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FOR IMMEDIATE RELEASE
JANUARY 4, 2008

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THREE-JUDGE FEDERAL PANEL ORDERS
EXTENSION OF CONSENT DECREE WITH WESTCHESTER COUNTY
TO PROTECT VOTING RIGHTS OF SPANISH-SPEAKING VOTERS

MICHAEL J. GARCIA, the United States Attorney for the Southern District of New York, announced today that a three-judge federal panel granted an application by the United States to extend a Consent Decree with Westchester County through December 31, 2008, to ensure that Spanish-speaking voters will receive bilingual assistance at the polls.

In January 2005, the United States filed a civil lawsuit against Westchester County, alleging in its Complaint that Westchester County had failed to comply with the Voting Rights Act ("VRA") and the Help America Vote Act ("HAVA"). Under the VRA, Westchester County is required to provide Spanish-language election information and assistance to Spanish-speaking citizens in the County with limited English proficiency. The United States also alleged that Westchester County had failed to fully comply with HAVA by failing to post information regarding provisional ballots.

In July 2005, the United States and Westchester County entered into a Consent Decree, approved by a panel of three federal judges in the Southern District of New York, which required Westchester County to implement a comprehensive remedial plan aimed at ensuring that it complies fully with the Voting Rights Act and the Help America Vote Act in all future countywide elections for state and federal offices. Among other things, the Consent Decree required the County to do the following:

- provide in Spanish all information about the electoral process that the County provides in English;
- hire and train sufficient numbers of bilingual poll workers to assist the County's Spanish-speaking citizens at the polls on election day;

- post at each polling place all information required by HAVA in both English and Spanish ; and
- ensure that citizens whose names do not appear on the official list of eligible voters in a particular polling place, but who otherwise desire to vote and declare that they are eligible to vote in an election for Federal office, will be permitted to cast provisional ballots.

The Consent Decree was originally in effect only through August 7, 2007, because at the time of the Consent Decree the Voting Rights Act was due to expire on that date. Congress renewed the Voting Rights Act in 2006, however, and the United States subsequently moved to extend the term of the Consent Decree to December 31, 2008, based in part upon Westchester County's failure to fully comply with the terms of the Consent Decree. A motion to extend was permitted under the terms of the Consent Decree for "good cause." Westchester County opposed the United States' motion, seeking to terminate the Consent Decree.

By Opinion and Order filed January 3, 2008, a three-judge panel granted the United States' application to extend the Consent Decree, ruling that "while Westchester County has made marked improvements in complying with the provisions of the VRA and HAVA, the Government has successfully met its burden of showing 'good cause' for an extension of the Consent Decree, based on demonstrable examples of non-compliance with the VRA and HAVA, and the need to monitor Westchester County's compliance for two full general election cycles."

As a result of the Court's order, the Consent Decree will remain in effect through December 31, 2008, and federal observers will be present in Westchester County through that date to ensure that Westchester County complies with its obligations under the Voting Rights Act and HAVA.

Mr. GARCIA stated: "We look forward to working with Westchester County to ensure that all voters, including those with limited English proficiency, have full access to our electoral process throughout this presidential election year, as required by law."

Assistant United States Attorney DAVID J. KENNEDY and Department of Justice Trial Attorney TIMOTHY F. MELLETT are in charge of the case.

Additional information about the Voting Rights Act and other federal voting laws is available on the Department of Justice website at www.usdoj.gov/crt/voting/index.htm.