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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
13 Facsimile: (202) 307-3961

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

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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.

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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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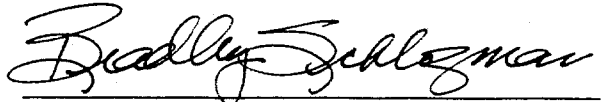
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1 Date: the 14th day of July, 2005

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3 ALBERTO GONZALES
Attorney General

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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
19 Civil Rights Division
950 Pennsylvania Avenue NW
20 NWB-7254
Washington, D.C. 20530
(202) 305-1840