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CENTRAL DISTRICT OF CALIFORNIA
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15 IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

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CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES
UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
CITY OF PARAMOUNT, CALIFORNIA;)
and PAT WEST, in his official)
capacity as Paramount City)
Manager,)
Defendants.)

W No. 05-05132 AHM JTLx

THREE-JUDGE COURT

PROPOSED CONSENT DECREE, ORDER,
AND JUDGMENT

The United States of America filed this action pursuant to
Section 203 of the Voting Rights Act of 1965 ("Section 203"), as
amended, 42 U.S.C. § 1973aa-1a; 42 U.S.C. § 1973aa-2; and 28
U.S.C. § 2201, alleging violations of Section 203 arising from

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1 the City of Paramount's election practices and procedures as
2 they affect Spanish-speaking citizens of the City.

3 The Complaint's cause of action under Section 203 of the
4 Voting Rights Act, 42 U.S.C. § 1973aa-1a, must be heard and
5 determined by a court of three judges pursuant to 42 U.S.C.
6 § 1973aa-2 and 28 U.S.C. § 2284.

7 According to the 2000 Census, the City of Paramount ("the
8 City") had a total voting-age population of 34,881, of whom
9 24,222 (69.4%) were Hispanic. The total citizen voting-age
10 population in Paramount was 20,398, of whom 10,592 (51.9%) were
11 Hispanic.

12 The Census Bureau has designated the County of Los Angeles
13 as subject to the requirements of Section 203 of the Voting
14 Rights Act, for the Chinese, Filipino, Japanese, Korean,
15 Spanish, and Vietnamese languages. See 42 U.S.C. § 1973aa-
16 1a(b)(2); see also 67 Fed. Reg. 48,871 (July 26, 2002). As a
17 political subdivision within the County of Los Angeles, the City
18 of Paramount is also subject to the requirements of Section 203
19 for these languages. See 28 C.F.R. § 55.9. The City currently
20 has significant numbers of Spanish-speaking voters who need
21 assistance and materials in the election process in the Spanish
22 language.

23 The City of Paramount conducts its own municipal elections,
24 while the County of Los Angeles conducts county, state, and
25 federal elections in which voters in the City also vote. The
26 allegations in the Complaint and the terms of this Consent
27 Decree apply to the City's municipal elections, and any other
28 elections over which the City has authority to conduct.

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1 The Complaint states that Defendants have failed to comply
2 with the requirements of Section 203, by failing to translate
3 into Spanish the following written election-day materials and
4 information: (1) official ballot, (2) voter registration form,
5 (3) sign identifying "polling place," (4) sign regarding not
6 damaging voter equipment, (5) provisional ballot envelope,
7 (6) provisional ballot receipt, (7) information regarding poll
8 watchers, (8) opto-mark demonstration ballot, (9) telephone card
9 for precinct information, (10) sign indicating polling place
10 hours, (11) sign indicating voter parking, and (12) the form for
11 voters with disabilities. The Complaint also states that
12 although the City translates into the Spanish language its pre-
13 election notices and announcements relating to the date, time,
14 place, and nature of its elections, those notices and
15 announcements appear only in English language publications.

16 To avoid protracted and costly litigation, the parties have
17 agreed that this lawsuit should be resolved through the terms of
18 this Consent Decree (the "Decree"). Accordingly, the United
19 States and Defendants hereby consent to the entry of this
20 Decree, as indicated by the signatures of counsel at the end of
21 this document. The parties waive a hearing and entry of
22 findings of fact and conclusions of law on all issues involved
23 in this matter.

24 Defendants are committed to complying fully with all of the
25 requirements of Section 203 in future elections and stipulate
26 that each provision of this Consent Decree is appropriate and
27 necessary to comply with Section 203 of the Voting Rights Act.

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1 Accordingly, it is hereby ORDERED, ADJUDGED, AND DECREEED
2 that:

3 1. Defendants, their agents, employees, contractors,
4 successors, and all other persons or government entities
5 representing the interests of Defendants are hereby PERMANENTLY
6 ENJOINED from failing to provide in the Spanish language any
7 "registration or voting notices, forms, instructions, assistance
8 or other materials or information relating to the electoral
9 process, including ballots" that they provide in the English
10 language, as required by Section 203 of the Voting Rights Act,
11 as amended. 42 U.S.C. § 1973aa-1a(c). The terms of this Decree
12 apply to all municipal elections in the City of Paramount and
13 any other elections over which the City has authority to
14 conduct. Whenever Defendants enter into an election-related
15 services contract with another entity - whether it be a company,
16 political subdivision, political party, or some other entity -
17 to conduct an election on behalf of the City, Defendants shall
18 require such other entity to agree to abide by the terms of this
19 Decree as if such entity were a party to this Decree with the
20 United States.

21 Translation of Election-Related Materials

22 2. All information that is disseminated by the City of
23 Paramount in English about "registration or voting notices,
24 forms, instructions, assistance, or other materials or
25 information relating to the electoral process, including
26 ballots," 42 U.S.C. § 1973aa-1a(c), shall also be provided in
27 the Spanish language. Defendants shall ensure that English and
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1 Spanish language election information, materials, and
2 announcements are made equally available to voters.

3 3. Defendants shall consult with trained translators who
4 are familiar with election terminology in Spanish, to produce
5 written Spanish language translations of English language
6 election information. Defendants may satisfy this obligation by
7 using terminology and translations provided by the Los Angeles
8 County Registrar-Recorder/County Clerk or the Elections Division
9 of the Office of the Secretary of State of California.
10 Defendants shall also consult in a timely manner with the
11 Spanish Language Advisory Group, discussed below, regarding the
12 translation of any written and audio-recorded materials.

13 4. Defendants shall adopt a checklist identifying each
14 material and written item containing Spanish that the City makes
15 available to the public at each precinct. The checklist shall
16 include with respect to each item an attestation that the poll
17 workers at the precinct posted or made available to voters these
18 Spanish language materials, or a detailed written explanation as
19 to why individual items were not posted or made available. The
20 inspectors for each precinct must complete and sign this
21 document before the inspectors receive payment for work in the
22 election, subject to applicable state and federal law.
23 Defendants shall maintain a record of each such failure to
24 complete and sign the checklist.

25 Dissemination of Spanish Language Information

26 5. Defendants shall ensure that Spanish language election
27 information, materials, and announcements are provided to the
28 same extent as they are provided in English. Spanish language

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1 information shall be distributed in newspapers, radio, and/or
2 other media that exclusively or regularly publish or broadcast
3 information in the Spanish language. These announcements need
4 not be identical in all respects to English language
5 announcements, but shall be in the form, frequency, and media
6 best calculated to achieve notice and understanding equal to
7 that provided to the English-speaking population and to provide
8 substantially the same information.

9 6. Any voting system used by the City shall be bilingual,
10 as described below. If the City uses electronic voting
11 machines, these machines shall offer the readily apparent
12 options of a Spanish ballot, and any audio version of the ballot
13 on such machines shall be available in Spanish. Any paper
14 ballots used by the City, including the official ballot, the
15 provisional ballot, and the absentee ballot, shall be bilingual,
16 in both English and Spanish.

17 7. Whatever information the City provides in the voting
18 booth, including instructions on the casting of a ballot, shall
19 appear in the booth bilingually in both Spanish and English.

20 8. The City shall adopt a bilingual sample ballot booklet
21 that provides all information in English and Spanish. The
22 booklet and the envelope in which it is sent must include
23 readily visible Spanish language translations of all the
24 information provided in the English language.

25 Spanish Language Assistance

26 9. The City shall continue to recruit, hire, and assign
27 election officials able to understand and speak Spanish fluently
28 to provide assistance to Spanish language voters at all polling

1 places in the City on election days.

2 **Program Coordinator**

3 10. The City Clerk of Paramount and/or his or her designee
4 shall serve as the City's Spanish Language Program Coordinator
5 responsible for coordinating all City election-related Spanish
6 language materials and assistance ("Program Coordinator").

7 The Program Coordinator shall speak, read, and write Spanish and
8 English. The City shall provide the Program Coordinator with
9 support sufficient to meet the goals of the Program. The
10 Program Coordinator's responsibilities shall include
11 coordination of the translation of ballots and other election
12 information; development and oversight of Spanish language
13 publicity programs, including selection of appropriate media for
14 notices and announcements; training, recruitment and assessment
15 of Spanish language proficiency of bilingual poll officials and
16 interpreters; and managing all other aspects of the City's
17 compliance with Section 203.

18 **Spanish Language Advisory Group**

19 11. No later than six (6) months prior to any City
20 election, the City shall convene a Spanish Language Advisory
21 Group ("Advisory Group") concerning Spanish language election-
22 related materials and assistance. The purpose of the Advisory
23 Group shall be to provide information and assistance to the City
24 as to election-related materials for and assistance to its
25 Spanish-speaking citizens.

26 12. The Program Coordinator shall establish and chair the
27 Advisory Group. The Program Coordinator shall invite
28 participation from all interested individuals and organizations

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1 that work with or serve the City's Spanish-speaking community to
2 determine how to effectively provide election materials,
3 information, and assistance to Spanish-speaking voters, and how
4 to fill any gaps in public awareness about the City's Spanish
5 language election program. The Advisory Group shall be open to
6 all interested persons. The Program Coordinator shall provide
7 notice of all planned meetings to each member, including the
8 time, location, and agenda for the meeting, at least fourteen
9 (14) days in advance, although members of the Advisory Group may
10 agree to waive or shorten this time period as necessary. Within
11 five (5) working days following each meeting, the Program
12 Coordinator shall provide a written summary to all members and
13 to the City Clerk of the discussion and any decisions reached at
14 the meeting. If the City Clerk decides not to implement the
15 Advisory Group's suggestion or a consensus cannot be reached
16 with respect to such suggestion, the Clerk shall provide to the
17 Advisory Group through the Program Coordinator and maintain on
18 file a written statement of the reasons for rejecting such
19 suggestion.

20 13. The City shall transmit to all interested Advisory
21 Group members copies of all election information, announcements,
22 and notices that are provided to the electorate and general
23 public and request that Group members share this information
24 with others.

25 **Other Language Minority Groups**

26 14. Although the Spanish language minority group is the
27 only language minority group in the City of Paramount currently
28 requiring election-related materials and assistance, as a

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1 political unit within the County of Los Angeles, the City is
2 also subject to the requirements of Section 203 for Chinese,
3 Filipino, Japanese, Korean, and Vietnamese. To ensure future
4 compliance with Section 203, the City shall monitor changes in
5 the City population and voter registration, and develop
6 contingency plans to provide election information and materials
7 to Chinese, Filipino, Japanese, Korean, and Vietnamese voters
8 should the need for language assistance in these communities
9 arise in the future. Any language assistance and materials
10 provided to these additional language minority groups shall be
11 provided in a manner consistent with the requirements of this
12 Decree.

13 **Federal Examiners and Observers**

14 15. To monitor compliance with and ensure effectiveness of
15 this Decree, and to protect the Fourteenth and Fifteenth
16 Amendment rights of the citizens of the City of Paramount, the
17 appointment of a federal examiner is authorized for the City of
18 Paramount pursuant to Section 3(a) of the Voting Rights Act,
19 42 U.S.C. § 1973a(a), as long as this Decree is in effect.

20 16. Defendants shall recognize the authority of federal
21 observers to observe all aspects of voting conducted in the
22 polls on election day.

23 **Evaluation of Plan**

24 17. The parties recognize that regular and ongoing
25 reassessment may be necessary to provide the most effective and
26 efficient multilingual Program. Defendants shall evaluate the
27 Program after each election to determine which aspects of the
28 Program are functioning well, whether any aspects need

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1 improvement, and how to effect needed improvements. The Program
2 may be adjusted at any time upon joint written agreement of the
3 parties.

4 Retention of Documents and Reporting Requirements

5 18. During the duration of this Decree, the City shall
6 make and maintain written records of all actions taken pursuant
7 to this Decree and shall provide copies of such records to the
8 United States upon request.

9 19. During the duration of this Decree, at least thirty
10 (30) days before each municipal election held in the City,
11 Defendants shall provide to counsel for the United States, (a)
12 the name, address, and precinct designation of each consolidated
13 precinct; and (b) copies of any signs or other written
14 information provided at polling places. Within thirty (30) days
15 after each election, Defendants shall provide to counsel for the
16 United States (a) information about any complaints the City
17 received at the election regarding Spanish language materials or
18 assistance; and (b) copies of the checklists prepared by poll
19 workers referred to in Paragraph four of this Decree. Copies
20 may be provided electronically.

21 Other Provisions

22 20. This Decree is final and binding between the parties
23 and their successors in office regarding the claims raised in
24 this action. This Decree shall remain in effect through August
25 6, 2007, and the parties further stipulate that the Decree shall
26 extend through December 31, 2009, provided Defendants remain
27 under a continuing obligation under Section 203 of the Voting
28 Rights Act to provide minority language materials and

1 assistance.

2 21. The Court shall retain jurisdiction of this case to
3 enter further relief or such other orders as may be necessary
4 for the effectuation of the terms of this agreement and to
5 ensure compliance with Section 203 of the Voting Rights Act.

6 22. Each party shall bear its own costs and fees.

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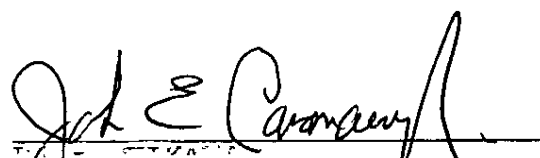
1 Agreed to this 14th day of July, 2005.


2
3 AGREED AND CONSENTED TO:

4 For Plaintiff:
5 UNITED STATES OF AMERICA

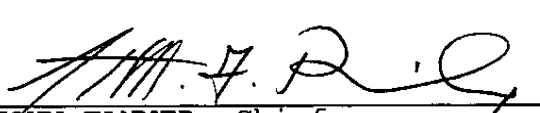
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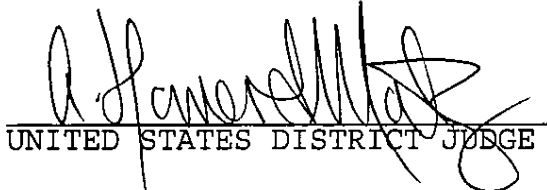
21 
22 JOHN TANNER, Chief
23 SUSANA LORENZO-GIGUERE, Special Litigation Counsel
24 AVNER SHAPIRO, Trial Attorney
25 JOHN "BERT" RUSS, Trial Attorney
26 ALBERTO RUISANCHEZ, Trial Attorney
27 Voting Section
28 U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Ave., N.W. - NWB-7254
Washington, D.C. 20530

JUDGMENT AND ORDER

This three-judge Court, having been properly empaneled under 28 U.S.C. § 2284 and 42 U.S.C. § 1973aa-2 to consider the United States' claim under Section 203 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973aa-1a, and having determined that it has jurisdiction over this claim, has considered the terms of the Consent Decree, and hereby enters the relief set forth above and incorporates those terms herein.

ENTERED and ORDERED this 17th day of August, 2005.


UNITED STATES CIRCUIT JUDGE


UNITED STATES DISTRICT JUDGE


UNITED STATES DISTRICT JUDGE

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Stratton, Maria - Federal Public Defender
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