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CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA

THE UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 ORANGE COUNTY, FLORIDA;)
 and BILL COWLES, Supervisor)
 of Elections,)
)
 Defendants.)
)

CIVIL ACTION NO. 6:02-cv-737-
Crl-22JGG

Three-Judge District Court
Requested as to First
Cause of Action

COMPLAINT

The United States of America, Plaintiff herein, alleges:

1. The Attorney General files this action pursuant to Sections 11(a), 12(d), 203, 204, and 208 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973i(a), 42 U.S.C. 1973j(d), 42 U.S.C. 1973aa-1a, 42 U.S.C. 1973aa-2, 42 U.S.C. 1973aa-6, and 28 U.S.C. 2201.
2. The Court has jurisdiction of this action pursuant to 28 U.S.C. 1345, 42 U.S.C. 1973j(d), and 42 U.S.C. 1973aa-2. In accordance with the provisions of 28 U.S.C. 2284, the Section 203 claim must be heard and determined by a court of three judges.
3. Defendant Orange County is a political subdivision of the State of Florida and exists as a charter county, organized pursuant to the laws of Florida. Pursuant to Fla.

Stat. Ann. 125.14 (West 2002) and the Orange County Charter, Article VII, Section 706, the Board of County Commissioners for Orange County is included in any suit against the county.

4. Defendant Bill Cowles is the Supervisor of Elections of Orange County. The Supervisor of Elections has responsibilities concerning the administration of voting and elections in Orange County. Defendant Cowles is a resident of Orange County, Florida, and is sued in his official capacity.

5. According to the 2000 Census, Orange County has a total population of 896,344 persons, of whom 168,361 (18.8%) are Hispanic persons; and a total voting-age population of 670,004 persons, of whom 116,884 (17.4%) are Hispanic persons.

6. Orange County is covered by Section 203 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973aa-1a ("Section 203") with respect to the Spanish language. 28 C.F.R. 55, Appendix. The Census Bureau has not released figures from the 2000 Census for the Hispanic voting-age citizens who are limited English proficient. According to the 1990 Census, 13,114 Hispanic voting-age citizens were limited English proficient.

7. In conducting elections in Orange County, Defendants have in some instances failed to furnish effectively, in the Spanish language, the information and assistance necessary to

comply with Section 203 of the Voting Rights Act including, but not limited to, failing to do the following:

a. recruit, appoint, train, and maintain an adequate pool of bilingual poll officials capable of providing Hispanic citizens with limited English proficiency with effective language assistance;

b. translate into Spanish all election related announcements, instructions, and notices at election sites; and

c. translate into Spanish all election-related information, including but not limited to information about candidate qualification procedures, letters to voters regarding registration issues, information on Orange County's elections internet site, and announcements for poll workers posted on the Orange County Cable television channel.

8. Some voters at the November 2000 election requested that poll watchers assist them in casting their ballots because they were illiterate in English. Orange County did not permit poll watchers to provide assistance to these voters at the November 2000 election, and they did not receive assistance from other persons.

FIRST CAUSE OF ACTION

9. Because Orange County is subject to the requirements of Section 203, "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 be furnished in the Spanish language so that Spanish-speaking voters can be effectively informed of and participate effectively in all voting-connected activities. 42 U.S.C. 1973aa-1a.

10. Section 203 requires that Defendants provide oral assistance in Spanish to the extent needed to permit Hispanic voters to participate effectively in the electoral process. 28 C.F.R. 55.20.

11. Defendants' failure to provide Orange County's Hispanic citizens with limited-English proficiency with election information and assistance, as described above in ¶¶ 7(a)-(c), constitutes a violation of Section 203 of the Voting Rights Act, 42 U.S.C. 1973aa-1a.

12. Unless enjoined by this Court, Defendants will continue to violate Section 203 by failing to provide Orange County's Hispanic citizens with limited-English proficiency with the election information and assistance necessary for their effective political participation.

SECOND CAUSE OF ACTION

13. Under Section 208 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973aa-6 ("Section 208"), Defendants must permit voters to have the assistors of their choice: "Any voter who requires assistance to vote by reason of blindness, disability or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union." 42 U.S.C. 1973aa-6.

14. Defendants' failure to allow voters the assistors of their choice as described above in Paragraph 8, constitutes a violation of Section 208 of the Voting Rights Act, 42 U.S.C. 1973aa-6.

15. Unless enjoined by this Court, Defendants will continue to violate Section 208 by failing to provide Orange County's voters with the opportunity to receive assistance from persons of the voters' choice.

WHEREFORE, Plaintiff United States prays for an order:

- (1) Declaring that Defendants have failed to provide Orange County's Hispanic citizens with limited-English proficiency with election information and assistance in the Spanish language, in violation of Section 203 of the Voting Rights Act, 42 U.S.C.

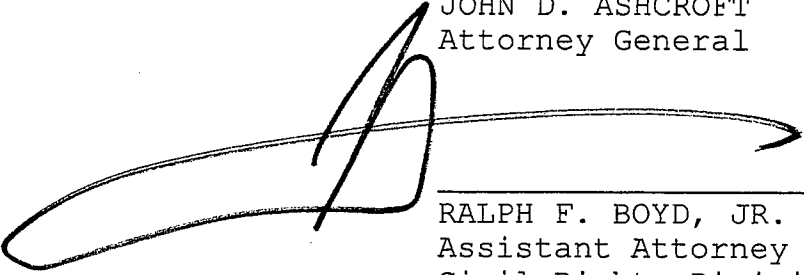
1973aa-1a;

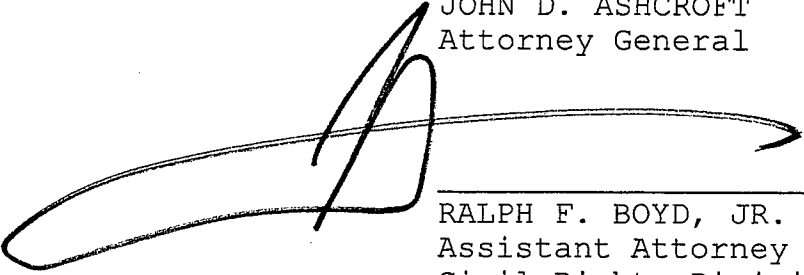
- (2) Declaring that Defendants have not allowed certain Orange County voters their assistants of choice, in violation of Section 208 of the Voting Rights Act, 42 U.S.C. 1973aa-6;
- (3) Enjoining Defendants, their agents and successors in office, and all persons acting in concert with them, from failing to provide Orange County's Hispanic citizens with limited-English proficiency with election information in the Spanish language, in violation of Section 203 of the Voting Rights Act, 42 U.S.C. 1973aa-1a;
- (4) Enjoining Defendants, their agents and successors in office, and all persons acting in concert with them, from not allowing Orange County's voters their assistants of choice, in violation of Section 208 of the Voting Rights Act, 42 U.S.C. 1973aa-6;
- (5) Requiring Defendants to devise and implement a remedial plan to ensure that Orange County's Hispanic citizens with limited-English proficiency are able to be effectively informed of and participate effectively in all phases of the electoral process, in compliance with Section 203 of

the Voting Rights Act, 42 U.S.C. 1973aa-1a;


- (6) Requiring Defendants to devise and implement a remedial plan to ensure that Orange County's voters are able to have their assistants of choice when they cast their ballots, in compliance with Section 208 of the Voting Rights Act, 42 U.S.C. 1973aa-6; and
- (7) Requiring the Defendants to publicize effectively the remedial plans and programs addressing the Section 203 and 208 violations enumerated herein to ensure their widespread dissemination to Orange County's voters.

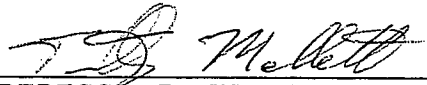
Plaintiff further prays that this Court order such additional relief as the interests of justice may require, together with the costs and disbursements in maintaining this action.


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