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

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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 AZUSA, CALIFORNIA;)
and VERA MENDOZA, in her)
21 official capacity as)
Azusa City Clerk,)
22)
23 Defendants.)

No. **CVO5-5147** **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).

CAUSE OF ACTION

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

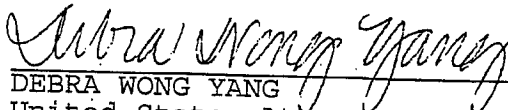
5 Plaintiff further prays that this Court order such
6 additional relief as the interests of justice may require,
7 together with the costs and disbursements in maintaining this
8 action.

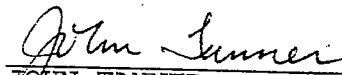
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1 Date: 14th day of July, 2005
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