

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION

FILED

AUG 23 2005

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY W. J. [Signature]
DEPUTY CLERK

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
ECTOR COUNTY, TEXAS;)
SHARON WILSON, the)
ELECTIONS ADMINISTRATOR, in)
her official capacity; the)
ECTOR COUNTY COMMISSIONERS)
COURT; and JERRY D. CADDEL,)
the COUNTY JUDGE, in his)
official capacity,)
)
Defendants.)

No.

COMPLAINT

M005CV131

The United States of America, Plaintiff herein, alleges:

1. The Attorney General files this action pursuant to Section 4(f)(4) of the Voting Rights Act of 1965 ("Section 4(f)(4)"), as amended, 42 U.S.C. § 1973b; 42 U.S.C. § 1973j; and 28 U.S.C. § 2201.
2. The Court has jurisdiction of this action pursuant to 28 U.S.C. § 1345 and 42 U.S.C. § 1973j. The events relevant to this action occurred in Ector County, which is located in the United States District Court for the Western District of Texas, Midland-Odessa Division.
3. Defendant ECTOR COUNTY is a political and geographical subdivision of the State of Texas.
4. Defendant SHARON WILSON is the Elections Administrator of Ector County. In her capacity as Elections Administrator,

Defendant Wilson has responsibilities concerning the administration of voting and elections in Ector County. Defendant Wilson is sued in her official capacity.

5. Defendant ECTOR COUNTY COMMISSIONERS COURT is the primary budgetary authority for the County and for the Elections Administrator of Ector County.

6. Defendant JERRY D. CADDEL is the County Judge of Ector County and has budgetary and administrative responsibilities in the County. Defendant Caddel is sued in his official capacity.

7. According to the 2000 Census, Ector County had a total population of 121,123 persons, of whom 51,306 (42.4%) were Hispanic persons; and a total citizen voting-age population of 77,460 persons, of whom 24,840 (32.1%) were Hispanic persons.

8. According to the 2000 Census, 6,775 Hispanic voting-age citizens in Ector County were limited English proficient.

9. Ector County, as a political subdivision of the State of Texas, is subject to the requirements of Section 4(f)(4) with respect to the Spanish language. See 42 U.S.C. 1973b; see also 40 Fed. Reg. 43,746 (Sept. 23, 1975); 28 C.F.R. § 55.5(b). The determination that Ector County is covered by Section 4(f)(4) for Spanish language is final and non-reviewable. See 42 U.S.C. § 1973b(a)(9)(b); 28 C.F.R. § 55.4(a)(1).

10. Ector County has been continuously covered under Section 4(f)(4) to provide bilingual elections in Spanish since

September 1975. See 40 Fed. Reg. 43,746 (Sept. 23, 1975). The Department has directly notified Ector County election officials regarding the bilingual election requirements of the Voting Rights Act.

11. Because Ector County is subject to the requirements of Section 4(f)(4), "any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots" that Defendants provide in English must also be furnished in Spanish to Spanish-speaking voters. 42 U.S.C. § 1973b(f)(4).

CAUSE OF ACTION

12. Defendants have failed to provide effective election-related information and assistance in Spanish to Spanish-speaking voters as required by Section 4(f)(4) of the Voting Rights Act, by failing to recruit, appoint, train, and maintain an adequate pool of bilingual poll officials capable of providing Hispanic citizens with limited English proficiency necessary and effective language assistance on election day.

13. Defendants have also failed to provide certain election-related information, including but not limited to information publicizing elections, in a manner that assures Spanish-speaking voters an effective opportunity to be informed about election-related activities.

14. Defendants' failure to provide Spanish-speaking citizens of Ector County with Spanish-language election assistance and information, as described above, constitutes a violation of Section 4(f)(4).

15. Unless enjoined by this Court, Defendants will continue to violate Section 4(f)(4) by failing to provide Spanish-speaking citizens of Ector County with Spanish-language election assistance on election day necessary for their effective political participation.

PRAYER FOR RELIEF

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


- (1) Declaring that Defendants have failed to provide election assistance and information necessary to those who require it in Spanish for effective political participation, in violation of Section 4(f)(4) of the Voting Rights Act, 42 U.S.C. § 1973b(f)(4);
- (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 assistance and information to persons with limited English proficiency as required by Section 4(f)(4), 42 U.S.C. § 1973b(f)(4);

- (3) Requiring Defendants to devise and implement a remedial plan to ensure that Spanish-speaking citizens with limited English proficiency are able to understand, learn of, and participate in all phases of the electoral process as required by Section 4(f)(4) of the Voting Rights Act, 42 U.S.C. § 1973b(f)(4);
- (4) Requiring the Defendants to publicize effectively the remedial plans and programs addressing violations of Section 4(f)(4) of the Voting Rights Act to ensure their widespread dissemination to Ector County's minority language voters; and
- (5) Authorizing the appointment of federal examiners for elections held in Ector County pursuant to Section 3(a) of the Voting Rights Act, 42 U.S.C. § 1973a(a), as long as the Decree is in effect.

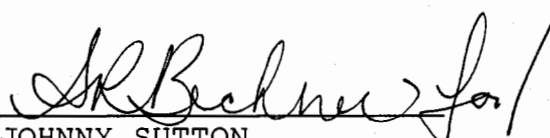
Plaintiff further prays that this Court order such additional relief as the interests of justice may require, together with the costs and disbursements in maintaining this action.

Date: 22nd day of August, 2005

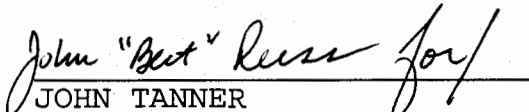
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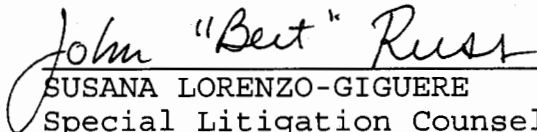
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