENIES Plaintiff's Motion for Preliminary Injunction.

IT IS SO ORDERED.



Martinez, Ruben

From: Martin Enriquezmarquez < >n>
Sent: Thursday, December 02, 2021 5:04 PM
To: PublicComment-AutoResponse; cityclerk
Subject: Upper San Gabriel Valley Municipal Water District Complaint
Attachments: sangabriel_comp_ro_tag.pdf

CAUTION: This email was delivered from the Internet. Do not click links or open attachments unless you *know* the content is safe. Report phish using the Phish Alert Button. [Learn more...](#)

Compliant 2000 Named: PCC Trustee Dr. Anthony Fellows

Upper San Gabriel Valley Municipal Water District Complaint

2 December 2021

The water board has progressed.

Martin

1 JANET RENO
 Attorney General
 2 BILL LANN LEE
 Acting Assistant Attorney
 3 General for Civil Rights
 JOSEPH D. RICH
 4 ROBERT A. KENGLE
 CYNTHIA A. VALENZUELA (SBN #186804)
 5 Attorneys, Voting Section
 Civil Rights Division
 6 U.S. Department of Justice
 P.O. Box 66128
 7 Washington, D.C. 20035-6128
 Telephone: (202) 514-6346
 8 Facsimile: (202) 307-3961
 ALEJANDRO N. MAYORKAS (SBN #122447)
 9 United States Attorney
 MICHELE C. MARCHAND (SBN #93390)
 10 Assistant United States Attorney
 Room 7516, Federal Building
 11 300 North Los Angeles Street
 Los Angeles, California 90012
 12 Telephone: (213) 894-2727
 Facsimile: (213) 894-7819
 13 Attorneys for Plaintiff

BY _____
 CLERK U.S. DISTRICT COURT
 CENTRAL DIST. OF CALIF.
 Jul 21 10 30 AM '00

FILED

14 IN THE UNITED STATES DISTRICT COURT
 15 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 16 WESTERN DIVISION

16 UNITED STATES OF AMERICA,)
 17)
 Plaintiff,)
 18)
 v.)
 19)
 UPPER SAN GABRIEL VALLEY)
 20 MUNICIPAL WATER DISTRICT;)
 ANTHONY R. FELLOW (Division 1),)
 21 FRANK F. FORBES (Division 2))
 KENNETH R. MANNING (Division 3))
 22 R. WILLIAM "BILL" ROBINSON)
 (Division 4))
 23 MARVIN JOE CICHY (Division 5),)
 Members of the Board of Directors)
 24 for the Upper San Gabriel)
 Valley Municipal Water District,)
 25 CONNY B. McCORMACK, Los Angeles)
 County Registrar-Recorder/)
 26 County Clerk)
 27 Defendants.)

No. CV 00-07903

COMPLAINT FOR VIOLATION
 OF VOTING RIGHTS ACT
 [42 U.S.C § 1973]

AHM (80)

1 The United States of America, plaintiff herein, alleges:

2 1. The Attorney General files this action on behalf of the
3 United States pursuant to Sections 2 and 12(d) of the Voting
4 Rights Act of 1965, as amended, 42 U.S.C. § 1973, and 42 U.S.C.
5 § 1973j(d).

6 2. This Court has jurisdiction of this action pursuant to 42
7 U.S.C. § 1973j(f), and 28 U.S.C. § 1345.

8 3. Section 2 of the Voting Rights Act of 1965, as amended,
9 42 U.S.C. § 1973, prohibits the enforcement of any voting
10 qualification or prerequisite to voting or any standard, practice
11 or procedure that results in the denial or abridgement of the
12 right to vote on account of race or color.

13 4. Defendant Upper San Gabriel Valley Municipal Water
14 District ("Upper District") is a legal subdivision of the State
15 of California and exists under the laws of that state.

16 5. Defendant Upper San Gabriel Valley Municipal Water
17 District is a municipal water district comprised (in whole or in
18 part) of twenty-two cities and two unincorporated areas within
19 the County of Los Angeles, established by the laws of the State
20 of California.

21 6. The Upper District Board of Directors consists of five
22 members. Defendants Anthony R. Fellow, Frank F. Forbes, Kenneth
23 R. Manning, R. William "Bill" Robinson, and Marvin Joe Cichy are
24 the current members of the Upper District Board of Directors.
25 All five Directors are residents of their respective Divisions
26 and each Director is sued in his official capacity.

27 7. Defendant Conny B. McCormack is the Registrar-Recorder of
28 Los Angeles County and is responsible for the conduct of

1 elections in the County of Los Angeles, including elections for
2 positions on the Board of Directors for the Upper San Gabriel
3 Valley Municipal Water District. Ms. McCormack is sued in her
4 official capacity.

5 8. According to the 1990 Census data used by the Upper
6 District to redistrict in 1992, the total population of the
7 District is 790,797, of whom 367,640 (46.49%) are Hispanic,
8 275,108 (34.79%) are White (non-Hispanic), 120,418 (15.23%) are
9 Asian, and 23,818 (3.01%) are Black.

10 9. The Upper District is governed by a five-member Board of
11 Directors as required by state law. The Directors are elected in
12 non-partisan elections from five single-member Divisions to four
13 year terms. Staggered terms are used and a plurality win system
14 is in effect. The next election will be held on November 7,
15 2000, in Divisions 2, 3, and 4.

16 10. The Hispanic population of the Upper District is
17 sufficiently numerous and geographically compact such that a
18 properly apportioned single-member district plan for electing
19 Directors can be drawn in which Hispanic citizens would
20 constitute a majority of the citizen voting age population in
21 two of the five Divisions.

22 11. Hispanic voters in the Upper District are politically
23 cohesive. Racially polarized voting patterns prevail in
24 elections for the Upper District Board of Directors. In contests
25 between Hispanic and white candidates for the Board, Hispanics
26 consistently vote for Hispanic candidates and non-Hispanics vote
27 sufficiently as a bloc to usually defeat the Hispanic voters'
28 candidates of choice.

1 12. Although nine Hispanic candidates have run for Upper
2 District Director positions in four of the five Divisions, no
3 Hispanic person has ever been elected to the Upper District Board
4 in its 40 year history.

5 13. In the forty-year history of the Upper District, there
6 have been twenty members of the Board of Directors, eight of whom
7 were first appointed rather than elected to that office. No
8 Hispanic person ever has been appointed to the Upper District
9 Board of Directors.

10 14. Until 1989, the California general law governing
11 municipal water districts provided that an incumbent Director who
12 was unopposed for reelection would be appointed automatically to
13 a new term without his or her office appearing on the election
14 ballot. Similarly, California law authorizes appointment in lieu
15 of election in order to fill vacancies. For the twenty-two year
16 period from 1964 through 1986, with one exception in 1970, all
17 candidates for the Upper District Board of Directors were
18 unopposed and did not appear on the ballot. Similarly, during
19 that same period of time, every vacancy was filled by
20 appointment. These practices and procedures operated to minimize
21 the opportunity for Hispanic citizens to participate effectively
22 in Upper District elections.

23 15. The configuration of the current election Division
24 boundaries within the Upper District has the effect of diluting
25 Hispanic voting strength resulting in Hispanic citizens being
26 denied an effective ability to participate in the electoral
27 process and to elect candidates of their choice. In devising the
28 post-1990 census boundaries of the five Divisions, the defendant

1 Upper District fragmented the Hispanic population concentration
2 primarily by dividing predominantly Hispanic areas and placing
3 them in separate Divisions, primarily among Divisions 1, 4, and
4 5, with the result that Hispanics do not constitute a citizen
5 voting-age majority in any of the five Divisions. The plan
6 perpetuates prior fragmentation of the Hispanic population within
7 the Upper District.

8 16. Hispanics in Los Angeles County have, historically, been
9 the victims of official discrimination perpetrated by the State
10 of California and the County of Los Angeles. Such discrimination
11 has included discrimination touching on the right of Spanish-
12 speaking and other language minorities to register, vote, and
13 participate in the political process.

14 17. Hispanic persons in the Upper District bear the effects
15 of past discrimination in areas such as education, employment,
16 and housing, as reflected in their depressed socioeconomic status
17 relative to white Upper District residents. These effects of
18 past discrimination hinder the current ability of Hispanics to
19 participate effectively in elections in the Upper District.

20 18. Under the totality of the circumstances described in
21 paragraphs 10 to 17, the election plan for the Upper District
22 results in the denial or abridgment of the right to vote of
23 Hispanic citizens in violation of Section 2 of the Voting Rights
24 Act, 42 U.S.C. § 1973, as amended.

25 19. The defendant Upper District has the authority pursuant
26 to state law to remedy the fragmentation of Hispanic voting
27 strength that was occasioned by the 1990 redistricting. The
28 defendants have failed to take action necessary to allow Hispanic

1 citizens a fair opportunity for equal political participation and
2 thus an order of this court is necessary to obtain compliance
3 with federal law.

4 20. Unless enjoined by Order of this Court, defendants will
5 continue to conduct elections for the Upper District using the
6 current electoral scheme in violation of Section 2 of the Voting
7 Rights Act, 42 U.S.C. § 1973.

8 WHEREFORE, the United States prays that the Court enter a
9 judgment:

10 (1). Declaring that the existing districting plan for the
11 Upper District violates Section 2 of the Voting Rights Act:

12 (2) Enjoining the defendants, their agents and successors in
13 office, and all persons acting in concert with any of them, from
14 administering, implementing, or conducting any future elections
15 for the Upper District under the current districting plan;

16 (3) Ordering defendants to devise and implement a district
17 plan for the Upper District which complies with Section 2 of the
18 Voting Rights Act, 42 U.S.C. § 1973; and

19

20

21

22

23

24

25

26

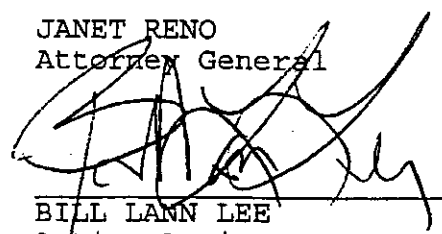
27

28

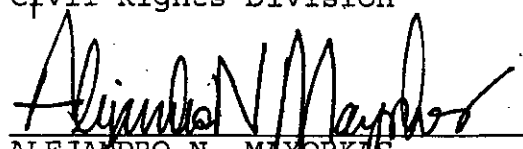
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(4) Ordering such additional relief as the interests of justice may require, together with the costs and disbursements in maintaining this action.

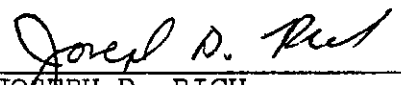
JANET RENO
Attorney General



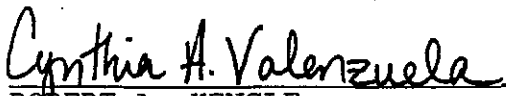
BILL LANN LEE
Acting Assistant
Attorney General
Civil Rights Division



ALEJANDRO N. MAYORKAS
United States Attorney
MICHELE C. MARCHAND
Assistant United States Attorney



JOSEPH D. RICH
Acting Chief, Voting Section



ROBERT A. KENGLE
CYNTHIA A. VALENZUELA
Attorneys, Voting Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 66128
Washington, DC 20035-6128
(202) 514-6346

Martinez, Ruben

From: Martin Enriquezmarquez <
Sent: Thursday, December 02, 2021 5:16 PM
To: PublicComment-AutoResponse; cityclerk
Subject: 2005 Rosemead Complaint part of Pasadena Area CCD
Attachments: rosemead_comp.pdf

CAUTION: This email was delivered from the Internet. Do not click links or open attachments unless you *know* the content is safe. Report phish using the Phish Alert Button. [Learn more...](#)

#2. Rosemead Complaint. Part of Pasadena Area Community College District

2 December 2021

Spanish language covered in Los Angeles County.

Citizens: Hispanic population

Martin

FILED

2005 JUL 14 AM 11:23

CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY

1 BRADLEY J. SCHLOZMAN
Acting Assistant Attorney General

2 DEBRA WONG YANG, United States Attorney
3 MICHELE C. MARCHAND
Assistant United States Attorney (#93390)
4 United States Courthouse
312 North Spring Street, 14th floor
5 Los Angeles, California 90012
Telephone: (213) 894-2727
6 Facsimile: (213) 894-7177

7 JOHN TANNER, Chief
AVNER SHAPIRO, Trial Attorney
8 JOHN "BERT" RUSS, Trial Attorney (#192471)
ALBERTO RUISANCHEZ, Trial Attorney
9 Voting Section
Civil Rights Division
10 United States Department of Justice
950 Pennsylvania Ave., N.W. - NWB-7254
11 Washington, D.C. 20530
Telephone: (202) 305-1840
12 Facsimile: (202) 307-3961

13 Counsel for Plaintiff
United States of America

14
15 IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
16 WESTERN DIVISION

17 UNITED STATES OF AMERICA,)
18)
Plaintiff,)
19)
v.)
20)
CITY OF ROSEMEAD, CALIFORNIA;)
21 THE ROSEMEAD CITY COUNCIL;)
BILL CROWE in his official)
22 capacity as Rosemead)
City Manager; and NANCY)
23 VALDERRAMA in her official)
capacity as Rosemead City)
24 Clerk,)
Defendants.)
25

CV05-5131 GAF

(MANx)

NO.

THREE-JUDGE COURT

COMPLAINT

26
27
28