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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.)

CV05-5131 GAF

(MANx)

NO.

THREE-JUDGE COURT

COMPLAINT

25
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1 The United States of America, Plaintiff herein, alleges:

2 1. The Attorney General files this action pursuant to
3 Section 203 of the Voting Rights Act of 1965 ("Section 203"), as
4 amended, 42 U.S.C. § 1973aa-1a; 42 U.S.C. § 1973aa-2; and
5 28 U.S.C. § 2201.

6 2. The Court has jurisdiction of this action pursuant to
7 28 U.S.C. § 1345 and 42 U.S.C. § 1973aa-2. In accordance with
8 the provisions of 42 U.S.C. § 1973aa-2 and 28 U.S.C. § 2284, the
9 Section 203 claim must be heard and determined by a court of
10 three judges. The events relevant to this action occurred in
11 the City of Rosemead, which is located in the United States
12 District Court for the Central District of California.

13 3. Defendant THE CITY OF ROSEMEAD ("Rosemead" or "the
14 City") is a political and geographical subdivision of the County
15 of Los Angeles and the State of California.

16 4. Defendant THE ROSEMEAD CITY COUNCIL is, pursuant to
17 state law, Rosemead's local governing body.

18 5. Defendants JAY IMPERIAL, GARY TAYLOR, MARGARET CLARK,
19 JOHN TRAN, and JOHN NUNEZ are members of the Rosemead City
20 Council. Each of these Defendants resides in Rosemead and is
21 sued in his or her official capacity.

22 6. Defendant BILL CROWE is the Rosemead City Manager. In
23 this capacity, defendant CROWE has responsibilities for the
24 administration of city affairs, including responsibilities
25 relating to the administration of voting and elections in
26 Rosemead. Defendant CROWE resides in Rosemead, and is sued in
27 his official capacity.

28

1 7. Defendant NANCY VALDERRAMA is Rosemead's City Clerk.
2 In this capacity, Defendant VALDERRAMA has responsibilities
3 concerning the administration of voting and elections in
4 Rosemead. Defendant VALDERRAMA resides in Rosemead, and is sued
5 in her official capacity.

6 8. According to the 2000 Census, the City of Rosemead has
7 a total population of 53,280, of whom 16,862 (31.6%) are
8 Chinese, 6,945 (13.0%) are Vietnamese, and 21,846 (41.0%) are
9 Hispanic. The City has a total voting age population ("VAP") of
10 38,685, of whom 12,729 (32.9%) are Chinese, 5,236 (13.5%) are
11 Vietnamese, and 14,571 are Hispanic (37.7%). The total citizen
12 voting age population ("CVAP") for the City is 25,550, of whom
13 8,196 (32.1%) are Chinese, 3,305 (12.9%) are Vietnamese, and
14 8,921 (34.9%) are Hispanic.

15 9. The Census Bureau has designated the County of Los
16 Angeles as subject to the requirements of Section 203 of the
17 Voting Rights Act for Chinese, Vietnamese, Spanish, Korean,
18 Japanese, and Filipino. See 42 U.S.C. § 1973aa-1a(b)(2); see
19 also 67 Fed. Reg. 48,871 (July 26, 2002). As a political unit
20 within the County of Los Angeles, the City of Rosemead is also
21 subject to the requirements of Section 203 for these languages.
22 See 28 C.F.R. § 55.9. The coverage determination of the Census
23 Bureau is final and non-reviewable. See 42 U.S.C. § 1973aa-
24 1a(b)(4). The City currently has significant numbers of voters
25 in the Chinese-, Vietnamese-, and Spanish-speaking communities
26 who need assistance in the election process in languages other
27 than English.

1 A. failing to recruit, appoint, train, and maintain
2 an adequate pool of bilingual poll officials capable of
3 providing language assistance to Chinese and Vietnamese citizens
4 with limited English proficiency, despite being provided the
5 names of experienced bilingual poll workers by Los Angeles
6 County;

7 B. failing to translate fully into Spanish, Chinese,
8 and Vietnamese election related materials used at Rosemead's
9 election sites, including but not limited to, the official
10 ballot, polling booth voting instructions, a notice reminding
11 voters to "Remove All 'Hanging Chads,'" signs used to identify
12 polling place locations, a notice describing the rights of
13 voters, a telephone card informing voters of a telephone number
14 to use for acquiring precinct location and other voting related
15 information, and provisional and absentee ballot materials;

16 C. failing to translate into Chinese and Vietnamese
17 pre-election related publicity, notices, and announcements,
18 including, but not limited to, information contained in a legal
19 notice publicizing the City election; notices concerning date,
20 time, and place of elections; notices concerning candidates for
21 election; and notices to voters of polling place assignments;

22 D. failing to translate into Spanish pre-election
23 related publicity, notices, and announcements, including, but
24 not limited to, notices concerning date, time, and place of
25 elections; notices concerning candidates for election; and
26 notices of voter polling place assignments; and

27 E. failing to provide, in a timely manner, sample
28 ballot and voter information pamphlets translated into Chinese

1 and Vietnamese to Chinese and Vietnamese voters who had formally
2 requested assistance and materials in their own languages,
3 thereby depriving these voters of an opportunity to vote by
4 mail.

5 13. Defendants' failure to provide the City of Rosemead's
6 Spanish, Chinese, and Vietnamese voters with limited English
7 proficiency with election information and assistance in their
8 respective languages, as described above, constitutes a
9 violation of Section 203.

10 14. Unless enjoined by this Court, Defendants will
11 continue to violate Section 203 by failing to provide Rosemead's
12 Spanish, Chinese, and Vietnamese citizens with limited English
13 proficiency with the Spanish, Chinese, and Vietnamese language
14 election information and assistance necessary for their
15 political participation.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff the United States of America prays that
18 this Court enter an order:

- 19 (1) Declaring that Defendants have failed to provide
20 election information and assistance necessary to those
21 who require it in Spanish, Chinese, and Vietnamese in
22 violation of Section 203 of the Voting Rights Act,
23 42 U.S.C. § 1973aa-1a;
- 24 (2) Enjoining Defendants, their employees, agents, and
25 successors in office, and all persons acting in
26 concert with them, from failing to provide Spanish,
27 Chinese, and Vietnamese-language election information
28

1 and assistance to persons with limited English
2 proficiency as required by Section 203,
3 42 U.S.C. § 1973aa-1a;

4 (3) Requiring Defendants to devise and implement a
5 remedial plan to ensure that Spanish, Chinese, and
6 Vietnamese citizens with limited English proficiency
7 are able to participate in all phases of the electoral
8 process as required by Section 203 of the Voting
9 Rights Act, 42 U.S.C. § 1973aa-1a;

10 (4) Requiring Defendants to devise and implement a
11 remedial plan to ensure that, in the event that the
12 need for assistance arises in other languages subject
13 to the requirements of Section 203, the City will
14 provide election related information and materials to
15 residents needing such assistance.

16 (5) Requiring Defendants to publicize the remedial plan in
17 such a manner as to ensure its widespread
18 dissemination to Rosemead's voters; and

19 (6) Authorizing the appointment of federal examiners for
20 elections held in Rosemead pursuant to Section 3(a) of
21 the Voting Rights Act, 42 U.S.C. § 1973a(a), through
22 August 6, 2007.

23 Plaintiff further prays that this Court order such
24 additional relief as the interests of justice may require,
25 together with the costs and disbursements in maintaining this
26 action.

Martinez, Ruben

From: Martin Enriquezmarquez <[REDACTED]>
Sent: Thursday, December 02, 2021 5:18 PM
To: PublicComment-AutoResponse; cityclerk
Subject: 2B. Rosemead Agreement and Consent
Attachments: rosemead_cd.pdf

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2B. Rosemead Agreement and Consent

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

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9 Voting Section
Civil Rights Division
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950 Pennsylvania Ave., N.W. - NWB-7254
11 Washington, D.C. 20530
Telephone: (202) 305-1840
12 Facsimile: (202) 307-3961
13 Council for Plaintiff
United States of America

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18 UNITED STATES OF AMERICA,)
19 Plaintiff,)
20 v.)

21 CITY OF ROSEMEAD, CALIFORNIA;)
THE ROSEMEAD CITY COUNCIL;)
22 BILL CROWE in his official)
capacity as Rosemead City)
23 Manager; and NANCY VALDERRAMA)
in her official capacity as)
24 Rosemead City Clerk,)

25 Defendants.)
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No. CV05-5131 GAF (MANx)

THREE-JUDGE COURT

PROPOSED CONSENT DECREE,
ORDER, AND JUDGMENT

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CENTRAL DISTRICT OF CALIFORNIA
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ENTERED
CLERK, U.S. DISTRICT COURT
SEP - 8 2005
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d)

8

1 The United States of America filed this action pursuant to
2 Section 203 of the Voting Rights Act of 1965 ("Section 203"), as
3 amended, 42 U.S.C. § 1973aa-1a; 42 U.S.C. § 1973aa-2; and 28
4 U.S.C. § 2201, alleging violations of Section 203 arising from
5 the City of Rosemead's election practices and procedures as they
6 affect Chinese-, Vietnamese-, and Spanish-speaking citizens of
7 the City.

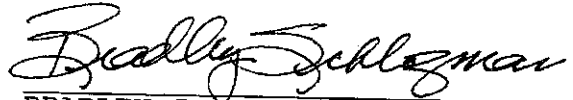
8 The Complaint's cause of action under Section 203 of the
9 Voting Rights Act, 42 U.S.C. § 1973aa-1a, must be heard and
10 determined by a court of three judges pursuant to 42 U.S.C.
11 § 1973aa-2 and 28 U.S.C. § 2284.

12 According to the 2000 Census, the City of Rosemead ("the
13 City") has a total population of 53,280, of whom 16,862 (31.6%)
14 are Chinese, 6,945 (13.0%) are Vietnamese, and 21,846 (41.0%)
15 are Hispanic. The City has a total voting age population
16 ("VAP") of 38,685, of whom 12,729 (32.9%) are Chinese, 5,236
17 (13.5%) are Vietnamese, and 14,571 are Hispanic (37.7%). The
18 total citizen voting-age population ("CVAP") for the City is
19 25,550, of whom 8,196 (32.1%) are Chinese, 3,305 (12.9%) are
20 Vietnamese, and 8,921 (34.9%) are Hispanic.

21 The Census Bureau has designated the County of Los Angeles
22 as subject to the requirements of Section 203 of the Voting
23 Rights Act, for the Chinese, Vietnamese, Spanish, Korean,
24 Japanese, and Filipino languages. See 42 U.S.C. § 1973aa-
25 1a(b)(2); see also 67 Fed. Reg. 48,871 (July 26, 2002). As a
26 political unit within the County of Los Angeles, the City of
27 Rosemead is also subject to the requirements of Section 203 for
28 these languages. See 28 C.F.R. § 55.9. The City currently has

1 Date: the 14th day of July, 2005
2

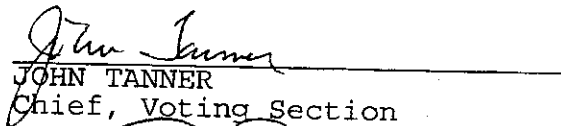
3 ALBERTO GONZALES
4 Attorney General

5 

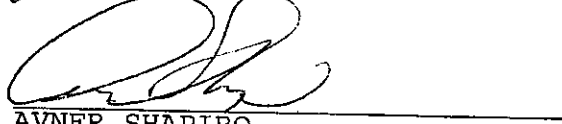
6 BRADLEY J. SCHLOZMAN
7 Acting Assistant Attorney General
8 Civil Rights Division

9 

10 DEBRA WONG YANG
11 United States Attorney

12 

13 JOHN TANNER
14 Chief, Voting Section

15 

16 AVNER SHAPIRO
17 JOHN "BERT" RUSS
18 ALBERTO RUISANCHEZ
19 Trial Attorneys, Voting Section
20 U.S. Department of Justice
21 Civil Rights Division
22 950 Pennsylvania Avenue NW
23 NWB-7254
24 Washington, D.C. 20530
25 (202) 305-1840
26
27
28

1 significant numbers of voters in the Chinese-, Vietnamese-, and
2 Spanish-speaking communities who need assistance in the election
3 process in languages other than English.

4 The City of Rosemead conducts its own municipal elections,
5 while the County of Los Angeles conducts county, state, and
6 federal elections in which voters in Rosemead also vote. The
7 allegations in the Complaint and the terms of this Consent
8 Decree apply to Rosemead's municipal elections, and any other
9 elections Rosemead has authority to conduct.

10 The Complaint states that Defendants have failed to comply
11 with the requirements of Section 203 for Chinese-, Vietnamese-,
12 and Spanish-speaking citizens residing in the City of Rosemead
13 by (1) by failing to provide an adequate number of Chinese- and
14 Vietnamese-speaking poll workers trained to assist limited
15 English proficient voters on election day; and (2) failing to
16 translate written election materials and information into
17 Chinese, Vietnamese, and Spanish (including pre-election
18 publicity relating to the time, date, and place of election;
19 information concerning voter precinct assignments; the official
20 ballot; a notice describing the rights of voters; polling booth
21 voting instructions; a sign identifying a polling place's
22 location; provisional and absentee ballot related documents; and
23 other information and written election materials).

24 To avoid protracted and costly litigation, the parties have
25 agreed that this lawsuit should be resolved through the terms of
26 this Consent Decree (hereinafter, the "Decree"). Accordingly,
27 the United States and Defendants hereby consent to the entry of
28 this Decree, as indicated by the signatures of counsel at the

1 end of this document. The parties waive a hearing and entry of
2 findings of fact and conclusions of law on all issues involved
3 in this matter.

4 Defendants are committed to comply fully with all of the
5 requirements of Section 203 in future elections and stipulate
6 that each provision of this Consent Decree is appropriate and
7 necessary.

8 Accordingly, it is hereby ORDERED, ADJUDGED, AND DECREED
9 that:

10 1. Defendants, their agents, employees, contractors,
11 successors, and all other persons or government entities
12 representing the interests of the Defendants are hereby
13 PERMANENTLY ENJOINED from failing to provide in the Chinese,
14 Vietnamese, and Spanish languages any "registration or voting
15 notices, forms, instructions, assistance or other materials or
16 information relating to the electoral process, including
17 ballots" that they provide in the English language, as required
18 by Section 203 of the Voting Rights Act, as amended. 42 U.S.C.
19 § 1973aa-1a(c). The terms of this Decree apply to all municipal
20 elections in the City of Rosemead and any other elections that
21 the City of Rosemead has authority to conduct. Whenever
22 Defendants enter into an election-related services contract with
23 another entity - whether it be a company, political subdivision,
24 political party, or some other entity - to conduct an election
25 on behalf of the City, Defendants shall require such other
26 entity to agree to abide by the terms of this Decree as if such
27 entity were a party to this Decree with the United States.

28

1 2. The City shall develop contingency plans to provide
2 election information, materials, and oral assistance to Korean
3 Japanese, and Filipino voters, should the need for language
4 assistance in these communities arise in the future. Any
5 language assistance and materials provided to these additional
6 language minority groups shall be provided in a manner
7 consistent with the requirements of this Decree.

8 3. Throughout the duration of this Consent Decree, any
9 assistance provided orally in Chinese shall be in the dialect
10 relevant to the voters being served by the Defendants.

11 Translation of Election-Related Materials

12 4. All information that is disseminated by the City of
13 Rosemead in English about "registration or voting notices,
14 forms, instructions, assistance, or other materials or
15 information relating to the electoral process, including
16 ballots," 42 U.S.C. § 1973aa-1a(c), shall also be provided in
17 the Chinese, Vietnamese, and Spanish languages. Defendants
18 shall ensure that English, Chinese, Vietnamese, and Spanish
19 language election information, materials, and announcements are
20 made equally available to voters.

21 5. Defendants shall consult with trained translators who
22 are familiar with election terminology in Chinese, Vietnamese,
23 and Spanish, to produce written minority-language translations
24 of English-language election information. Defendants may
25 satisfy this obligation by using terminology and translation
26 provided by the Los Angeles County Registrar-Recorder/County
27 Clerk. Defendants shall also consult in a timely manner with
28

1 their Advisory Groups, discussed below, regarding the
2 translation of written and any audio-recorded materials.

3 6. Defendants shall adopt a checklist identifying each
4 material and written item that is provided in a minority
5 language and that the City makes available to the public at each
6 precinct. The checklist shall include with respect to each item
7 an attestation that the poll workers at the precinct posted or
8 made available to voters these minority language materials in
9 each language, or a detailed written explanation of why
10 individual items had not been posted or were not available. The
11 inspectors for each precinct must complete and sign this
12 document before the inspectors receive payment for work in the
13 election, subject to applicable state and federal law.
14 Defendants shall maintain a record of each such failure to
15 complete and sign the checklist.

16 Dissemination of Minority-Language Information

17 7. Defendants shall ensure that Chinese, Vietnamese, and
18 Spanish-language election information, materials, and
19 announcements are provided to the same extent as this
20 information, materials, and announcements are provided in
21 English. Chinese-, Vietnamese-, and Spanish-language
22 information shall be distributed in newspapers, radio, and/or
23 other media that exclusively or regularly publish or broadcast
24 information in the relevant minority language. These
25 announcements need not be identical in all respects to English-
26 language announcements, but shall be in the form, frequency, and
27 media best calculated to achieve notice and understanding equal
28

1 to that provided to the English-speaking population and to
2 provide substantially the same information.

3 8. Any voting system used by the City shall be
4 multilingual, as described below. If the City uses electronic
5 voting machines, these machines shall offer the readily apparent
6 options of at least a Spanish, Chinese, or Vietnamese ballot,
7 and any audio version of the ballot on such machines shall be
8 available at least in English, Spanish, Chinese, and Vietnamese.
9 Any paper ballots used by the City, including the official
10 ballot, the provisional ballot, and the absentee ballot, shall
11 be translated multi-lingually with English, Spanish, Chinese,
12 and Vietnamese on one ballot, if mechanically feasible. If it
13 is not mechanically feasible to have all four languages on one
14 ballot, subject to the provisions of paragraph 9 in this Decree,
15 all paper ballots shall be at least bilingual. With respect to
16 paper ballots, the principal bilingual ballot shall be in
17 English and the predominant minority-language in the City (e.g.,
18 currently Chinese), and the City shall also provide separate
19 bilingual ballots in each of the other covered minority
20 languages where there is a need among voters in the City (e.g.,
21 currently Vietnamese and Spanish).

22 9. If the City elects to have a bilingual ballot in
23 English and the predominant minority language, and separate
24 bilingual ballots in the other minority languages, the ballots
25 shall be clearly labeled so that poll officials know the
26 languages represented on the ballot. The City shall ensure that
27 all ballots are made visible and available on an equal basis
28 with the principal bilingual ballots, and poll officials shall

1 let each voter know the language choices of ballots available.
2 For each minority language, the City shall provide enough
3 minority language ballots to equal either at least 100 percent
4 of the number of requests in a precinct for election materials
5 in a particular minority language group or at least 100 percent
6 of the number of registered voters in a precinct whose surname
7 indicates membership in a particular group. At a minimum, the
8 City shall provide no fewer than 10 minority language ballots in
9 each language at each precinct. The parties may by written
10 agreement adjust the above described standard in light of
11 confirmed information that the actual language need in a
12 particular precinct is less or greater than that standard.

13 10. To the extent the City posts instructions on casting a
14 ballot and other information in English in the voting booth, the
15 City shall also provide that same information at least in
16 Spanish, Chinese, and Vietnamese in the voting booth.

17 11. Sample ballots and other written materials mailed to
18 voters' homes shall be provided in Spanish, Chinese, or
19 Vietnamese to voters who have requested or may request materials
20 be mailed to them in the relevant minority language. The
21 translated materials mailed to voters' homes must include all of
22 the relevant information provided in the English-language
23 materials (e.g., if the English language sample ballot booklet
24 includes the voter's polling place, the minority language sample
25 ballot booklet must include the same information), and these
26 minority-language materials must be mailed out at the same time
27 as the English-language materials.

28

1 12. To ensure that minority language voters are adequately
2 informed of their ability to obtain minority language materials,
3 the following measures shall be taken:

4 A. The City shall make Spanish-, Chinese-, and
5 Vietnamese-speaking staff available during business hours to
6 answer inquiries by minority language voters and to advise such
7 voters of the availability of minority language materials.

8 B. The City shall, with the guidance of its
9 Coordinators and Advisory Groups described below, develop a
10 contact list of all identifiable community groups serving the
11 City's Spanish-, Chinese-, and Vietnamese-speaking residents as
12 a means of effectively and efficiently distributing local
13 election information to its citizens, and solicit the assistance
14 of such groups in the distribution of minority language election
15 information.

16 C. Effective within 60 days of this order, the City
17 shall mail "notice" cards to all registered voters within the
18 City who have thus far not requested minority language materials
19 and who were born in Spanish-, Chinese-, or Vietnamese-speaking
20 countries. The "notice" cards shall inform such voters of their
21 opportunity to receive election information in a minority
22 language. The cards also shall inform language minority voters
23 of their ability to participate in the Advisory Groups discussed
24 below.

25 D. The City shall develop a program in conjunction
26 with the recommendations of the Advisory Groups to ensure
27 Spanish-, Chinese-, and Vietnamese-speaking voters are aware of
28 the availability of and receive minority language materials.

1 The City shall devote reasonable resources, including an
2 additional mailing of "notice" cards.

3 E. Minority language sample ballots shall be
4 available to any voter who requests one, even if the voter has
5 already received an English-language version.

6 13. Nothing in this Decree prevents the City from adopting
7 a multilingual sample ballot booklet that provides all
8 information in English, Spanish, Chinese, and Vietnamese.

9 **Minority-Language Assistance**

10 14. The City shall provide at least Spanish-language,
11 Chinese-language, and Vietnamese-language assistance for voters
12 who contact the City before, during, or after a municipal
13 election with questions regarding the election process. Trained
14 bilingual election personnel shall be available to answer
15 voting-related questions by telephone without cost and during
16 normal business hours and while the polls are open on election
17 day. The City may coordinate the provision of such services
18 with other governmental or non-governmental entities that
19 conduct elections.

20 15. Defendants shall recruit, hire, and assign election
21 officials able to understand and speak Spanish, Chinese, or
22 Vietnamese fluently to provide assistance to minority language
23 voters at the polls on election days.

24 16. The City shall survey its employees to identify
25 personnel who speak Spanish, Chinese, or Vietnamese fluently
26 and, to the extent such employees can be made available to
27 provide assistance, allow and encourage such employees to serve
28 at the polls on election day. The City shall also invite

1 eligible members of the Advisory Group, discussed below, to
2 serve as poll officials and to encourage other bilingual voters
3 to do so. The City shall contact the Los Angeles County
4 Registrar-Recorder/County Clerk for names of bilingual
5 individuals who have served as poll workers in County elections.

6 17. In determining the threshold for assigning bilingual
7 poll workers in Rosemead's municipal elections, the following
8 factors are relevant: the historically lower voter turn-out rate
9 for municipal elections in Rosemead as compared to County-wide
10 elections, the differing rates of English proficiency among the
11 minority language communities, and the extent to which Asian
12 surname analyses of registered voters (using the Lauderdale and
13 Kestenbaum lists of Asian surnames) undercount the true number
14 of voters in a particular community. In light of these factors,
15 Defendants and any entity conducting elections on Defendants'
16 behalf, in addition to satisfying all requirements of California
17 state law and the recommended guidelines provided by the Los
18 Angeles County Registrar-Recorder/County Clerk, shall meet the
19 following standards for assigning bilingual workers in
20 Rosemead's municipal elections:

21 A. Defendants shall provide at least one Spanish-
22 speaking poll worker for each consolidated precinct that has 100
23 or more Spanish-surnamed voters.

24 B. Defendants shall provide at least one Cantonese
25 or Mandarin-speaking poll worker (depending on whatever Chinese
26 dialect is relevant for the precinct) for each consolidated
27 precinct that has 35 or more Chinese-surnamed voters.

28

1 C. Defendants shall provide at least one Vietnamese-
2 speaking poll worker for each consolidated precinct that has 35
3 or more Vietnamese-surnamed voters.

4 D. The parties may by written agreement adjust this
5 requirement in light of confirmed information that the actual
6 language need in a particular precinct is less or greater than
7 this standard.

8 E. To avoid last-minute gaps in minority language
9 coverage at the polls on election day due to Spanish-, Chinese,
10 and Vietnamese-speaking poll workers who fail to report for
11 work, Defendants shall employ personnel trained in minority
12 language election terminology who shall be on call and available
13 to travel to a polling place not staffed by a bilingual poll
14 worker to provide any necessary assistance to a Spanish-,
15 Chinese-, or Vietnamese-speaking voter.

16 18. Signs in English, Spanish, Chinese, and Vietnamese
17 shall be posted prominently at polling places stating that the
18 relevant minority language assistance is available. At sites
19 without bilingual staff, signs in all four languages shall be
20 posted that explain how voters can obtain language assistance.

21 **Election Official Training**

22 19. Prior to each municipal election, Defendants shall
23 ensure that all poll workers and other election personnel are
24 trained in the following areas: the provisions of Section 203
25 of the Voting Rights Act, including the legal obligation and
26 means to make minority language assistance and materials
27 available to voters; the requirement that poll officials be
28 respectful and courteous to all voters regardless of race,

1 ethnicity, color, or language abilities; and the requirements of
2 Section 208 of the Voting Rights Act of 1965, 42 U.S.C. §
3 1973aa-6, regarding the rights of voters to the assistor of
4 their choice. The City may coordinate with other governmental
5 or non-governmental entities in ensuring that this training is
6 provided.

7 **Response to Complaints About Poll Workers**

8 20. Defendants, upon receipt of complaints, whether oral
9 or written, shall investigate expeditiously any allegations of
10 poll worker hostility toward minority voters or minority-
11 language speakers in any election. The results of the
12 investigation(s) conducted by the Defendants shall be reported
13 to the United States in writing within thirty days of receiving
14 the complaint. Where there is credible evidence that poll
15 workers have engaged in inappropriate treatment of voters,
16 Defendants shall remove the poll workers.

17 **Program Coordinators**

18 21. For each minority language group in the City needing
19 minority language election materials and assistance (currently
20 Spanish, Chinese, and Vietnamese), the City shall retain or
21 designate a Program Coordinator to coordinate the City's
22 election related assistance and materials for that particular
23 language. The City may coordinate with other governmental or
24 non-governmental entities in providing Program Coordinators for
25 its election program, and the coordinators may perform other
26 duties in addition to their election-related duties. Each
27 Program Coordinator shall speak, read, and write English and the
28 language of the minority language group for which he/she is

1 coordinating election related assistance and materials and
2 individuals who are fluent in more than one of the covered
3 languages may be designated as the Program Coordinator for each
4 language group for which he/she is qualified. The City shall
5 provide each Program Coordinator with support sufficient to meet
6 the goals of the Program. Each Program Coordinator's
7 responsibilities shall include coordination of translation of
8 ballots and other election information; development and
9 oversight of minority language publicity programs, including
10 selection of appropriate media for notices and announcements;
11 recruitment and assessment of minority-language proficiency of
12 bilingual poll officials and interpreters; and managing other
13 aspects of the Program.

14 Advisory Groups

15 22. The City shall form an Advisory Group for each of the
16 City's language minority groups needing minority language
17 materials and assistance (currently Spanish, Chinese, and
18 Vietnamese). Each Advisory Group shall provide the City with
19 information and assistance concerning how to provide election
20 related materials and assistance for its language group.

21 23. Each Advisory Group shall be established and chaired
22 by the Program Coordinator coordinating for the same minority
23 language group. The Program Coordinator shall invite
24 participation from all interested individuals and organizations
25 that work with or serve the communities that speak languages
26 other than English in Rosemead (in particular, the Spanish-,
27 Chinese-, and Vietnamese-speaking communities) to determine how
28 to provide effectively election materials, information, and

1 assistance to minority-language voters, and how to fill any gaps
2 in public awareness about the City's multilingual election
3 program due to past failures to provide accessible election-
4 related information to minority language voters. The Program
5 Coordinator shall provide notice of all planned meetings to each
6 member, including the time, location, and agenda for the
7 meeting, at least 14 days in advance, although members of the
8 Advisory Group may agree to waive or shorten this time period as
9 necessary. Within five working days following each meeting, the
10 Program Coordinator shall provide a written summary to all
11 members and to the City Clerk of the discussion and any
12 decisions reached at the meeting. If the City Clerk decides not
13 to implement an Advisory Group suggestion or a consensus cannot
14 be reached with respect to such suggestion, the Clerk shall
15 provide to the group through the Program Coordinator and
16 maintain on file a written statement of the reasons for
17 rejecting such suggestion.

18 24. The City shall transmit to all interested Advisory
19 Group members copies of all election information, announcements,
20 and notices that are provided to the electorate and general
21 public and request that Group members share this information
22 with others.

23 **Federal Examiners and Observers**

24 25. To monitor compliance with and ensure effectiveness of
25 this Decree, and to protect the Fourteenth and Fifteenth
26 Amendment rights of the citizens of the City of Rosemead, the
27 appointment of a federal examiner is authorized for the City of
28 Rosemead pursuant to Section 3(a) of the Voting Rights Act,

1 42 U.S.C. § 1973a(a), through August 6, 2007. On motion of the
2 United States within thirty (30) days thereafter, the agreement
3 shall be extended through the 2009 municipal elections in
4 Rosemead and thirty days thereafter.

5 26. Defendants shall recognize the authority of federal
6 observers to observe all aspects of voting conducted in the
7 polls on election day, including the authority to view poll
8 officials providing assistance to voters during voting, except
9 where the voter objects.

10 **Evaluation of Plan**

11 27. The parties recognize that regular and ongoing
12 reassessment may be necessary to provide the most effective and
13 efficient multilingual Program. Defendants shall evaluate the
14 Program after each election to determine which aspects of the
15 Program are functioning well; whether any aspects need
16 improvement; and how to effect needed improvements. The Program
17 may be adjusted at any time upon joint written agreement of the
18 parties.

19 **Retention of Documents and Reporting Requirements**

20 28. During the duration of this Decree, the City shall
21 make and maintain as public documents written records of all
22 actions taken pursuant to this Decree.

23 29. During the duration of this Decree, at least ten (10)
24 days before each municipal election held in the City, Defendants
25 shall provide to counsel for the United States, (a) the name,
26 address, and precinct designation of each consolidated precinct;
27 (b) the name and title of each poll official appointed and
28 assigned to serve at each consolidated precinct; (c) a

1 designation of whether each poll official is bilingual and any
2 minority language(s) that the official speaks; (d) copies of any
3 signs or other written information provided at polling places;
4 and (e) an electronic copy of the voter registration list to be
5 used in such election. Within thirty (30) days after each
6 election, Defendants shall provide to counsel for the United
7 States any updated report regarding changes in items (a)-(d)
8 above that occurred at the election, and provide information
9 about all complaints the City received at the election regarding
10 language or assistance issues.

11 Other Provisions

12 30. This Decree is final and binding between the parties
13 and their successors in office regarding the claims raised in
14 this action. This Decree shall remain in effect through August
15 6, 2007, subject to paragraph 25.

16 31. The Court shall retain jurisdiction of this case to
17 enter further relief or such other orders as may be necessary
18 for the effectuation of the terms of this agreement and to
19 ensure compliance with Section 203 of the Voting Rights Act.

20 32. Each party shall bear its own costs and fees.

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1 Agreed to this 14th day of July, 2005.


RECORDED


3 AGREED AND CONSENTED TO:


4 For Plaintiff:
5 UNITED STATES OF AMERICA


For Defendants:

6 
7 BRADLEY J. SCHLOZMAN
8 Acting Assistant Attorney General
9 Civil Rights Division


NANCY VALDERRAMA
City Clerk
City of Rosemead
8838 E. Valley Boulevard
Rosemead, CA 91770

10 
11 DEBRA WONG YANG
12 United States Attorney
13 MICHELE C. MARCHAND
Asst. United States Attorney


ROBERT L. KRESS (SB #53925)
City Attorney

14 
15 JOHN TANNER, Acting Chief
16 AVNER SHAPIRO, Trial Attorney
17 JOHN "BERT" RUSS, Trial Attorney
18 ALBERTO RUISANCHEZ, Trial Attorney
19 Voting Section
20 U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Ave., N.W. - NWB-7254
Washington, D.C. 20530



Martinez, Ruben

From: Martin Enriquezmarquez ·
Sent: Thursday, December 02, 2021 5:21 PM
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Subject: 3A. Azusa Complaint. Spanish language, Hispanic population
Attachments: azusa_comp.pdf

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3A. Azusa Complaint
2 December 2021

Martin

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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

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

ESY _____

7 JOHN TANNER, Chief
8 SUSANA LORENZO-GIGUERE, Special Litigation Counsel
9 AVNER SHAPIRO, Trial Attorney
ALBERTO RUISANCHEZ, Trial Attorney
10 Voting Section
Civil Rights Division
United States Department of Justice
11 950 Pennsylvania Ave., N.W. - NWB-7254
Washington, D.C. 20530
Telephone: (202) 305-1840
12 Facsimile: (202) 307-3961
13 Counsel for Plaintiff
United States of America

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

17 UNITED STATES OF AMERICA,)
18 Plaintiff,)
19 v.)
20 CITY OF AZUSA, CALIFORNIA;)
and VERA MENDOZA, in her)
21 official capacity as)
Azusa City Clerk,)
22 Defendants.)
23

No. CV05-5147

GAF (SSX)

THREE-JUDGE COURT

COMPLAINT

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

2 1. The Attorney General files this action pursuant to
3 Section 203 of the Voting Rights Act of 1965 ("Section 203"), as
4 amended, 42 U.S.C. § 1973aa-1a; 42 U.S.C. § 1973aa-2; and
5 28 U.S.C. § 2201.

6 2. The Court has jurisdiction of this action pursuant to
7 28 U.S.C. § 1345 and 42 U.S.C. § 1973aa-2. In accordance with
8 the provisions of 42 U.S.C. § 1973aa-2 and 28 U.S.C. § 2284, the
9 Section 203 claim must be heard and determined by a court of
10 three judges. The events relevant to this action occurred in
11 the City of Azusa, which is located in the United States
12 District Court for the Central District of California.

13 3. Defendant THE CITY OF AZUSA ("Azusa" or "the City") is
14 a political and geographical subdivision of the County of Los
15 Angeles and the State of California.

16 4. Defendant VERA MENDOZA is Azusa's City Clerk. In this
17 capacity, Defendant MENDOZA has responsibilities concerning the
18 administration of voting and elections in Azusa. Defendant
19 MENDOZA is sued in her official capacity.

20 5. The 2000 Census reported that the City of Azusa had a
21 total population of 44,712, of whom 28,522 were Hispanic
22 (63.8%). The City had a total voting age population ("VAP") of
23 30,667, of whom 17,981 (58.6%) were Hispanic. The total citizen
24 voting age population ("CVAP") for the City was 21,667, of whom
25 10,144 (46.8%) were Hispanic.

26 6. The Census Bureau has designated the County of Los
27 Angeles as subject to the requirements of Section 203 of the
28 Voting Rights Act for Chinese, Filipino, Japanese, Korean,

1 Spanish, and Vietnamese. See 42 U.S.C. § 1973aa-1a(b) (2); see
2 also 67 Fed. Reg. 48,871 (July 26, 2002). As a political unit
3 within the County of Los Angeles, the City of Azusa is also
4 subject to the requirements of Section 203 for these languages.
5 See 28 C.F.R. § 55.9. The coverage determination of the Census
6 Bureau is final and non-reviewable. See 42 U.S.C. § 1973aa-
7 1a(b) (4). Significant numbers of Spanish-speaking citizens with
8 limited English proficiency ("Spanish-speaking citizens") who
9 need assistance in the election process in the Spanish language
10 reside in the City.

11 7. As a political subdivision of Los Angeles County,
12 Azusa has been continuously subject to Section 203's
13 requirements to provide election materials and information in
14 Spanish since September 18, 1992. See 57 Fed. Reg. 43,213
15 (Sept. 18, 1992); 67 Fed. Reg. 48,871 (July 26, 2002). The
16 United States Department of Justice has directly notified
17 election officials, including Azusa and Los Angeles County
18 election officials, of their jurisdictions' responsibilities
19 under Section 203, and Los Angeles County separately has
20 provided such information to City of Azusa officials.

21 8. Because Azusa is subject to the requirements of
22 Section 203, "any registration or voting notices, forms,
23 instructions, assistance, or other materials or information
24 relating to the electoral process, including ballots" that
25 Defendants provide in English must also be furnished in Spanish,
26 for its Spanish-speaking citizens. 42 U.S.C. § 1973aa-1a(c).

27
28

1 CAUSE OF ACTION

2 9. In conducting elections in Azusa, Defendants have
3 failed to provide notices, forms, instructions, and other
4 materials and information relating to the electoral process, by:
5 failing to translate fully into Spanish written election-day
6 materials and information, including but not limited to the
7 official ballot, certain voting instructions, forms for voters
8 with disabilities, signs identifying a polling place's location,
9 absentee ballot forms, signs indicating the hours that polling
10 places are open, and various documents relating to voting by
11 provisional ballot.

12 10. Defendants' failure to provide Spanish language
13 election information to Spanish-speaking citizens, as described
14 above, constitutes a violation of Section 203.

15 11. Unless enjoined by this Court, Defendants will
16 continue to violate Section 203 by failing to provide Azusa's
17 Spanish-speaking citizens with the Spanish language election
18 information necessary for their political participation.

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1 PRAYER FOR RELIEF


2 WHEREFORE, Plaintiff the United States of America prays that
3 this Court enter an order:


- 4 (1) Declaring that Defendants have failed to provide
5 Spanish language election information to Spanish-
6 speaking citizens in violation of Section 203 of the
7 Voting Rights Act, 42 U.S.C. § 1973aa-1a;
- 8 (2) Enjoining Defendants, their employees, agents, and
9 successors in office, and all persons acting in
10 concert with them, from failing to provide Spanish
11 language election information to Spanish-speaking
12 citizens as required by Section 203,
13 42 U.S.C. § 1973aa-1a;
- 14 (3) Requiring Defendants to devise and implement a
15 remedial plan to ensure that Spanish-speaking citizens
16 are able to participate in all phases of the electoral
17 process as required by Section 203 of the Voting
18 Rights Act, 42 U.S.C. § 1973aa-1a;
- 19 (4) Requiring Defendants to devise and implement a
20 remedial plan to ensure that, in the event that the
21 need for materials and assistance arises in other
22 languages subject to the requirements of Section 203,
23 the City will provide election-related information and
24 materials to residents needing such assistance.
- 25 (5) Requiring Defendants to publicize the remedial plan
26 and programs addressing violations of Section 203 in
27 such a manner as to ensure its widespread
28 dissemination to Azusa's voters; and


1 Date: 14th day of July, 2005


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ALBERTO GONZALES
Attorney General


BRADLEY J. SCHLOZMAN
Acting Assistant Attorney General
Civil Rights Division


DEBRA WONG YANG
United States Attorney


JOHN TANNER
Chief, Voting Section


SUSANA LORENZO-GIGUERE
Special Litigation Counsel
AVNER SHAPIRO
JOHN "BERT" RUSS
ALBERTO RUISANCHEZ
Trial Attorneys, Voting Section
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue NW
NWB-7254
Washington, D.C. 20530
(202) 305-1840

Martinez, Ruben

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Sent: Thursday, December 02, 2021 5:24 PM
To: Flores, Valerie; Iraheta, Alba; Jomsky, Mark; Martinez, Ruben; Novelo, Lilia; Reese, Latasha; Robles, Sandra
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3B. Azusa Consent Decree

2 December 2021

Martin

1 BRADLEY J. SCHLOZMAN
Acting Assistant Attorney General
2
3 DEBRA W. YANG, United States Attorney
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

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CENTRAL DISTRICT OF CALIFORNIA
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7 JOHN TANNER, Chief
SUSANA LORENZO-GIGUERE, Special Litigation Counsel
8 AVNER SHAPIRO, Trial Attorney
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

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CLERK, U.S. DISTRICT COURT
AUG 26 2005
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

13 Counsel for Plaintiff
United States of America

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

14
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17 UNITED STATES OF AMERICA,)
18 Plaintiff,)
19 v.)
20 CITY OF AZUSA, CALIFORNIA;)
and VERA MENDOZA, in her)
21 official capacity as)
Azusa City Clerk,)
22 Defendants.)
23

No. **CV05-5147** **GAF (SSX)**

THREE-JUDGE COURT

PROPOSED CONSENT DECREE,
ORDER, AND JUDGMENT

24 The United States of America filed this action pursuant to
25 Section 203 of the Voting Rights Act of 1965 ("Section 203"), as
26 amended, 42 U.S.C. § 1973aa-1a; 42 U.S.C. § 1973aa-2; and 28
27 U.S.C. § 2201, alleging violations of Section 203 arising from
28 the City of Azusa's election practices and procedures in the

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U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES

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1 March 2005 municipal election as they affect Spanish-speaking
2 citizens of the City.

3 The Complaint's cause of action under Section 203 of the
4 Voting Rights Act, 42 U.S.C. § 1973aa-1a, must be heard and
5 determined by a court of three judges pursuant to 42 U.S.C.
6 § 1973aa-2 and 28 U.S.C. § 2284.

7 According to the 2000 Census, the City of Azusa ("the
8 City") had a total voting age population ("VAP") of 30,667, of
9 whom 17,981 (58.6%) were Hispanic. The total citizen voting age
10 population ("CVAP") for the City was 21,667, of whom 10,144
11 (46.8%) were Hispanic.

12 The Census Bureau has designated the County of Los Angeles
13 as subject to the requirements of Section 203 of the Voting
14 Rights Act, for the Chinese, Filipino, Japanese, Korean,
15 Spanish, and Vietnamese languages. See 42 U.S.C. § 1973aa-
16 1a(b)(2); see also 67 Fed. Reg. 48,871 (July 26, 2002). As a
17 political subdivision within the County of Los Angeles, the City
18 of Azusa is also subject to the requirements of Section 203 for
19 these languages. See 28 C.F.R. § 55.9. The City currently has
20 significant numbers of Spanish-speaking voters who need
21 assistance and materials in the election process in the Spanish
22 language.

23 The City of Azusa conducts its own municipal elections,
24 while the County of Los Angeles conducts county, state, and
25 federal elections in which voters in the City also vote. The
26 allegations in the Complaint and the terms of this Consent
27 Decree apply to the City's municipal elections, and any other
28 elections over which the City has authority to conduct.

SCANNED

1 The Complaint states that Defendants have failed to comply
2 with the requirements of Section 203 by failing to translate
3 certain written election materials and information into Spanish
4 including but not limited to the official ballot, certain voting
5 instructions, forms for voters with disabilities, signs
6 identifying a polling place's location, absentee ballot forms,
7 signs indicating the hours that polling places are open, and
8 various documents relating to voting by provisional ballot.

9 To avoid protracted and costly litigation, the parties have
10 agreed that this lawsuit should be resolved through the terms of
11 this Consent Decree (the "Decree"). Accordingly, the United
12 States and Defendants hereby consent to the entry of this
13 Decree, as indicated by the signatures of counsel at the end of
14 this document. The parties waive a hearing and entry of
15 findings of fact and conclusions of law on all issues involved
16 in this matter.

17 Defendants have attempted to comply with Section 203, but
18 admit that they have failed to provide certain Spanish language
19 election information as required by Section 203 to limited
20 English proficient Hispanic citizens in the City of Azusa.
21 Defendants are committed to complying fully with all of the
22 requirements of Section 203 in future elections and stipulate
23 that each provision of this Consent Decree is appropriate and
24 necessary.

25 Accordingly, it is hereby ORDERED, ADJUDGED, AND DECREED
26 that:

27 1. Defendants, their agents, employees, contractors,
28 successors, and all other persons or government entities

1 representing the interests of Defendants are hereby PERMANENTLY
2 ENJOINED from failing to provide in the Spanish language any
3 "registration or voting notices, forms, instructions, assistance
4 or other materials or information relating to the electoral
5 process, including ballots" that they provide in the English
6 language, as required by Section 203 of the Voting Rights Act,
7 as amended. 42 U.S.C. § 1973aa-1a(c). The terms of this Decree
8 apply to all municipal elections in the City of Azusa and any
9 other elections over which the City has authority to conduct.
10 Whenever Defendants enter into an election-related services
11 contract with another entity - whether it be a company,
12 political subdivision, political party, or some other entity -
13 to conduct an election on behalf of the City, Defendants shall
14 require such other entity to agree to abide by the terms of this
15 Decree as if such entity were a party to this Decree with the
16 United States.

SCANNED

17 Translation of Election-Related Materials

18 2. All information that is disseminated by the City of
19 Azusa in English about "registration or voting notices, forms,
20 instructions, assistance, or other materials or information
21 relating to the electoral process, including ballots," 42 U.S.C.
22 § 1973aa-1a(c), shall also be provided in the Spanish language.
23 Defendants shall ensure that English and Spanish language
24 election information, materials, and announcements are made
25 equally available to voters, including information on the City's
26 website.

27 3. Defendants shall consult with trained translators who
28 are familiar with election terminology in Spanish, to produce

1 written Spanish language translations of English language
2 election information. Defendants may satisfy this obligation by
3 using terminology and translations provided by the Los Angeles
4 County Registrar-Recorder/County Clerk or the Elections Division
5 of the Office of the Secretary of State of California.

6 Defendants shall also consult in a timely manner with the
7 Spanish Language Advisory Group, discussed below, regarding the
8 translation of any written and audio-recorded materials.

9 4. Defendants shall adopt a checklist identifying each
10 material and written item containing Spanish that the City makes
11 available to the public at each precinct. The checklist shall
12 include with respect to each item an attestation that the poll
13 workers at the precinct posted or made available to voters these
14 Spanish language materials, or a detailed written explanation as
15 to why individual items were not posted or made available. The
16 inspectors for each precinct must complete and sign this
17 document before the inspectors receive payment for work in the
18 election, subject to applicable state and federal law.
19 Defendants shall maintain a record of each such failure to
20 complete and sign the checklist.

21 Dissemination of Spanish Language Information

22 5. Defendants shall ensure that Spanish language election
23 information, materials, and announcements are provided to the
24 same extent as they are provided in English. Spanish language
25 information shall be distributed in media that regularly
26 publishes or broadcasts information in the Spanish language such
27 as the City's bilingual newsletter. These announcements need
28 not be identical in all respects to English language

1 announcements, but shall be in the form, frequency, and media
2 best calculated to achieve notice and understanding equal to
3 that provided to the English-speaking population and to provide
4 substantially the same information.

SCANNED

5 6. Any voting system used by the City shall be bilingual,
6 as described below. If the City uses electronic voting
7 machines, these machines shall offer the readily apparent
8 options of a Spanish ballot, and any audio version of the ballot
9 on such machines shall be available in Spanish. Any paper
10 ballots used by the City, including the official ballot, the
11 provisional ballot, and the absentee ballot, shall be bilingual,
12 in both English and Spanish.

13 7. Whatever information the City provides in the voting
14 booth, including instructions on the casting of a ballot, shall
15 appear in the booth bilingually in both Spanish and English.

16 8. The City shall adopt a bilingual sample ballot booklet
17 that provides all information in English and Spanish. The
18 booklet's cover must include readily visible Spanish language
19 translations of all the information provided on the cover in the
20 English language.

21 Spanish Language Assistance

22 9. The City shall continue to recruit, hire, and assign
23 election officials able to understand and speak Spanish fluently
24 to provide assistance to Spanish language voters at all polling
25 places in the City on election days.

26 Program Coordinator

27 10. The City of Azusa shall designate its City Clerk or
28 his/her designee as the Spanish Language Program Coordinator to

1 coordinate the City's election-related Spanish language
2 materials and assistance. The City may coordinate with other
3 governmental or non-governmental entities in providing a Spanish
4 Language Program Coordinator for its election program, and the
5 Coordinator may perform other duties in addition to his or her
6 election-related duties. The Spanish Language Program
7 Coordinator shall speak, read, and write Spanish and English.
8 The City shall provide the Spanish Language Program Coordinator
9 with support sufficient to meet the goals of the Program. The
10 Spanish Language Program Coordinator's responsibilities shall
11 include coordination of the translation of ballots and other
12 election information; development and oversight of Spanish
13 language publicity programs, including selection of appropriate
14 media for notices and announcements; training, recruitment and
15 assessment of Spanish language proficiency of bilingual poll
16 officials and interpreters; and managing all other aspects of
17 the City's compliance with Section 203.

18 Spanish Language Advisory Group

19 11. The City shall form a Spanish Language Advisory Group
20 concerning Spanish language election-related materials and
21 assistance. Among the steps the City will take in order to
22 convene the first meeting of an Advisory Group are: the City
23 will publish a bilingual notice that it is seeking volunteers to
24 participate in a Spanish Language Advisory Group and shall send
25 anyone who responds to its notice an invitation to participate
26 in the Advisory Group at least two weeks prior to the convening
27 of said Group. The Advisory Group shall provide the City with
28 information and assistance concerning how to provide election-

SCANNED

1 related materials and assistance for its Spanish-speaking
2 citizens.

3 12. The Advisory Group shall be chaired by the Spanish
4 Language Program Coordinator. The Program Coordinator shall
5 invite participation from all interested individuals and
6 organizations that work with or serve Azusa's Spanish-speaking
7 community to determine how to provide effectively election
8 materials, information, and assistance to Spanish-speaking
9 voters, and how to fill any gaps in public awareness about the
10 City's Spanish language election program. The Group shall be
11 open to all interested persons. The Program Coordinator shall
12 provide notice of all planned meetings to each member, including
13 the time, location, and agenda for the meeting, at least 14 days
14 in advance, although members of the Advisory Group may agree to
15 waive or shorten this time period as necessary. Within five
16 working days following each meeting, the Program Coordinator
17 shall provide a written summary to all members and to the City
18 Clerk of the discussion and any decisions reached at the
19 meeting. If the City Clerk decides not to implement the Spanish
20 Language Advisory Group's suggestion with respect to Spanish
21 language assistance or information, the Clerk shall provide to
22 the Advisory Group through the Program Coordinator and maintain
23 on file a written statement of the reasons for rejecting such
24 suggestion.

25 13. The City shall transmit to all interested Advisory
26 Group members copies of all election information, announcements,
27 and notices that are provided to the electorate and general
28

SCANNED

1 public and request that Group members share this information
2 with others.

3 Other Language Minority Groups

4 14. Although the Spanish language minority group is the
5 only language minority group in the City of Azusa currently
6 requiring election-related materials and assistance, as a
7 political unit within the County of Los Angeles, the City is
8 also subject to the requirements of Section 203 for Chinese,
9 Filipino, Japanese, Korean, and Vietnamese. To ensure future
10 compliance with Section 203, the City shall monitor changes in
11 the City population and voter registration, and develop
12 contingency plans to provide election information and materials
13 to Chinese, Filipino, Japanese, Korean, and Vietnamese voters
14 should the need for language assistance in these communities
15 arise in the future. Any language assistance and materials
16 provided to these additional language minority groups shall be
17 provided in a manner consistent with the requirements of this
18 Decree.

19 Federal Examiners and Observers

20 15. To monitor compliance with and ensure effectiveness of
21 this Decree, and to protect the Fourteenth and Fifteenth
22 Amendment rights of the citizens of the City of Azusa, the
23 appointment of a federal examiner is authorized for the City of
24 Azusa pursuant to Section 3(a) of the Voting Rights Act,
25 42 U.S.C. § 1973a(a), as long as this Decree is in effect.

26 16. Defendants shall recognize the authority of federal
27 observers to observe all aspects of voting conducted in the
28 polls on election day.

SCANNED

SCANNED

1 Evaluation of Plan

2 17. Defendants shall evaluate the Program after each of
3 its municipal elections to determine which aspects of the
4 Program are functioning well, whether any aspects need
5 improvement, and how to effect needed improvements. The Program
6 may be adjusted at any time upon joint written agreement of the
7 parties.

8 Retention of Documents and Reporting Requirements

9 18. During the duration of this Decree, the City shall
10 make and maintain written records pertaining to this Decree and
11 shall provide copies of such records to the United States upon
12 request.

13 19. During the duration of this Decree, at least thirty
14 (30) days before each municipal election held in the City,
15 Defendants shall provide to counsel for the United States, (a)
16 the name, address, and precinct designation of each consolidated
17 precinct; and (b) copies of any signs or other written
18 information provided at polling places. Within thirty (30) days
19 after each election, Defendants shall provide to counsel for the
20 United States (a) information about any complaints the City
21 Clerk's office received at the election regarding Spanish
22 language materials or assistance; and (b) copies of the
23 checklists prepared by poll workers referred to in Paragraph
24 four of this Decree. Copies may be provided electronically.

25 Other Provisions

26 20. This Decree is final and binding between the parties
27 and their successors in office regarding the claims raised in
28 this action. This Decree shall remain in effect through August

1 6, 2007, and the parties further stipulate that the Decree shall
2 extend through December 31, 2009, if Defendants remain under a
3 continuing federal statutory obligation to provide minority
4 language materials and assistance.

SCANNED

5 21. The Court shall retain jurisdiction of this case to
6 enter further relief or such other orders as may be necessary
7 for the effectuation of the terms of this agreement and to
8 ensure compliance with Section 203 of the Voting Rights Act.

9 22. Each party shall bear its own costs and fees.

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1 Agreed to this 14th day of July, 2005.

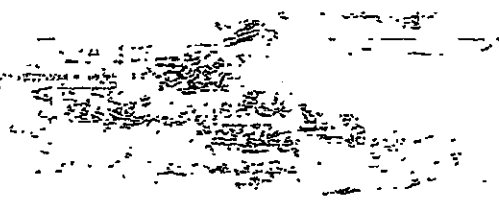
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AGREED AND CONSENTED TO:

For Plaintiff:
UNITED STATES OF AMERICA

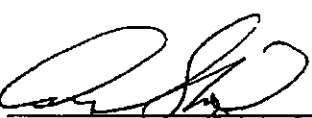
For Defendants:


BRADLEY J. SCHLÖZMAN
Acting Assistant Attorney General
Civil Rights Division




DEBRA W. YANG
United States Attorney
MICHELE C. MARCHAND
Asst. United States Attorney

SONIA RUBIO CARVALHO, ESQ.
CITY Attorney
Best, Best & Krieger
5 Plaza, Suite 1500
Irvine, CA 92614
(949) 263-2603


JOHN TANNER, Chief
SUSANA LORENZO-GIGUERE, Special Litigation Counsel
AVNER SHAPIRO, Trial Attorney
JOHN "BERT" RUSS, Trial Attorney
ALBERTO RUISANCHEZ, Trial Attorney
Voting Section
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Ave., N.W. - NWB-7254
Washington, D.C. 20530

SCANNED

1 Agreed to this _____ day of _____, 2005.

2


3 AGREED AND CONSENTED TO:

4 For Plaintiff:
5 UNITED STATES OF AMERICA

For Defendants:

6


7


8 BRADLEY J. SCHLOZMAN
Acting Assistant Attorney General
Civil Rights Division

9

10

11


12 DEBRA W. YANG
United States Attorney
13 MICHELE C. MARCHAND
Asst. United States Attorney

14

15

16

JOHN TANNER, Chief
17 SUSANA LORENZO-GIGUERE, Special Litigation Counsel
AVNER SHAPIRO, Trial Attorney
18 JOHN "BERT" RUSS, Trial Attorney
ALBERTO RUISANCHEZ, Trial Attorney
Voting Section
19 U.S. Department of Justice
Civil Rights Division
20 950 Pennsylvania Ave., N.W. - NWB-7254
Washington, D.C. 20530

21

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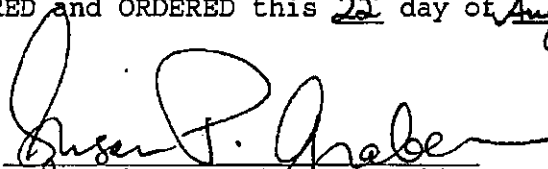
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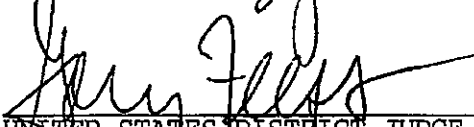
SCANNED

JUDGMENT AND ORDER

This three-judge Court, having been properly empaneled under 28 U.S.C. § 2284 and 42 U.S.C. § 1973aa-2 to consider the United States' claim under Section 203 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973aa-1a, and having determined that it has jurisdiction over this claim, has considered the terms of the Consent Decree, and hereby enters the relief set forth above and incorporates those terms herein.

ENTERED and ORDERED this 23rd day of August, 2005.


UNITED STATES CIRCUIT JUDGE


UNITED STATES DISTRICT JUDGE


UNITED STATES DISTRICT JUDGE

SCANNED

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Martinez, Ruben

From: Martin Enriquezmarquez <Martin.Enriquezmarquez@panorama-city.com>
Sent: Thursday, December 02, 2021 5:31 PM
To: cityclerk; PublicComment-AutoResponse
Subject: 4A. Panorama City Complaint Section 203
Attachments: paramount_comp.pdf

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4A. Panorama City Complaint Section 203

2 December

Martin

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

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
SUSANA LORENZO-GIGUERE, Special Litigation Counsel
8 AVNER SHAPIRO, Trial Attorney
JOHN "BERT" RUSS, Trial Attorney (#192471)
9 ALBERTO RUISANCHEZ, Trial Attorney
Voting Section
10 Civil Rights Division
United States Department of Justice
11 950 Pennsylvania Ave., N.W. - NWB-7254
Washington, D.C. 20530
12 Telephone: (202) 305-1840
Facsimile: (202) 307-3961
13
14 Counsel for Plaintiff
United States of America

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

17 UNITED STATES OF AMERICA,)
18)
Plaintiff,)
19)
v.)
20)
CITY OF PARAMOUNT, CALIFORNIA;)
21 and PAT WEST, in his official)
capacity as Paramount City)
22 Manager,)
23 Defendants.)
24)

No. 05-05132

AMM

JTLX

THREE-JUDGE COURT

COMPLAINT

25 The United States of America, Plaintiff herein, alleges:

26 1. The Attorney General files this action pursuant to
27 Section 203 of the Voting Rights Act of 1965 ("Section 203"), as
28 amended, 42 U.S.C. § 1973aa-1a; 42 U.S.C. § 1973aa-2; and
28 U.S.C. § 2201.

1 2. The Court has jurisdiction of this action pursuant to
2 28 U.S.C. § 1345 and 42 U.S.C. § 1973aa-2. In accordance with
3 the provisions of 42 U.S.C. § 1973aa-2 and 28 U.S.C. § 2284, the
4 Section 203 claim must be heard and determined by a court of
5 three judges. The events relevant to this action occurred in
6 the City of Paramount, which is located in the United States
7 District Court for the Central District of California.

8 3. Defendant THE CITY OF PARAMOUNT ("Paramount" or "the
9 City") is a political and geographical subdivision of the County
10 of Los Angeles and the State of California.

11 4. Defendant PAT WEST is the Paramount City Manager. In
12 this capacity, Defendant WEST has responsibilities for the
13 administration of City affairs, including responsibilities
14 relating to the administration of voting and elections in
15 Paramount. Defendant WEST is sued in his official capacity.

16 5. The 2000 Census reported that the City of Paramount
17 had a total population of 55,266, of whom 39,945 were Hispanic
18 (72.3%). The City had a total voting age population ("VAP") of
19 34,881, of whom 24,222 (69.4%) were Hispanic. The total citizen
20 voting age population ("CVAP") for the City was 20,398, of whom
21 10,592 (51.9%) were Hispanic.

22 6. The Census Bureau has designated the County of Los
23 Angeles as subject to the requirements of Section 203 of the
24 Voting Rights Act for Chinese, Filipino, Japanese, Korean,
25 Spanish, and Vietnamese. See 42 U.S.C. § 1973aa-1a(b)(2); see
26 also 67 Fed. Reg. 48,871 (July 26, 2002). As a political unit
27 within the County of Los Angeles, the City of Paramount is also
28 subject to the requirements of Section 203 for these languages.

1 See 28 C.F.R. § 55.9. The coverage determination of the Census
2 Bureau is final and non-reviewable. See 42 U.S.C. § 1973aa-
3 1a(b)(4). Significant numbers of Spanish-speaking citizens with
4 limited English proficiency ("Spanish-speaking citizens") who
5 need assistance in the election process in the Spanish language
6 reside in the City.

7 7. As a political subdivision of Los Angeles County,
8 Paramount has been continuously subject to Section 203's
9 requirements to provide election materials and information in
10 Spanish since September 18, 1992. See 57 Fed. Reg. 43,213
11 (Sept. 18, 1992); 67 Fed. Reg. 48,871 (July 26, 2002). The
12 United States Department of Justice has directly notified
13 election officials, including Paramount and Los Angeles County
14 election officials, of their jurisdictions' responsibilities
15 under Section 203, and Los Angeles County separately has
16 provided such information to City of Paramount officials.

17 8. Because Paramount is subject to the requirements of
18 Section 203, "any registration or voting notices, forms,
19 instructions, assistance, or other materials or information
20 relating to the electoral process, including ballots" that
21 Defendants provide in English must also be furnished in Spanish,
22 for its Spanish-speaking citizens. 42 U.S.C. § 1973aa-1a(c).

23 **CAUSE OF ACTION**

24 9. In conducting elections in Paramount, Defendants have:

25 A. failed to translate into Spanish the following
26 written election-day materials and information:

27 (1) official ballot

28 (2) voter registration form

- 1 (3) sign identifying "polling place"
- 2 (4) sign regarding not damaging voter equipment
- 3 (5) provisional ballot envelope
- 4 (6) provisional ballot receipt
- 5 (7) information regarding poll watchers
- 6 (8) opto-mark demonstration ballot
- 7 (9) telephone card for precinct information
- 8 (10) sign indicating polling place hours
- 9 (11) sign indicating voter parking
- 10 (12) form for voters with disabilities; and

11 B. published all of its pre-election notices and
12 announcements relating to the date, time, place, and nature of
13 its elections, including its Spanish language translations of
14 those notices and announcements, in English language
15 publications only.

16 12. Defendants' failure to provide Spanish language
17 election information to Spanish-speaking citizens, as described
18 above, constitutes a violation of Section 203.

19 13. Unless enjoined by this Court, Defendants will
20 continue to violate Section 203 by failing to provide
21 Paramount's Spanish-speaking citizens with the Spanish language
22 election information necessary for their political
23 participation.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Plaintiff the United States of America prays that
26 this Court enter an order:

- 27 (1) Declaring that Defendants have failed to provide
- 28 Spanish language election information to Spanish-

1 speaking citizens in violation of Section 203 of the
2 Voting Rights Act, 42 U.S.C. § 1973aa-1a;

3 (2) Enjoining Defendants, their employees, agents, and
4 successors in office, and all persons acting in
5 concert with them, from failing to provide Spanish
6 language election information to Spanish-speaking
7 citizens as required by Section 203,
8 42 U.S.C. § 1973aa-1a;

9 (3) Requiring Defendants to devise and implement a
10 remedial plan to ensure that Spanish-speaking citizens
11 are able to participate in all phases of the electoral
12 process as required by Section 203 of the Voting
13 Rights Act, 42 U.S.C. § 1973aa-1a;

14 (4) Requiring Defendants to devise and implement a
15 remedial plan to ensure that, in the event that the
16 need for materials and assistance arises in other
17 languages subject to the requirements of Section 203,
18 the City will provide election-related information and
19 materials to residents needing such assistance.

20 (5) Requiring Defendants to publicize the remedial plan
21 and programs addressing violations of Section 203 in
22 such a manner as to ensure its widespread
23 dissemination to Paramount's voters; and

24 (6) Authorizing the appointment of federal examiners for
25 elections held in Paramount pursuant to Section 3(a)
26 of the Voting Rights Act, 42 U.S.C. § 1973a(a),
27 through August 6, 2007.

28

1 Plaintiff further prays that this Court order such
2 additional relief as the interests of justice may require,
3 together with the costs and disbursements in maintaining this
4 action.

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1 Date: the 14th day of July, 2005

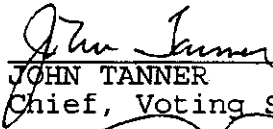
2
3 ALBERTO GONZALES
Attorney General

4
5 

6 BRADLEY J. SCHLOZMAN
7 Acting Assistant Attorney General
Civil Rights Division

8
9 

10 DEBRA WONG YANG
United States Attorney

11
12 

13 JOHN TANNER
Chief, Voting Section

14
15 

16 AVNER SHAPIRO
17 JOHN "BERT" RUSS
ALBERTO RUISANCHEZ
18 Trial Attorneys, Voting Section
U.S. Department of Justice
Civil Rights Division
19 950 Pennsylvania Avenue NW
NWB-7254
20 Washington, D.C. 20530
(202) 305-1840

Martinez, Ruben

From: Martin Enriquezmarquez <Martin.Enriquezmarquez@cityofrosemead.com>
Sent: Thursday, December 02, 2021 5:34 PM
To: PublicComment-AutoResponse; cityclerk
Subject: 4B Rosemead Agreement and Consent
Attachments: rosemead_cd.pdf

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4B. Rosemead Agreement and Consent

2 December

Martin

1 BRADLEY J. SCHLOZMAN
 Acting Assistant Attorney General
 2
 3 DEBRA WONG YANG, United States Attorney
 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

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 BY DEPUTY

7 JOHN TANNER, Acting 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
 14 United States of America

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2005 JUL 18
 CLERK, U.S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 LOS ANGELES

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

18 UNITED STATES OF AMERICA,)
 19 Plaintiff,)
 20 v.)
 21 CITY OF ROSEMEAD, CALIFORNIA;)
 22 THE ROSEMEAD CITY COUNCIL;)
 23 BILL CROWE in his official)
 24 capacity as Rosemead City)
 Manager; and NANCY VALDERRAMA)
 in her official capacity as)
 Rosemead City Clerk,)
 25 Defendants.)
 26
 27
 28

No. **CV05-5131** **GAF** (MANx)
 THREE-JUDGE COURT
PROPOSED CONSENT DECREE,
ORDER, AND JUDGMENT

THIS CONSTITUTES NOTICE OF ENTRY
 AS REQUIRED BY FRCP, RULE 77(d)

8

1 The United States of America filed this action pursuant to
2 Section 203 of the Voting Rights Act of 1965 ("Section 203"), as
3 amended, 42 U.S.C. § 1973aa-1a; 42 U.S.C. § 1973aa-2; and 28
4 U.S.C. § 2201, alleging violations of Section 203 arising from
5 the City of Rosemead's election practices and procedures as they
6 affect Chinese-, Vietnamese-, and Spanish-speaking citizens of
7 the City.

8 The Complaint's cause of action under Section 203 of the
9 Voting Rights Act, 42 U.S.C. § 1973aa-1a, must be heard and
10 determined by a court of three judges pursuant to 42 U.S.C.
11 § 1973aa-2 and 28 U.S.C. § 2284.

12 According to the 2000 Census, the City of Rosemead ("the
13 City") has a total population of 53,280, of whom 16,862 (31.6%)
14 are Chinese, 6,945 (13.0%) are Vietnamese, and 21,846 (41.0%)
15 are Hispanic. The City has a total voting age population
16 ("VAP") of 38,685, of whom 12,729 (32.9%) are Chinese, 5,236
17 (13.5%) are Vietnamese, and 14,571 are Hispanic (37.7%). The
18 total citizen voting-age population ("CVAP") for the City is
19 25,550, of whom 8,196 (32.1%) are Chinese, 3,305 (12.9%) are
20 Vietnamese, and 8,921 (34.9%) are Hispanic.

21 The Census Bureau has designated the County of Los Angeles
22 as subject to the requirements of Section 203 of the Voting
23 Rights Act, for the Chinese, Vietnamese, Spanish, Korean,
24 Japanese, and Filipino languages. See 42 U.S.C. § 1973aa-
25 1a(b)(2); see also 67 Fed. Reg. 48,871 (July 26, 2002). As a
26 political unit within the County of Los Angeles, the City of
27 Rosemead is also subject to the requirements of Section 203 for
28 these languages. See 28 C.F.R. § 55.9. The City currently has

1 significant numbers of voters in the Chinese-, Vietnamese-, and
2 Spanish-speaking communities who need assistance in the election
3 process in languages other than English.

4 The City of Rosemead conducts its own municipal elections,
5 while the County of Los Angeles conducts county, state, and
6 federal elections in which voters in Rosemead also vote. The
7 allegations in the Complaint and the terms of this Consent
8 Decree apply to Rosemead's municipal elections, and any other
9 elections Rosemead has authority to conduct.

10 The Complaint states that Defendants have failed to comply
11 with the requirements of Section 203 for Chinese-, Vietnamese-,
12 and Spanish-speaking citizens residing in the City of Rosemead
13 by (1) by failing to provide an adequate number of Chinese- and
14 Vietnamese-speaking poll workers trained to assist limited
15 English proficient voters on election day; and (2) failing to
16 translate written election materials and information into
17 Chinese, Vietnamese, and Spanish (including pre-election
18 publicity relating to the time, date, and place of election;
19 information concerning voter precinct assignments; the official
20 ballot; a notice describing the rights of voters; polling booth
21 voting instructions; a sign identifying a polling place's
22 location; provisional and absentee ballot related documents; and
23 other information and written election materials).

24 To avoid protracted and costly litigation, the parties have
25 agreed that this lawsuit should be resolved through the terms of
26 this Consent Decree (hereinafter, the "Decree"). Accordingly,
27 the United States and Defendants hereby consent to the entry of
28 this Decree, as indicated by the signatures of counsel at the

1 end of this document. The parties waive a hearing and entry of
2 findings of fact and conclusions of law on all issues involved
3 in this matter.

4 Defendants are committed to comply fully with all of the
5 requirements of Section 203 in future elections and stipulate
6 that each provision of this Consent Decree is appropriate and
7 necessary.

8 Accordingly, it is hereby ORDERED, ADJUDGED, AND DECREED
9 that:

10 1. Defendants, their agents, employees, contractors,
11 successors, and all other persons or government entities
12 representing the interests of the Defendants are hereby
13 PERMANENTLY ENJOINED from failing to provide in the Chinese,
14 Vietnamese, and Spanish languages any "registration or voting
15 notices, forms, instructions, assistance or other materials or
16 information relating to the electoral process, including
17 ballots" that they provide in the English language, as required
18 by Section 203 of the Voting Rights Act, as amended. 42 U.S.C.
19 § 1973aa-1a(c). The terms of this Decree apply to all municipal
20 elections in the City of Rosemead and any other elections that
21 the City of Rosemead has authority to conduct. Whenever
22 Defendants enter into an election-related services contract with
23 another entity - whether it be a company, political subdivision,
24 political party, or some other entity - to conduct an election
25 on behalf of the City, Defendants shall require such other
26 entity to agree to abide by the terms of this Decree as if such
27 entity were a party to this Decree with the United States.

28

1 2. The City shall develop contingency plans to provide
2 election information, materials, and oral assistance to Korean
3 Japanese, and Filipino voters, should the need for language
4 assistance in these communities arise in the future. Any
5 language assistance and materials provided to these additional
6 language minority groups shall be provided in a manner
7 consistent with the requirements of this Decree.

8 3. Throughout the duration of this Consent Decree, any
9 assistance provided orally in Chinese shall be in the dialect
10 relevant to the voters being served by the Defendants.

11 Translation of Election-Related Materials

12 4. All information that is disseminated by the City of
13 Rosemead in English about "registration or voting notices,
14 forms, instructions, assistance, or other materials or
15 information relating to the electoral process, including
16 ballots," 42 U.S.C. § 1973aa-1a(c), shall also be provided in
17 the Chinese, Vietnamese, and Spanish languages. Defendants
18 shall ensure that English, Chinese, Vietnamese, and Spanish
19 language election information, materials, and announcements are
20 made equally available to voters.

21 5. Defendants shall consult with trained translators who
22 are familiar with election terminology in Chinese, Vietnamese,
23 and Spanish, to produce written minority-language translations
24 of English-language election information. Defendants may
25 satisfy this obligation by using terminology and translation
26 provided by the Los Angeles County Registrar-Recorder/County
27 Clerk. Defendants shall also consult in a timely manner with
28

1 their Advisory Groups, discussed below, regarding the
2 translation of written and any audio-recorded materials.

3 6. Defendants shall adopt a checklist identifying each
4 material and written item that is provided in a minority
5 language and that the City makes available to the public at each
6 precinct. The checklist shall include with respect to each item
7 an attestation that the poll workers at the precinct posted or
8 made available to voters these minority language materials in
9 each language, or a detailed written explanation of why
10 individual items had not been posted or were not available. The
11 inspectors for each precinct must complete and sign this
12 document before the inspectors receive payment for work in the
13 election, subject to applicable state and federal law.
14 Defendants shall maintain a record of each such failure to
15 complete and sign the checklist.

16 Dissemination of Minority-Language Information

17 7. Defendants shall ensure that Chinese, Vietnamese, and
18 Spanish-language election information, materials, and
19 announcements are provided to the same extent as this
20 information, materials, and announcements are provided in
21 English. Chinese-, Vietnamese-, and Spanish-language
22 information shall be distributed in newspapers, radio, and/or
23 other media that exclusively or regularly publish or broadcast
24 information in the relevant minority language. These
25 announcements need not be identical in all respects to English-
26 language announcements, but shall be in the form, frequency, and
27 media best calculated to achieve notice and understanding equal
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1 to that provided to the English-speaking population and to
2 provide substantially the same information.

3 8. Any voting system used by the City shall be
4 multilingual, as described below. If the City uses electronic
5 voting machines, these machines shall offer the readily apparent
6 options of at least a Spanish, Chinese, or Vietnamese ballot,
7 and any audio version of the ballot on such machines shall be
8 available at least in English, Spanish, Chinese, and Vietnamese.
9 Any paper ballots used by the City, including the official
10 ballot, the provisional ballot, and the absentee ballot, shall
11 be translated multi-lingually with English, Spanish, Chinese,
12 and Vietnamese on one ballot, if mechanically feasible. If it
13 is not mechanically feasible to have all four languages on one
14 ballot, subject to the provisions of paragraph 9 in this Decree,
15 all paper ballots shall be at least bilingual. With respect to
16 paper ballots, the principal bilingual ballot shall be in
17 English and the predominant minority-language in the City (e.g.,
18 currently Chinese), and the City shall also provide separate
19 bilingual ballots in each of the other covered minority
20 languages where there is a need among voters in the City (e.g.,
21 currently Vietnamese and Spanish).

22 9. If the City elects to have a bilingual ballot in
23 English and the predominant minority language, and separate
24 bilingual ballots in the other minority languages, the ballots
25 shall be clearly labeled so that poll officials know the
26 languages represented on the ballot. The City shall ensure that
27 all ballots are made visible and available on an equal basis
28 with the principal bilingual ballots, and poll officials shall

1 let each voter know the language choices of ballots available.
2 For each minority language, the City shall provide enough
3 minority language ballots to equal either at least 100 percent
4 of the number of requests in a precinct for election materials
5 in a particular minority language group or at least 100 percent
6 of the number of registered voters in a precinct whose surname
7 indicates membership in a particular group. At a minimum, the
8 City shall provide no fewer than 10 minority language ballots in
9 each language at each precinct. The parties may by written
10 agreement adjust the above described standard in light of
11 confirmed information that the actual language need in a
12 particular precinct is less or greater than that standard.

13 10. To the extent the City posts instructions on casting a
14 ballot and other information in English in the voting booth, the
15 City shall also provide that same information at least in
16 Spanish, Chinese, and Vietnamese in the voting booth.

17 11. Sample ballots and other written materials mailed to
18 voters' homes shall be provided in Spanish, Chinese, or
19 Vietnamese to voters who have requested or may request materials
20 be mailed to them in the relevant minority language. The
21 translated materials mailed to voters' homes must include all of
22 the relevant information provided in the English-language
23 materials (e.g., if the English language sample ballot booklet
24 includes the voter's polling place, the minority language sample
25 ballot booklet must include the same information), and these
26 minority-language materials must be mailed out at the same time
27 as the English-language materials.

28

1 12. To ensure that minority language voters are adequately
2 informed of their ability to obtain minority language materials,
3 the following measures shall be taken:

4 A. The City shall make Spanish-, Chinese-, and
5 Vietnamese-speaking staff available during business hours to
6 answer inquiries by minority language voters and to advise such
7 voters of the availability of minority language materials.

8 B. The City shall, with the guidance of its
9 Coordinators and Advisory Groups described below, develop a
10 contact list of all identifiable community groups serving the
11 City's Spanish-, Chinese-, and Vietnamese-speaking residents as
12 a means of effectively and efficiently distributing local
13 election information to its citizens, and solicit the assistance
14 of such groups in the distribution of minority language election
15 information.

16 C. Effective within 60 days of this order, the City
17 shall mail "notice" cards to all registered voters within the
18 City who have thus far not requested minority language materials
19 and who were born in Spanish-, Chinese-, or Vietnamese-speaking
20 countries. The "notice" cards shall inform such voters of their
21 opportunity to receive election information in a minority
22 language. The cards also shall inform language minority voters
23 of their ability to participate in the Advisory Groups discussed
24 below.

25 D. The City shall develop a program in conjunction
26 with the recommendations of the Advisory Groups to ensure
27 Spanish-, Chinese-, and Vietnamese-speaking voters are aware of
28 the availability of and receive minority language materials.

1 The City shall devote reasonable resources, including an
2 additional mailing of "notice" cards.

3 E. Minority language sample ballots shall be
4 available to any voter who requests one, even if the voter has
5 already received an English-language version.

6 13. Nothing in this Decree prevents the City from adopting
7 a multilingual sample ballot booklet that provides all
8 information in English, Spanish, Chinese, and Vietnamese.

9 **Minority-Language Assistance**

10 14. The City shall provide at least Spanish-language,
11 Chinese-language, and Vietnamese-language assistance for voters
12 who contact the City before, during, or after a municipal
13 election with questions regarding the election process. Trained
14 bilingual election personnel shall be available to answer
15 voting-related questions by telephone without cost and during
16 normal business hours and while the polls are open on election
17 day. The City may coordinate the provision of such services
18 with other governmental or non-governmental entities that
19 conduct elections.

20 15. Defendants shall recruit, hire, and assign election
21 officials able to understand and speak Spanish, Chinese, or
22 Vietnamese fluently to provide assistance to minority language
23 voters at the polls on election days.

24 16. The City shall survey its employees to identify
25 personnel who speak Spanish, Chinese, or Vietnamese fluently
26 and, to the extent such employees can be made available to
27 provide assistance, allow and encourage such employees to serve
28 at the polls on election day. The City shall also invite

1 eligible members of the Advisory Group, discussed below, to
2 serve as poll officials and to encourage other bilingual voters
3 to do so. The City shall contact the Los Angeles County
4 Registrar-Recorder/County Clerk for names of bilingual
5 individuals who have served as poll workers in County elections.

6 17. In determining the threshold for assigning bilingual
7 poll workers in Rosemead's municipal elections, the following
8 factors are relevant: the historically lower voter turn-out rate
9 for municipal elections in Rosemead as compared to County-wide
10 elections, the differing rates of English proficiency among the
11 minority language communities, and the extent to which Asian
12 surname analyses of registered voters (using the Lauderdale and
13 Kestenbaum lists of Asian surnames) undercount the true number
14 of voters in a particular community. In light of these factors,
15 Defendants and any entity conducting elections on Defendants'
16 behalf, in addition to satisfying all requirements of California
17 state law and the recommended guidelines provided by the Los
18 Angeles County Registrar-Recorder/County Clerk, shall meet the
19 following standards for assigning bilingual workers in
20 Rosemead's municipal elections:

21 A. Defendants shall provide at least one Spanish-
22 speaking poll worker for each consolidated precinct that has 100
23 or more Spanish-surnamed voters.

24 B. Defendants shall provide at least one Cantonese
25 or Mandarin-speaking poll worker (depending on whatever Chinese
26 dialect is relevant for the precinct) for each consolidated
27 precinct that has 35 or more Chinese-surnamed voters.

28

1 C. Defendants shall provide at least one Vietnamese-
2 speaking poll worker for each consolidated precinct that has 35
3 or more Vietnamese-surnamed voters.

4 D. The parties may by written agreement adjust this
5 requirement in light of confirmed information that the actual
6 language need in a particular precinct is less or greater than
7 this standard.

8 E. To avoid last-minute gaps in minority language
9 coverage at the polls on election day due to Spanish-, Chinese,
10 and Vietnamese-speaking poll workers who fail to report for
11 work, Defendants shall employ personnel trained in minority
12 language election terminology who shall be on call and available
13 to travel to a polling place not staffed by a bilingual poll
14 worker to provide any necessary assistance to a Spanish-,
15 Chinese-, or Vietnamese-speaking voter.

16 18. Signs in English, Spanish, Chinese, and Vietnamese
17 shall be posted prominently at polling places stating that the
18 relevant minority language assistance is available. At sites
19 without bilingual staff, signs in all four languages shall be
20 posted that explain how voters can obtain language assistance.

21 Election Official Training

22 19. Prior to each municipal election, Defendants shall
23 ensure that all poll workers and other election personnel are
24 trained in the following areas: the provisions of Section 203
25 of the Voting Rights Act, including the legal obligation and
26 means to make minority language assistance and materials
27 available to voters; the requirement that poll officials be
28 respectful and courteous to all voters regardless of race,

1 ethnicity, color, or language abilities; and the requirements of
2 Section 208 of the Voting Rights Act of 1965, 42 U.S.C. §
3 1973aa-6, regarding the rights of voters to the assistor of
4 their choice. The City may coordinate with other governmental
5 or non-governmental entities in ensuring that this training is
6 provided.

7 Response to Complaints About Poll Workers

8 20. Defendants, upon receipt of complaints, whether oral
9 or written, shall investigate expeditiously any allegations of
10 poll worker hostility toward minority voters or minority-
11 language speakers in any election. The results of the
12 investigation(s) conducted by the Defendants shall be reported
13 to the United States in writing within thirty days of receiving
14 the complaint. Where there is credible evidence that poll
15 workers have engaged in inappropriate treatment of voters,
16 Defendants shall remove the poll workers.

17 Program Coordinators

18 21. For each minority language group in the City needing
19 minority language election materials and assistance (currently
20 Spanish, Chinese, and Vietnamese), the City shall retain or
21 designate a Program Coordinator to coordinate the City's
22 election related assistance and materials for that particular
23 language. The City may coordinate with other governmental or
24 non-governmental entities in providing Program Coordinators for
25 its election program, and the coordinators may perform other
26 duties in addition to their election-related duties. Each
27 Program Coordinator shall speak, read, and write English and the
28 language of the minority language group for which he/she is

1 coordinating election related assistance and materials and
2 individuals who are fluent in more than one of the covered
3 languages may be designated as the Program Coordinator for each
4 language group for which he/she is qualified. The City shall
5 provide each Program Coordinator with support sufficient to meet
6 the goals of the Program. Each Program Coordinator's
7 responsibilities shall include coordination of translation of
8 ballots and other election information; development and
9 oversight of minority language publicity programs, including
10 selection of appropriate media for notices and announcements;
11 recruitment and assessment of minority-language proficiency of
12 bilingual poll officials and interpreters; and managing other
13 aspects of the Program.

14 Advisory Groups

15 22. The City shall form an Advisory Group for each of the
16 City's language minority groups needing minority language
17 materials and assistance (currently Spanish, Chinese, and
18 Vietnamese). Each Advisory Group shall provide the City with
19 information and assistance concerning how to provide election
20 related materials and assistance for its language group.

21 23. Each Advisory Group shall be established and chaired
22 by the Program Coordinator coordinating for the same minority
23 language group. The Program Coordinator shall invite
24 participation from all interested individuals and organizations
25 that work with or serve the communities that speak languages
26 other than English in Rosemead (in particular, the Spanish-,
27 Chinese-, and Vietnamese-speaking communities) to determine how
28 to provide effectively election materials, information, and

1 assistance to minority-language voters, and how to fill any gaps
2 in public awareness about the City's multilingual election
3 program due to past failures to provide accessible election-
4 related information to minority language voters. The Program
5 Coordinator shall provide notice of all planned meetings to each
6 member, including the time, location, and agenda for the
7 meeting, at least 14 days in advance, although members of the
8 Advisory Group may agree to waive or shorten this time period as
9 necessary. Within five working days following each meeting, the
10 Program Coordinator shall provide a written summary to all
11 members and to the City Clerk of the discussion and any
12 decisions reached at the meeting. If the City Clerk decides not
13 to implement an Advisory Group suggestion or a consensus cannot
14 be reached with respect to such suggestion, the Clerk shall
15 provide to the group through the Program Coordinator and
16 maintain on file a written statement of the reasons for
17 rejecting such suggestion.

18 24. The City shall transmit to all interested Advisory
19 Group members copies of all election information, announcements,
20 and notices that are provided to the electorate and general
21 public and request that Group members share this information
22 with others.

23 **Federal Examiners and Observers**

24 25. To monitor compliance with and ensure effectiveness of
25 this Decree, and to protect the Fourteenth and Fifteenth
26 Amendment rights of the citizens of the City of Rosemead, the
27 appointment of a federal examiner is authorized for the City of
28 Rosemead pursuant to Section 3(a) of the Voting Rights Act,

1 42 U.S.C. § 1973a(a), through August 6, 2007. On motion of the
2 United States within thirty (30) days thereafter, the agreement
3 shall be extended through the 2009 municipal elections in
4 Rosemead and thirty days thereafter.

5 26. Defendants shall recognize the authority of federal
6 observers to observe all aspects of voting conducted in the
7 polls on election day, including the authority to view poll
8 officials providing assistance to voters during voting, except
9 where the voter objects.

10 **Evaluation of Plan**

11 27. The parties recognize that regular and ongoing
12 reassessment may be necessary to provide the most effective and
13 efficient multilingual Program. Defendants shall evaluate the
14 Program after each election to determine which aspects of the
15 Program are functioning well; whether any aspects need
16 improvement; and how to effect needed improvements. The Program
17 may be adjusted at any time upon joint written agreement of the
18 parties.

19 **Retention of Documents and Reporting Requirements**

20 28. During the duration of this Decree, the City shall
21 make and maintain as public documents written records of all
22 actions taken pursuant to this Decree.

23 29. During the duration of this Decree, at least ten (10)
24 days before each municipal election held in the City, Defendants
25 shall provide to counsel for the United States, (a) the name,
26 address, and precinct designation of each consolidated precinct;
27 (b) the name and title of each poll official appointed and
28 assigned to serve at each consolidated precinct; (c) a

1 designation of whether each poll official is bilingual and any
2 minority language(s) that the official speaks; (d) copies of any
3 signs or other written information provided at polling places;
4 and (e) an electronic copy of the voter registration list to be
5 used in such election. Within thirty (30) days after each
6 election, Defendants shall provide to counsel for the United
7 States any updated report regarding changes in items (a)-(d)
8 above that occurred at the election, and provide information
9 about all complaints the City received at the election regarding
10 language or assistance issues.

11 Other Provisions

12 30. This Decree is final and binding between the parties
13 and their successors in office regarding the claims raised in
14 this action. This Decree shall remain in effect through August
15 6, 2007, subject to paragraph 25.

16 31. The Court shall retain jurisdiction of this case to
17 enter further relief or such other orders as may be necessary
18 for the effectuation of the terms of this agreement and to
19 ensure compliance with Section 203 of the Voting Rights Act.

20 32. Each party shall bear its own costs and fees.

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Agreed to this 14th day of July, 2005.

RECORDED

AGREED AND CONSENTED TO:

For Plaintiff:
UNITED STATES OF AMERICA

For Defendants:



BRADLEY J. SCHLOZMAN
Acting Assistant Attorney General
Civil Rights Division



NANCY VALDERRAMA
City Clerk
City of Rosemead
8838 E. Valley Boulevard
Rosemead, CA 91770



DEBRA WONG YANG
United States Attorney
MICHELE C. MARCHAND
Asst. United States Attorney



ROBERT L. KRESS (SB #53925)
City Attorney



JOHN TANNER, Acting Chief
AVNER SHAPIRO, Trial Attorney
JOHN "BERT" RUSS, Trial Attorney
ALBERTO RUISANCHEZ, Trial Attorney
Voting Section
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Ave., N.W. - NWB-7254
Washington, D.C. 20530

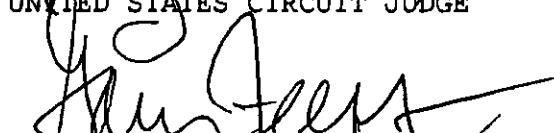


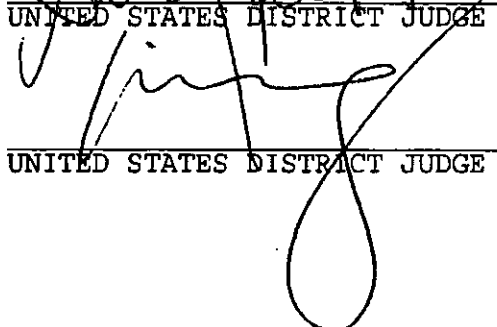
JUDGMENT AND ORDER

This three-judge Court, having been properly empaneled under 28 U.S.C. § 2284 and 42 U.S.C. § 1973aa-2 to consider the United States' claim under Section 203 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973aa-1a, and having determined that it has jurisdiction over this claim, has considered the terms of the Consent Decree, and hereby enters the relief set forth above and incorporates those terms herein.

ENTERED and ORDERED this 6th day of September 2005.


UNITED STATES CIRCUIT JUDGE


UNITED STATES DISTRICT JUDGE


UNITED STATES DISTRICT JUDGE

Martinez, Ruben

From: Martin Enriquezmarquez <...>
Sent: Thursday, December 02, 2021 5:37 PM
To: cityclerk; PublicComment-AutoResponse
Subject: 4B. Panorama City Consent Decree
Attachments: paramount_cd.pdf

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4B. Panorama City Consent Decree

Martin

2 December 2021

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

FILED
CLERK, U.S. DISTRICT COURT
AUG 19 2005
CENTRAL DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY

7 JOHN TANNER, Chief
8 SUSANA LORENZO-GIGUERE, Special Litigation Counsel
9 AVNER SHAPIRO, Trial Attorney
JOHN "BERT" RUSS, Trial Attorney (#192471)
ALBERTO RUISANCHEZ, Trial Attorney
10 Voting Section
Civil Rights Division
United States Department of Justice
11 950 Pennsylvania Ave., N.W. - NWB-7252
Washington, D.C. 20530
12 Telephone: (202) 305-1840
13 Facsimile: (202) 307-3961

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14 Counsel for Plaintiff
United States of America

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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
CITY OF PARAMOUNT, CALIFORNIA;)
and PAT WEST, in his official)
capacity as Paramount City)
Manager,)
Defendants.)

05-05132 AHM JFLX

THREE-JUDGE COURT

PROPOSED CONSENT DECREE, ORDER,
AND JUDGMENT

The United States of America filed this action pursuant to
Section 203 of the Voting Rights Act of 1965 ("Section 203"), as
amended, 42 U.S.C. § 1973aa-1a; 42 U.S.C. § 1973aa-2; and 28
U.S.C. § 2201, alleging violations of Section 203 arising from

9

1 the City of Paramount's election practices and procedures as
2 they affect Spanish-speaking citizens of the City.

3 The Complaint's cause of action under Section 203 of the
4 Voting Rights Act, 42 U.S.C. § 1973aa-1a, must be heard and
5 determined by a court of three judges pursuant to 42 U.S.C.
6 § 1973aa-2 and 28 U.S.C. § 2284.

7 According to the 2000 Census, the City of Paramount ("the
8 City") had a total voting-age population of 34,881, of whom
9 24,222 (69.4%) were Hispanic. The total citizen voting-age
10 population in Paramount was 20,398, of whom 10,592 (51.9%) were
11 Hispanic.

12 The Census Bureau has designated the County of Los Angeles
13 as subject to the requirements of Section 203 of the Voting
14 Rights Act, for the Chinese, Filipino, Japanese, Korean,
15 Spanish, and Vietnamese languages. See 42 U.S.C. § 1973aa-
16 1a(b)(2); see also 67 Fed. Reg. 48,871 (July 26, 2002). As a
17 political subdivision within the County of Los Angeles, the City
18 of Paramount is also subject to the requirements of Section 203
19 for these languages. See 28 C.F.R. § 55.9. The City currently
20 has significant numbers of Spanish-speaking voters who need
21 assistance and materials in the election process in the Spanish
22 language.

23 The City of Paramount conducts its own municipal elections,
24 while the County of Los Angeles conducts county, state, and
25 federal elections in which voters in the City also vote. The
26 allegations in the Complaint and the terms of this Consent
27 Decree apply to the City's municipal elections, and any other
28 elections over which the City has authority to conduct.

SEARCHED

1 The Complaint states that Defendants have failed to comply
2 with the requirements of Section 203, by failing to translate
3 into Spanish the following written election-day materials and
4 information: (1) official ballot, (2) voter registration form,
5 (3) sign identifying "polling place," (4) sign regarding not
6 damaging voter equipment, (5) provisional ballot envelope,
7 (6) provisional ballot receipt, (7) information regarding poll
8 watchers, (8) opto-mark demonstration ballot, (9) telephone card
9 for precinct information, (10) sign indicating polling place
10 hours, (11) sign indicating voter parking, and (12) the form for
11 voters with disabilities. The Complaint also states that
12 although the City translates into the Spanish language its pre-
13 election notices and announcements relating to the date, time,
14 place, and nature of its elections, those notices and
15 announcements appear only in English language publications.

16 To avoid protracted and costly litigation, the parties have
17 agreed that this lawsuit should be resolved through the terms of
18 this Consent Decree (the "Decree"). Accordingly, the United
19 States and Defendants hereby consent to the entry of this
20 Decree, as indicated by the signatures of counsel at the end of
21 this document. The parties waive a hearing and entry of
22 findings of fact and conclusions of law on all issues involved
23 in this matter.

24 Defendants are committed to complying fully with all of the
25 requirements of Section 203 in future elections and stipulate
26 that each provision of this Consent Decree is appropriate and
27 necessary to comply with Section 203 of the Voting Rights Act.
28

SCANNED

1 Accordingly, it is hereby ORDERED, ADJUDGED, AND DECREEED
2 that:

3 1. Defendants, their agents, employees, contractors,
4 successors, and all other persons or government entities
5 representing the interests of Defendants are hereby PERMANENTLY
6 ENJOINED from failing to provide in the Spanish language any
7 "registration or voting notices, forms, instructions, assistance
8 or other materials or information relating to the electoral
9 process, including ballots" that they provide in the English
10 language, as required by Section 203 of the Voting Rights Act,
11 as amended. 42 U.S.C. § 1973aa-1a(c). The terms of this Decree
12 apply to all municipal elections in the City of Paramount and
13 any other elections over which the City has authority to
14 conduct. Whenever Defendants enter into an election-related
15 services contract with another entity - whether it be a company,
16 political subdivision, political party, or some other entity -
17 to conduct an election on behalf of the City, Defendants shall
18 require such other entity to agree to abide by the terms of this
19 Decree as if such entity were a party to this Decree with the
20 United States.

21 Translation of Election-Related Materials

22 2. All information that is disseminated by the City of
23 Paramount in English about "registration or voting notices,
24 forms, instructions, assistance, or other materials or
25 information relating to the electoral process, including
26 ballots," 42 U.S.C. § 1973aa-1a(c), shall also be provided in
27 the Spanish language. Defendants shall ensure that English and
28

SCANNED

1 Spanish language election information, materials, and
2 announcements are made equally available to voters.

3 3. Defendants shall consult with trained translators who
4 are familiar with election terminology in Spanish, to produce
5 written Spanish language translations of English language
6 election information. Defendants may satisfy this obligation by
7 using terminology and translations provided by the Los Angeles
8 County Registrar-Recorder/County Clerk or the Elections Division
9 of the Office of the Secretary of State of California.
10 Defendants shall also consult in a timely manner with the
11 Spanish Language Advisory Group, discussed below, regarding the
12 translation of any written and audio-recorded materials.

13 4. Defendants shall adopt a checklist identifying each
14 material and written item containing Spanish that the City makes
15 available to the public at each precinct. The checklist shall
16 include with respect to each item an attestation that the poll
17 workers at the precinct posted or made available to voters these
18 Spanish language materials, or a detailed written explanation as
19 to why individual items were not posted or made available. The
20 inspectors for each precinct must complete and sign this
21 document before the inspectors receive payment for work in the
22 election, subject to applicable state and federal law.
23 Defendants shall maintain a record of each such failure to
24 complete and sign the checklist.

25 Dissemination of Spanish Language Information

26 5. Defendants shall ensure that Spanish language election
27 information, materials, and announcements are provided to the
28 same extent as they are provided in English. Spanish language

SCANNED

1 information shall be distributed in newspapers, radio, and/or
2 other media that exclusively or regularly publish or broadcast
3 information in the Spanish language. These announcements need
4 not be identical in all respects to English language
5 announcements, but shall be in the form, frequency, and media
6 best calculated to achieve notice and understanding equal to
7 that provided to the English-speaking population and to provide
8 substantially the same information.

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9 6. Any voting system used by the City shall be bilingual,
10 as described below. If the City uses electronic voting
11 machines, these machines shall offer the readily apparent
12 options of a Spanish ballot, and any audio version of the ballot
13 on such machines shall be available in Spanish. Any paper
14 ballots used by the City, including the official ballot, the
15 provisional ballot, and the absentee ballot, shall be bilingual,
16 in both English and Spanish.

17 7. Whatever information the City provides in the voting
18 booth, including instructions on the casting of a ballot, shall
19 appear in the booth bilingually in both Spanish and English.

20 8. The City shall adopt a bilingual sample ballot booklet
21 that provides all information in English and Spanish. The
22 booklet and the envelope in which it is sent must include
23 readily visible Spanish language translations of all the
24 information provided in the English language.

25 Spanish Language Assistance

26 9. The City shall continue to recruit, hire, and assign
27 election officials able to understand and speak Spanish fluently
28 to provide assistance to Spanish language voters at all polling

1 places in the City on election days.

2 Program Coordinator

3 10. The City Clerk of Paramount and/or his or her designee
4 shall serve as the City's Spanish Language Program Coordinator
5 responsible for coordinating all City election-related Spanish
6 language materials and assistance ("Program Coordinator").
7 The Program Coordinator shall speak, read, and write Spanish and
8 English. The City shall provide the Program Coordinator with
9 support sufficient to meet the goals of the Program. The
10 Program Coordinator's responsibilities shall include
11 coordination of the translation of ballots and other election
12 information; development and oversight of Spanish language
13 publicity programs, including selection of appropriate media for
14 notices and announcements; training, recruitment and assessment
15 of Spanish language proficiency of bilingual poll officials and
16 interpreters; and managing all other aspects of the City's
17 compliance with Section 203.

18 Spanish Language Advisory Group

19 11. No later than six (6) months prior to any City
20 election, the City shall convene a Spanish Language Advisory
21 Group ("Advisory Group") concerning Spanish language election-
22 related materials and assistance. The purpose of the Advisory
23 Group shall be to provide information and assistance to the City
24 as to election-related materials for and assistance to its
25 Spanish-speaking citizens.

26 12. The Program Coordinator shall establish and chair the
27 Advisory Group. The Program Coordinator shall invite
28 participation from all interested individuals and organizations

SCANNED

1 that work with or serve the City's Spanish-speaking community to
2 determine how to effectively provide election materials,
3 information, and assistance to Spanish-speaking voters, and how
4 to fill any gaps in public awareness about the City's Spanish
5 language election program. The Advisory Group shall be open to
6 all interested persons. The Program Coordinator shall provide
7 notice of all planned meetings to each member, including the
8 time, location, and agenda for the meeting, at least fourteen
9 (14) days in advance, although members of the Advisory Group may
10 agree to waive or shorten this time period as necessary. Within
11 five (5) working days following each meeting, the Program
12 Coordinator shall provide a written summary to all members and
13 to the City Clerk of the discussion and any decisions reached at
14 the meeting. If the City Clerk decides not to implement the
15 Advisory Group's suggestion or a consensus cannot be reached
16 with respect to such suggestion, the Clerk shall provide to the
17 Advisory Group through the Program Coordinator and maintain on
18 file a written statement of the reasons for rejecting such
19 suggestion.

20 13. The City shall transmit to all interested Advisory
21 Group members copies of all election information, announcements,
22 and notices that are provided to the electorate and general
23 public and request that Group members share this information
24 with others.

25 Other Language Minority Groups

26 14. Although the Spanish language minority group is the
27 only language minority group in the City of Paramount currently
28 requiring election-related materials and assistance, as a

SCANNED

1 political unit within the County of Los Angeles, the City is
2 also subject to the requirements of Section 203 for Chinese,
3 Filipino, Japanese, Korean, and Vietnamese. To ensure future
4 compliance with Section 203, the City shall monitor changes in
5 the City population and voter registration, and develop
6 contingency plans to provide election information and materials
7 to Chinese, Filipino, Japanese, Korean, and Vietnamese voters
8 should the need for language assistance in these communities
9 arise in the future. Any language assistance and materials
10 provided to these additional language minority groups shall be
11 provided in a manner consistent with the requirements of this
12 Decree.

13 **Federal Examiners and Observers**

14 15. To monitor compliance with and ensure effectiveness of
15 this Decree, and to protect the Fourteenth and Fifteenth
16 Amendment rights of the citizens of the City of Paramount, the
17 appointment of a federal examiner is authorized for the City of
18 Paramount pursuant to Section 3(a) of the Voting Rights Act,
19 42 U.S.C. § 1973a(a), as long as this Decree is in effect.

20 16. Defendants shall recognize the authority of federal
21 observers to observe all aspects of voting conducted in the
22 polls on election day.

23 **Evaluation of Plan**

24 17. The parties recognize that regular and ongoing
25 reassessment may be necessary to provide the most effective and
26 efficient multilingual Program. Defendants shall evaluate the
27 Program after each election to determine which aspects of the
28 Program are functioning well, whether any aspects need

1 improvement, and how to effect needed improvements. The Program
2 may be adjusted at any time upon joint written agreement of the
3 parties.

SCANNED

4 **Retention of Documents and Reporting Requirements**

5 18. During the duration of this Decree, the City shall
6 make and maintain written records of all actions taken pursuant
7 to this Decree and shall provide copies of such records to the
8 United States upon request.

9 19. During the duration of this Decree, at least thirty
10 (30) days before each municipal election held in the City,
11 Defendants shall provide to counsel for the United States, (a)
12 the name, address, and precinct designation of each consolidated
13 precinct; and (b) copies of any signs or other written
14 information provided at polling places. Within thirty (30) days
15 after each election, Defendants shall provide to counsel for the
16 United States (a) information about any complaints the City
17 received at the election regarding Spanish language materials or
18 assistance; and (b) copies of the checklists prepared by poll
19 workers referred to in Paragraph four of this Decree. Copies
20 may be provided electronically.

21 **Other Provisions**

22 20. This Decree is final and binding between the parties
23 and their successors in office regarding the claims raised in
24 this action. This Decree shall remain in effect through August
25 6, 2007, and the parties further stipulate that the Decree shall
26 extend through December 31, 2009, provided Defendants remain
27 under a continuing obligation under Section 203 of the Voting
28 Rights Act to provide minority language materials and

1 assistance.

2 21. The Court shall retain jurisdiction of this case to
3 enter further relief or such other orders as may be necessary
4 for the effectuation of the terms of this agreement and to
5 ensure compliance with Section 203 of the Voting Rights Act.

6 22. Each party shall bear its own costs and fees.

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SCANNED


1 Agreed to this 14th day of July, 2005.

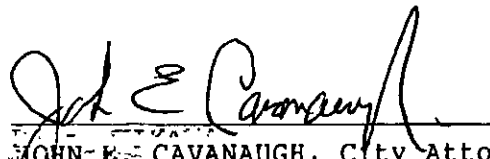
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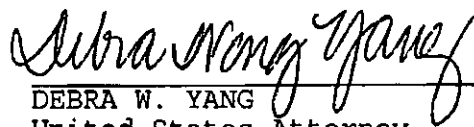
AGREED AND CONSENTED TO:

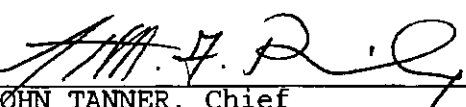
For Plaintiff:
UNITED STATES OF AMERICA

For Defendants:


BRADLEY J. SCHLOZMAN
Assistant Attorney General
Civil Rights Division


JOHN E. CAVANAUGH, City Attorney
City of Paramount
16400 Colorado Avenue
Paramount, California 90723
(949) 589-6800


DEBRA W. YANG
United States Attorney
MICHELE C. MARCHAND
Asst. United States Attorney



JOHN TANNER, Chief
SUSANA LORENZO-GIGUERE, Special Litigation Counsel
AVNER SHAPIRO, Trial Attorney
JOHN "BERT" RUSS, Trial Attorney
ALBERTO RUISANCHEZ, Trial Attorney
Voting Section
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Ave., N.W. - NWB-7254
Washington, D.C. 20530

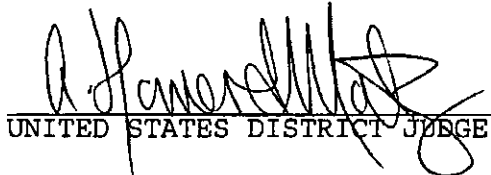
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JUDGMENT AND ORDER

This three-judge Court, having been properly empaneled under 28 U.S.C. § 2284 and 42 U.S.C. § 1973aa-2 to consider the United States' claim under Section 203 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973aa-1a, and having determined that it has jurisdiction over this claim, has considered the terms of the Consent Decree, and hereby enters the relief set forth above and incorporates those terms herein.

ENTERED and ORDERED this 17th day of August, 2005.


UNITED STATES CIRCUIT JUDGE


UNITED STATES DISTRICT JUDGE


UNITED STATES DISTRICT JUDGE

NOTICE PARTY SERVICE LIST

Case No. CV05-5192-AHM (JTL) Case Title U.S.A. v. CITY OF PARAMOUNT, et al
 Title of Document CONSENT DECREE, ORDER, AND JUDGMENT

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BOP (Bureau of Prisons)
CA St Pub Defender (Calif. State PD)
CAAG (California Attorney General's Office - Keith H. Borjon, L.A. Death Penalty Coordinator)
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US Marshal Service - Los Angeles (USMLA)
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JUDGE / MAGISTRATE JUDGE (list below):
HON. BARRY G. SILVERMAN
HON. AUDREY B. COLLINS

Initials of Deputy Clerk: PMUO

Martinez, Ruben

From: Martin Enriquezmarquez <[REDACTED]>
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Subject: 5A. Riverside Complaint
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5A. Riverside Complaint

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ERIC H. HOLDER JR
Attorney General

THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division

GEORGE S. CARDONA
Acting United States Attorney
MICHELE C. MARCHAND (#93390)
Assistant United States Attorney
Central District of California

T. CHRISTIAN HERREN JR
ROBERT POPPER
AMANDA GREGORY (#234129)
Attorneys
Voting Section
Civil Rights Division
United States Department of Justice
950 Pennsylvania Ave, N.W. - NWB Room 7254
Washington, D.C. 20530
Fax: (202) 307-3961
Tel: (202) 305-7540
amanda.gregory@usdoj.gov

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

COUNTY OF RIVERSIDE,
CALIFORNIA; THE RIVERSIDE
COUNTY BOARD OF
SUPERVISORS; and THE
RIVERSIDE COUNTY REGISTRAR
OF VOTERS, BARBARA
DUNMORE, in her official capacity,

Defendants.

CIVIL ACTION NO. **CV 10-01059-SJD**
(DJA)

THREE-JUDGE COURT

COMPLAINT ALLEGING
VIOLATIONS OF SECTION 203 OF
THE VOTING RIGHTS ACT

1 Plaintiff United States of America, alleges:

2 **JURISDICTION**

3 1. The Attorney General files this action pursuant to Sections 203 and 204
4 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973aa-1a and 1973aa-

5 2. The Court has jurisdiction of this action pursuant to 28 U.S.C. §§ 1331, 1345,
6 2284, 42 U.S.C. § 1973aa-2, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201
7 and 2202. The claim pursuant to Section 203 of the Voting Rights Act, 42 U.S.C. §
8 1973aa-1a, as amended ("Section 203"), must be heard and determined by a court of
9 three judges. See 42 U.S.C. § 1973aa-2.

10 2. Venue is proper in this Court as the events relevant to this action
11 occurred in Riverside County, California, which is located in this district.

12 **PARTIES**

13 3. The Attorney General is authorized by Section 204 of the Voting Rights
14 Act of 1965, as amended, 42 U.S.C. 1973aa-2, to file this action on behalf of Plaintiff
15 UNITED STATES of AMERICA.

16 4. Defendant COUNTY OF RIVERSIDE ("COUNTY" or "RIVERSIDE")
17 is a geographical and political subdivision of the State of California.

18 5. Defendant RIVERSIDE COUNTY BOARD OF SUPERVISORS is a
19 five member board that is the governing body and primary budgetary authority of the
20 County. See Cal. Gov. Code § 25252. The Board of Supervisors enacts ordinances
21 and resolutions, adopts the annual budget, approves contracts, and appropriates
22 funds.

23 6. Defendant RIVERSIDE COUNTY REGISTRAR OF VOTERS, Barbara
24 Dunmore, is responsible for the administration of election day activities. See Cal.
25 Gov. Code § 26802. This includes the hiring, assignment, and training of poll
26 workers, and the production of election materials, as well as other aspects of

1 elections and voting procedures in the County. Defendant Barbara Dunmore is sued
2 in her official capacity.

3 **ALLEGATIONS**

4 7. According to the 2000 Census, Riverside County had a total population
5 of 1,545,385 persons, of whom 559,330 (36.2%) were Hispanic persons. The citizen
6 voting age population was 918,775 persons, of whom 204,215 (22.2%) were
7 Hispanic persons. There has been a steady growth in the County's Hispanic
8 population since the 2000 Census. According to the Census Bureau's 2007 American
9 Community Survey, the County has a total population of 2,073,571, of whom
10 896,116 (43.2%) are Hispanic.

11 8. According to the 2000 Census, of the Hispanic voting age citizens in the
12 County, 49,495 persons (24.2%) were limited English proficient.

13 9. Riverside County is subject to the requirements of Section 203 for the
14 Spanish language, pursuant to the designation by the Director of the Census. The
15 County has been continuously covered under Section 203 to provide bilingual
16 elections in Spanish since September 18, 1992. See 57 Fed. Reg. 43,213 (Sept. 18,
17 1992); 67 Fed. Reg. 48,871 (July 26, 2002). The Census Bureau designated
18 Riverside County for Spanish under Section 203 in 1975, see 40 Fed. Reg. 41,827
19 (Sept. 9, 1975), but the County was not designated under Section 203 in 1984, see
20 49 Fed. Reg. 25,887 (June 25, 1984). The determination of the Census Bureau that
21 the County is covered by Section 203 for Spanish is final and non-reviewable. See
22 42 U.S.C. § 1973aa-1a(b)(4).

23 10. Because Riverside County is subject to the requirements of Section
24 203, "any registration or voting notice, forms, instructions, assistance, or other
25 materials or information relating to the electoral process, including ballots" that
26

1 Defendants provide in English must also be furnished in Spanish. See 42 U.S.C.
2 § 1973aa-1a(c).

3 **CAUSE OF ACTION**

4 11. Plaintiff hereby alleges and incorporates by reference paragraphs one
5 through nine above.

6 12. In conducting elections in the County, Defendants have failed to
7 provide election-related information and assistance to Spanish-speaking voters, as
8 required by Section 203, by failing to recruit, appoint, train, and maintain an
9 adequate pool of bilingual poll workers capable of providing Spanish-speaking voters
10 with necessary and effective language assistance throughout the County on election
11 day.

12 13. Defendants have also failed to provide election-related information and
13 assistance in Spanish to Spanish-speaking voters, as required by Section 203, by
14 failing to provide certain election-related information, including but not limited to
15 information publicizing elections, in a manner that ensures that Spanish-speaking
16 voters throughout the County have an opportunity to be informed about election-
17 related activities.

18 14. Defendants' failure to provide Spanish-speaking citizens of Riverside
19 County with Spanish language election information and assistance, as described
20 above, constitutes a violation of Section 203 of the Voting Rights Act, 42 U.S.C. §
21 1973aa-1a.

22 15. Unless enjoined by this Court, Defendants will continue to violate
23 Section 203 by failing to provide limited English proficient Spanish-speaking
24 citizens of Riverside County with Spanish language election information and
25 assistance necessary for their effective participation in the political process.
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PRAYER FOR RELIEF

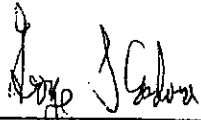
WHEREFORE, the Plaintiff United States prays that this Court enter an order:

- (1) Declaring that Defendants have failed to provide election-related information and assistance to Spanish-speaking voters as required by Section 203 of the Voting Rights Act, 42 U.S.C. § 1973aa-1a;
- (2) Enjoining Defendants, their employees, agents, and successors in office, and all persons acting in concert with them, from failing to provide Spanish language election-related information and assistance to persons with limited English proficiency as required by Section 203 of the Voting Rights Act, 42 U.S.C. § 1973aa-1a;
- (3) Requiring Defendants to develop, publicize, and implement a remedial plan to ensure that Spanish-speaking voters with limited English proficiency are able to understand, learn of, and participate in all phases of the electoral process as required by Section 203 of the Voting Rights Act, 42 U.S.C. § 1973aa-1a; and
- (4) Authorizing the appointment of federal observers for elections held in Riverside County pursuant to Section 3(a) of the Voting Rights Act, 42 U.S.C. § 1973a(a).

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Date: January 29, 2010

ERIC H. HOLDER JR
Attorney General




GEORGE S. CARDONA
Acting United States Attorney
Central District of California



THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division

By: 
MICHELE C. MARCHAND (#93390)
Assistant United States Attorney
312 North Spring Street
Los Angeles, CA 90012

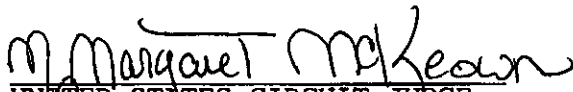


T. CHRISTIAN HERKEN JR
ROBERT POPPER
AMANDA GREGORY (#234129)
Attorneys
Voting Section
Civil Rights Division
United States Department of Justice
950 Pennsylvania Ave., NW
NWB Room 7254
Washington, D.C. 20530
Phone: (202) 305-7540
Fax: (202) 307-3961
amanda.gregory@usdoj.gov

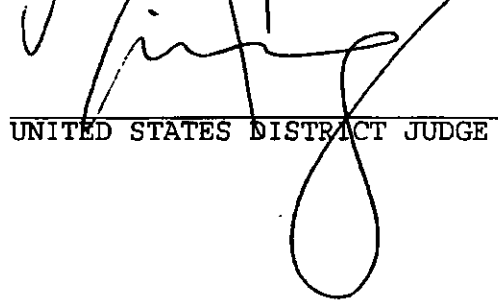
JUDGMENT AND ORDER

This three-judge Court, having been properly empaneled under 28 U.S.C. § 2284 and 42 U.S.C. § 1973aa-2 to consider the United States' claim under Section 203 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973aa-1a, and having determined that it has jurisdiction over this claim, has considered the terms of the Consent Decree, and hereby enters the relief set forth above and incorporates those terms herein.

ENTERED and ORDERED this 6th day of September 2005.


UNITED STATES CIRCUIT JUDGE


UNITED STATES DISTRICT JUDGE


UNITED STATES DISTRICT JUDGE