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CLERK, U.S. DISTRICT COURT  
SEP - 8 2005  
CENTRAL DISTRICT OF CALIFORNIA  
BY DEPUTY

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CLERK, U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES

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

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
CITY OF ROSEMEAD, CALIFORNIA; )  
THE ROSEMEAD CITY COUNCIL; )  
BILL CROWE in his official )  
capacity as Rosemead City )  
Manager; and NANCY VALDERRAMA )  
in her official capacity as )  
Rosemead City Clerk, )  
 )  
Defendants. )

No. **CV05-5131** **GAF** (MANx)

THREE-JUDGE COURT

PROPOSED CONSENT DECREE,  
ORDER, AND JUDGMENT

THIS CONSTITUTES NOTICE OF ENTRY  
AS REQUIRED BY FRCP, RULE 77(d)

8

1 The United States of America filed this action pursuant to  
2 Section 203 of the Voting Rights Act of 1965 ("Section 203"), as  
3 amended, 42 U.S.C. § 1973aa-1a; 42 U.S.C. § 1973aa-2; and 28  
4 U.S.C. § 2201, alleging violations of Section 203 arising from  
5 the City of Rosemead's election practices and procedures as they  
6 affect Chinese-, Vietnamese-, and Spanish-speaking citizens of  
7 the City.

8 The Complaint's cause of action under Section 203 of the  
9 Voting Rights Act, 42 U.S.C. § 1973aa-1a, must be heard and  
10 determined by a court of three judges pursuant to 42 U.S.C.  
11 § 1973aa-2 and 28 U.S.C. § 2284.

12 According to the 2000 Census, the City of Rosemead ("the  
13 City") has a total population of 53,280, of whom 16,862 (31.6%)  
14 are Chinese, 6,945 (13.0%) are Vietnamese, and 21,846 (41.0%)  
15 are Hispanic. The City has a total voting age population  
16 ("VAP") of 38,685, of whom 12,729 (32.9%) are Chinese, 5,236  
17 (13.5%) are Vietnamese, and 14,571 are Hispanic (37.7%). The  
18 total citizen voting-age population ("CVAP") for the City is  
19 25,550, of whom 8,196 (32.1%) are Chinese, 3,305 (12.9%) are  
20 Vietnamese, and 8,921 (34.9%) are Hispanic.

21 The Census Bureau has designated the County of Los Angeles  
22 as subject to the requirements of Section 203 of the Voting  
23 Rights Act, for the Chinese, Vietnamese, Spanish, Korean,  
24 Japanese, and Filipino languages. See 42 U.S.C. § 1973aa-  
25 1a(b)(2); see also 67 Fed. Reg. 48,871 (July 26, 2002). As a  
26 political unit within the County of Los Angeles, the City of  
27 Rosemead is also subject to the requirements of Section 203 for  
28 these languages. See 28 C.F.R. § 55.9. The City currently has

1 significant numbers of voters in the Chinese-, Vietnamese-, and  
2 Spanish-speaking communities who need assistance in the election  
3 process in languages other than English.

4 The City of Rosemead conducts its own municipal elections,  
5 while the County of Los Angeles conducts county, state, and  
6 federal elections in which voters in Rosemead also vote. The  
7 allegations in the Complaint and the terms of this Consent  
8 Decree apply to Rosemead's municipal elections, and any other  
9 elections Rosemead has authority to conduct.

10 The Complaint states that Defendants have failed to comply  
11 with the requirements of Section 203 for Chinese-, Vietnamese-,  
12 and Spanish-speaking citizens residing in the City of Rosemead  
13 by (1) by failing to provide an adequate number of Chinese- and  
14 Vietnamese-speaking poll workers trained to assist limited  
15 English proficient voters on election day; and (2) failing to  
16 translate written election materials and information into  
17 Chinese, Vietnamese, and Spanish (including pre-election  
18 publicity relating to the time, date, and place of election;  
19 information concerning voter precinct assignments; the official  
20 ballot; a notice describing the rights of voters; polling booth  
21 voting instructions; a sign identifying a polling place's  
22 location; provisional and absentee ballot related documents; and  
23 other information and written election materials).

24 To avoid protracted and costly litigation, the parties have  
25 agreed that this lawsuit should be resolved through the terms of  
26 this Consent Decree (hereinafter, the "Decree"). Accordingly,  
27 the United States and Defendants hereby consent to the entry of  
28 this Decree, as indicated by the signatures of counsel at the

1 end of this document. The parties waive a hearing and entry of  
2 findings of fact and conclusions of law on all issues involved  
3 in this matter.

4 Defendants are committed to comply fully with all of the  
5 requirements of Section 203 in future elections and stipulate  
6 that each provision of this Consent Decree is appropriate and  
7 necessary.

8 Accordingly, it is hereby ORDERED, ADJUDGED, AND DECREED  
9 that:

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

28

1           2.    The City shall develop contingency plans to provide  
2 election information, materials, and oral assistance to Korean  
3 Japanese, and Filipino voters, should the need for language  
4 assistance in these communities arise in the future. Any  
5 language assistance and materials provided to these additional  
6 language minority groups shall be provided in a manner  
7 consistent with the requirements of this Decree.

8           3.    Throughout the duration of this Consent Decree, any  
9 assistance provided orally in Chinese shall be in the dialect  
10 relevant to the voters being served by the Defendants.

11           Translation of Election-Related Materials

12           4.    All information that is disseminated by the City of  
13 Rosemead in English about "registration or voting notices,  
14 forms, instructions, assistance, or other materials or  
15 information relating to the electoral process, including  
16 ballots," 42 U.S.C. § 1973aa-1a(c), shall also be provided in  
17 the Chinese, Vietnamese, and Spanish languages. Defendants  
18 shall ensure that English, Chinese, Vietnamese, and Spanish  
19 language election information, materials, and announcements are  
20 made equally available to voters.

21           5.    Defendants shall consult with trained translators who  
22 are familiar with election terminology in Chinese, Vietnamese,  
23 and Spanish, to produce written minority-language translations  
24 of English-language election information. Defendants may  
25 satisfy this obligation by using terminology and translation  
26 provided by the Los Angeles County Registrar-Recorder/County  
27 Clerk. Defendants shall also consult in a timely manner with  
28

1 their Advisory Groups, discussed below, regarding the  
2 translation of written and any audio-recorded materials.

3 6. Defendants shall adopt a checklist identifying each  
4 material and written item that is provided in a minority  
5 language and that the City makes available to the public at each  
6 precinct. The checklist shall include with respect to each item  
7 an attestation that the poll workers at the precinct posted or  
8 made available to voters these minority language materials in  
9 each language, or a detailed written explanation of why  
10 individual items had not been posted or were not available. The  
11 inspectors for each precinct must complete and sign this  
12 document before the inspectors receive payment for work in the  
13 election, subject to applicable state and federal law.  
14 Defendants shall maintain a record of each such failure to  
15 complete and sign the checklist.

16 **Dissemination of Minority-Language Information**

17 7. Defendants shall ensure that Chinese, Vietnamese, and  
18 Spanish-language election information, materials, and  
19 announcements are provided to the same extent as this  
20 information, materials, and announcements are provided in  
21 English. Chinese-, Vietnamese-, and Spanish-language  
22 information shall be distributed in newspapers, radio, and/or  
23 other media that exclusively or regularly publish or broadcast  
24 information in the relevant minority language. These  
25 announcements need not be identical in all respects to English-  
26 language announcements, but shall be in the form, frequency, and  
27 media best calculated to achieve notice and understanding equal  
28

SECRET

1 to that provided to the English-speaking population and to  
2 provide substantially the same information.

3 8. Any voting system used by the City shall be  
4 multilingual, as described below. If the City uses electronic  
5 voting machines, these machines shall offer the readily apparent  
6 options of at least a Spanish, Chinese, or Vietnamese ballot,  
7 and any audio version of the ballot on such machines shall be  
8 available at least in English, Spanish, Chinese, and Vietnamese.  
9 Any paper ballots used by the City, including the official  
10 ballot, the provisional ballot, and the absentee ballot, shall  
11 be translated multi-lingually with English, Spanish, Chinese,  
12 and Vietnamese on one ballot, if mechanically feasible. If it  
13 is not mechanically feasible to have all four languages on one  
14 ballot, subject to the provisions of paragraph 9 in this Decree,  
15 all paper ballots shall be at least bilingual. With respect to  
16 paper ballots, the principal bilingual ballot shall be in  
17 English and the predominant minority-language in the City (e.g.,  
18 currently Chinese), and the City shall also provide separate  
19 bilingual ballots in each of the other covered minority  
20 languages where there is a need among voters in the City (e.g.,  
21 currently Vietnamese and Spanish).

22 9. If the City elects to have a bilingual ballot in  
23 English and the predominant minority language, and separate  
24 bilingual ballots in the other minority languages, the ballots  
25 shall be clearly labeled so that poll officials know the  
26 languages represented on the ballot. The City shall ensure that  
27 all ballots are made visible and available on an equal basis  
28 with the principal bilingual ballots, and poll officials shall

1 let each voter know the language choices of ballots available.  
2 For each minority language, the City shall provide enough  
3 minority language ballots to equal either at least 100 percent  
4 of the number of requests in a precinct for election materials  
5 in a particular minority language group or at least 100 percent  
6 of the number of registered voters in a precinct whose surname  
7 indicates membership in a particular group. At a minimum, the  
8 City shall provide no fewer than 10 minority language ballots in  
9 each language at each precinct. The parties may by written  
10 agreement adjust the above described standard in light of  
11 confirmed information that the actual language need in a  
12 particular precinct is less or greater than that standard.

13 10. To the extent the City posts instructions on casting a  
14 ballot and other information in English in the voting booth, the  
15 City shall also provide that same information at least in  
16 Spanish, Chinese, and Vietnamese in the voting booth.

17 11. Sample ballots and other written materials mailed to  
18 voters' homes shall be provided in Spanish, Chinese, or  
19 Vietnamese to voters who have requested or may request materials  
20 be mailed to them in the relevant minority language. The  
21 translated materials mailed to voters' homes must include all of  
22 the relevant information provided in the English-language  
23 materials (e.g., if the English language sample ballot booklet  
24 includes the voter's polling place, the minority language sample  
25 ballot booklet must include the same information), and these  
26 minority-language materials must be mailed out at the same time  
27 as the English-language materials.

28



1 12. To ensure that minority language voters are adequately  
2 informed of their ability to obtain minority language materials,  
3 the following measures shall be taken:

4 A. The City shall make Spanish-, Chinese-, and  
5 Vietnamese-speaking staff available during business hours to  
6 answer inquiries by minority language voters and to advise such  
7 voters of the availability of minority language materials.

8 B. The City shall, with the guidance of its  
9 Coordinators and Advisory Groups described below, develop a  
10 contact list of all identifiable community groups serving the  
11 City's Spanish-, Chinese-, and Vietnamese-speaking residents as  
12 a means of effectively and efficiently distributing local  
13 election information to its citizens, and solicit the assistance  
14 of such groups in the distribution of minority language election  
15 information.

16 C. Effective within 60 days of this order, the City  
17 shall mail "notice" cards to all registered voters within the  
18 City who have thus far not requested minority language materials  
19 and who were born in Spanish-, Chinese-, or Vietnamese-speaking  
20 countries. The "notice" cards shall inform such voters of their  
21 opportunity to receive election information in a minority  
22 language. The cards also shall inform language minority voters  
23 of their ability to participate in the Advisory Groups discussed  
24 below.

25 D. The City shall develop a program in conjunction  
26 with the recommendations of the Advisory Groups to ensure  
27 Spanish-, Chinese-, and Vietnamese-speaking voters are aware of  
28 the availability of and receive minority language materials.

1 The City shall devote reasonable resources, including an  
2 additional mailing of "notice" cards.

3 E. Minority language sample ballots shall be  
4 available to any voter who requests one, even if the voter has  
5 already received an English-language version.

6 13. Nothing in this Decree prevents the City from adopting  
7 a multilingual sample ballot booklet that provides all  
8 information in English, Spanish, Chinese, and Vietnamese.

9 Minority-Language Assistance

10 14. The City shall provide at least Spanish-language,  
11 Chinese-language, and Vietnamese-language assistance for voters  
12 who contact the City before, during, or after a municipal  
13 election with questions regarding the election process. Trained  
14 bilingual election personnel shall be available to answer  
15 voting-related questions by telephone without cost and during  
16 normal business hours and while the polls are open on election  
17 day. The City may coordinate the provision of such services  
18 with other governmental or non-governmental entities that  
19 conduct elections.

20 15. Defendants shall recruit, hire, and assign election  
21 officials able to understand and speak Spanish, Chinese, or  
22 Vietnamese fluently to provide assistance to minority language  
23 voters at the polls on election days.

24 16. The City shall survey its employees to identify  
25 personnel who speak Spanish, Chinese, or Vietnamese fluently  
26 and, to the extent such employees can be made available to  
27 provide assistance, allow and encourage such employees to serve  
28 at the polls on election day. The City shall also invite

1 eligible members of the Advisory Group, discussed below, to  
2 serve as poll officials and to encourage other bilingual voters  
3 to do so. The City shall contact the Los Angeles County  
4 Registrar-Recorder/County Clerk for names of bilingual  
5 individuals who have served as poll workers in County elections.

6 17. In determining the threshold for assigning bilingual  
7 poll workers in Rosemead's municipal elections, the following  
8 factors are relevant: the historically lower voter turn-out rate  
9 for municipal elections in Rosemead as compared to County-wide  
10 elections, the differing rates of English proficiency among the  
11 minority language communities, and the extent to which Asian  
12 surname analyses of registered voters (using the Lauderdale and  
13 Kestenbaum lists of Asian surnames) undercount the true number  
14 of voters in a particular community. In light of these factors,  
15 Defendants and any entity conducting elections on Defendants'  
16 behalf, in addition to satisfying all requirements of California  
17 state law and the recommended guidelines provided by the Los  
18 Angeles County Registrar-Recorder/County Clerk, shall meet the  
19 following standards for assigning bilingual workers in  
20 Rosemead's municipal elections:

21 A. Defendants shall provide at least one Spanish-  
22 speaking poll worker for each consolidated precinct that has 100  
23 or more Spanish-surnamed voters.

24 B. Defendants shall provide at least one Cantonese  
25 or Mandarin-speaking poll worker (depending on whatever Chinese  
26 dialect is relevant for the precinct) for each consolidated  
27 precinct that has 35 or more Chinese-surnamed voters.

28

1 C. Defendants shall provide at least one Vietnamese-  
2 speaking poll worker for each consolidated precinct that has 35  
3 or more Vietnamese-surnamed voters.

4 D. The parties may by written agreement adjust this  
5 requirement in light of confirmed information that the actual  
6 language need in a particular precinct is less or greater than  
7 this standard.

8 E. To avoid last-minute gaps in minority language  
9 coverage at the polls on election day due to Spanish-, Chinese,  
10 and Vietnamese-speaking poll workers who fail to report for  
11 work, Defendants shall employ personnel trained in minority  
12 language election terminology who shall be on call and available  
13 to travel to a polling place not staffed by a bilingual poll  
14 worker to provide any necessary assistance to a Spanish-,  
15 Chinese-, or Vietnamese-speaking voter.

16 18. Signs in English, Spanish, Chinese, and Vietnamese  
17 shall be posted prominently at polling places stating that the  
18 relevant minority language assistance is available. At sites  
19 without bilingual staff, signs in all four languages shall be  
20 posted that explain how voters can obtain language assistance.

21 **Election Official Training**

22 19. Prior to each municipal election, Defendants shall  
23 ensure that all poll workers and other election personnel are  
24 trained in the following areas: the provisions of Section 203  
25 of the Voting Rights Act, including the legal obligation and  
26 means to make minority language assistance and materials  
27 available to voters; the requirement that poll officials be  
28 respectful and courteous to all voters regardless of race,

1 ethnicity, color, or language abilities; and the requirements of  
2 Section 208 of the Voting Rights Act of 1965, 42 U.S.C. §  
3 1973aa-6, regarding the rights of voters to the assistor of  
4 their choice. The City may coordinate with other governmental  
5 or non-governmental entities in ensuring that this training is  
6 provided.

7 **Response to Complaints About Poll Workers**

8 20. Defendants, upon receipt of complaints, whether oral  
9 or written, shall investigate expeditiously any allegations of  
10 poll worker hostility toward minority voters or minority-  
11 language speakers in any election. The results of the  
12 investigation(s) conducted by the Defendants shall be reported  
13 to the United States in writing within thirty days of receiving  
14 the complaint. Where there is credible evidence that poll  
15 workers have engaged in inappropriate treatment of voters,  
16 Defendants shall remove the poll workers.

17 **Program Coordinators**

18 21. For each minority language group in the City needing  
19 minority language election materials and assistance (currently  
20 Spanish, Chinese, and Vietnamese), the City shall retain or  
21 designate a Program Coordinator to coordinate the City's  
22 election related assistance and materials for that particular  
23 language. The City may coordinate with other governmental or  
24 non-governmental entities in providing Program Coordinators for  
25 its election program, and the coordinators may perform other  
26 duties in addition to their election-related duties. Each  
27 Program Coordinator shall speak, read, and write English and the  
28 language of the minority language group for which he/she is

1 coordinating election related assistance and materials and  
2 individuals who are fluent in more than one of the covered  
3 languages may be designated as the Program Coordinator for each  
4 language group for which he/she is qualified. The City shall  
5 provide each Program Coordinator with support sufficient to meet  
6 the goals of the Program. Each Program Coordinator's  
7 responsibilities shall include coordination of translation of  
8 ballots and other election information; development and  
9 oversight of minority language publicity programs, including  
10 selection of appropriate media for notices and announcements;  
11 recruitment and assessment of minority-language proficiency of  
12 bilingual poll officials and interpreters; and managing other  
13 aspects of the Program.

14 **Advisory Groups**

15 22. The City shall form an Advisory Group for each of the  
16 City's language minority groups needing minority language  
17 materials and assistance (currently Spanish, Chinese, and  
18 Vietnamese). Each Advisory Group shall provide the City with  
19 information and assistance concerning how to provide election  
20 related materials and assistance for its language group.

21 23. Each Advisory Group shall be established and chaired  
22 by the Program Coordinator coordinating for the same minority  
23 language group. The Program Coordinator shall invite  
24 participation from all interested individuals and organizations  
25 that work with or serve the communities that speak languages  
26 other than English in Rosemead (in particular, the Spanish-,  
27 Chinese-, and Vietnamese-speaking communities) to determine how  
28 to provide effectively election materials, information, and

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

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

23 **Federal Examiners and Observers**

24 25. To monitor compliance with and ensure effectiveness of  
25 this Decree, and to protect the Fourteenth and Fifteenth  
26 Amendment rights of the citizens of the City of Rosemead, the  
27 appointment of a federal examiner is authorized for the City of  
28 Rosemead pursuant to Section 3(a) of the Voting Rights Act,

1 42 U.S.C. § 1973a(a), through August 6, 2007. On motion of the  
2 United States within thirty (30) days thereafter, the agreement  
3 shall be extended through the 2009 municipal elections in  
4 Rosemead and thirty days thereafter.

5 26. Defendants shall recognize the authority of federal  
6 observers to observe all aspects of voting conducted in the  
7 polls on election day, including the authority to view poll  
8 officials providing assistance to voters during voting, except  
9 where the voter objects.

10 **Evaluation of Plan**

11 27. The parties recognize that regular and ongoing  
12 reassessment may be necessary to provide the most effective and  
13 efficient multilingual Program. Defendants shall evaluate the  
14 Program after each election to determine which aspects of the  
15 Program are functioning well; whether any aspects need  
16 improvement; and how to effect needed improvements. The Program  
17 may be adjusted at any time upon joint written agreement of the  
18 parties.

19 **Retention of Documents and Reporting Requirements**

20 28. During the duration of this Decree, the City shall  
21 make and maintain as public documents written records of all  
22 actions taken pursuant to this Decree.

23 29. During the duration of this Decree, at least ten (10)  
24 days before each municipal election held in the City, Defendants  
25 shall provide to counsel for the United States, (a) the name,  
26 address, and precinct designation of each consolidated precinct;  
27 (b) the name and title of each poll official appointed and  
28 assigned to serve at each consolidated precinct; (c) a



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1 designation of whether each poll official is bilingual and any  
2 minority language(s) that the official speaks; (d) copies of any  
3 signs or other written information provided at polling places;  
4 and (e) an electronic copy of the voter registration list to be  
5 used in such election. Within thirty (30) days after each  
6 election, Defendants shall provide to counsel for the United  
7 States any updated report regarding changes in items (a)-(d)  
8 above that occurred at the election, and provide information  
9 about all complaints the City received at the election regarding  
10 language or assistance issues.

11 Other Provisions

12 30. This Decree is final and binding between the parties  
13 and their successors in office regarding the claims raised in  
14 this action. This Decree shall remain in effect through August  
15 6, 2007, subject to paragraph 25.

16 31. The Court shall retain jurisdiction of this case to  
17 enter further relief or such other orders as may be necessary  
18 for the effectuation of the terms of this agreement and to  
19 ensure compliance with Section 203 of the Voting Rights Act.

20 32. Each party shall bear its own costs and fees.

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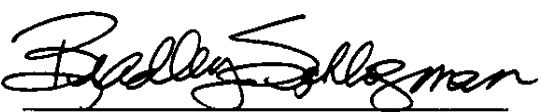
RECORDED

Agreed to this 14<sup>th</sup> day of July, 2005.

AGREED AND CONSENTED TO:

For Plaintiff:  
UNITED STATES OF AMERICA

For Defendants:



BRADLEY J. SCHLOZMAN  
Acting Assistant Attorney General  
Civil Rights Division



NANCY VALDERRAMA  
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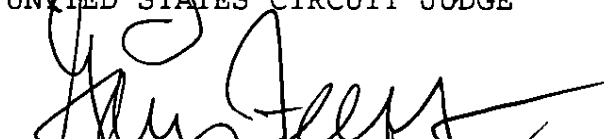


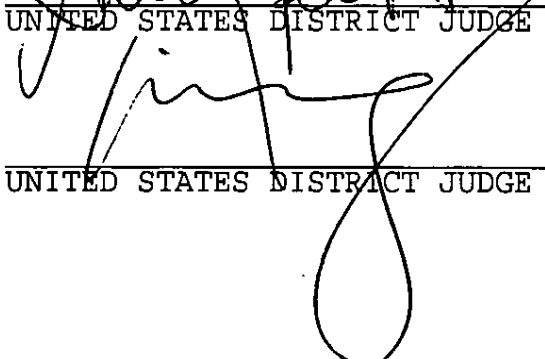
JUDGMENT AND ORDER

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 6<sup>th</sup> day of September 2005.

  
UNITED STATES CIRCUIT JUDGE

  
UNITED STATES DISTRICT JUDGE

  
UNITED STATES DISTRICT JUDGE