



regarding the bilingual election requirements of the Voting Rights Act.

According to the 2000 Census, Ector County had a total population of 121,123 persons, of whom 51,306 (42.4%) were Hispanic. The total citizen voting-age population was 77,460, of whom 24,840 (32.1%) were Hispanic. Finally, the number of Hispanic voting-age citizens who were limited-English proficient ("LEP") was 6,775.

Defendants have not complied with the requirements of Section 4(f)(4) for Spanish-speaking citizens residing in Ector County by failing to provide an adequate number of bilingual poll workers trained to assist Spanish-speaking voters on election day, and by failing to provide in an effective manner certain election-related information to Spanish-speaking voters.

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

Defendants admit that they have not fully complied with all of the provisions of Section 4(f)(4); however, Defendants are committed to comply fully with all of such requirements in future elections. Defendants stipulate that each provision of this Consent Decree is appropriate and necessary.

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

1. Defendants, their agents, employees, contractors, successors, and all other persons representing the interests of the Defendants are hereby PERMANENTLY ENJOINED from failing to provide in Spanish "any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots," that they provide in English, as required by Section 4(f)(4) of the Voting Rights Act. 42 U.S.C. § 1973b(f)(4). The terms of this Decree apply to all federal, state, and local elections administered by the County, including County-run elections for city, school district, and other political subdivisions of the County. Whenever Defendants enter into an election services contract with any other entity, political subdivision, or political party to conduct an election on behalf of that entity, Defendants shall require such other entity to agree to abide by the terms of this Decree as if such entity were a party to this Decree

with the United States, and consistent with the responsibility of each such entity to comply fully with Section 4(f)(4).

Translation of Election-Related Materials

2. All information that is disseminated by Ector County in English about "registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots," 42 U.S.C. § 1973b(f)(4), shall also be provided in the Spanish language. Defendants shall ensure that both English and Spanish language election information, materials, and announcements provided by Ector County are made equally available.

Dissemination of Spanish-Language Information

3. Defendants shall ensure that Spanish-language election information, materials, and announcements are provided to the same extent as they are provided in English. Spanish-language information shall be distributed in newspapers, radio, and/or other media that exclusively or regularly publish or broadcast information in Spanish. These announcements need not be identical in all respect to English-language announcements, but shall be in the form, frequency, and media best calculated to achieve notice and understanding equal to that provided to the English-speaking population and to provide substantially the same information.

Spanish-Language Assistance

4. Spanish-language assistance shall be available at all locations where election-related transactions are conducted. Trained bilingual (Spanish/English) election personnel shall be available to answer voting-related questions by telephone without cost during normal business hours and while the polls are open on election days.

5. Defendants shall recruit, hire, and assign election officials able to understand and speak Spanish fluently to provide assistance to Spanish-speaking voters at the polls on election days. The County shall survey its employees to identify personnel who speak Spanish fluently and, to the extent such employees can be made available to provide assistance, allow and encourage such employees to serve at the polls on election day. As part of its obligation to ensure that entities on whose behalf the County conducts elections are fully compliant with Section 4(f)(4) in their elections, the County shall request that each entity for which it conducts elections perform similar surveys of its employees, and the County shall request each school district or other educational entity within the County to devise and implement an educational program that allows and encourages selected bilingual students (as permitted by state law and as part of an educational program devised by such district) to serve as poll officials on election day for

all County elections, including election days that fall on school days, with such students receiving academic credit appropriate to their service as well as all pay and benefits of poll officials. The County shall advise counsel for the United States of any entity that does not participate fully. The County shall also invite eligible members of the Advisory Group, discussed below, to serve as poll officials and to encourage other bilingual voters to do so.

6. In addition to the requirements of state law,

(a) any election precinct in which there are 100-249 registered voters with Spanish surnames shall be staffed by at least one bilingual election official;

(b) any election precinct in which there are 250-499 registered voters with Spanish surnames shall be staffed by at least two bilingual election officials;

(c) any election precinct in which there are 500 or more registered voters with Spanish surnames shall be staffed by at least three bilingual election officials; and

(d) Defendants shall employ bilingual personnel, trained in Spanish-language election terminology, who shall be on call and available to travel to an election precinct not staffed by a bilingual poll worker to provide any necessary assistance to any Spanish-speaking voter.

7. Signs in both English and Spanish shall be posted prominently at polling places stating that Spanish-language assistance is available. At sites without bilingual staff, signs in both English and Spanish shall be posted that explain how voters can obtain Spanish-language assistance.

Election official training

8. Prior to each election, in addition to any required state or county training, the County shall train all poll officials and other election personnel present at the polls regarding the following: The provisions of Section 4(f)(4) of the Voting Rights Act, including the legal obligation and means to make Spanish-language assistance and materials available to voters, and the requirement that poll officials be respectful and courteous to all voters regardless of race, ethnicity, color, or language abilities and to avoid inappropriate comments. In addition to the general training for poll officials, the County shall train all bilingual poll officials on Spanish-language election terminology, voting instructions, and other election-related issues. The County shall maintain a record of which poll officials attend training sessions, including the time, location, and training personnel involved.

Response to Complaints About Poll Workers

9. Defendants, upon receipt of complaints by voters, whether oral or written, shall investigate expeditiously any

allegations of poll worker hostility toward Spanish-speaking and/or Hispanic voters in any election. The results of the investigation(s) conducted by the Defendants shall be reported to the United States. Where there is credible evidence that poll workers have engaged in inappropriate treatment of Spanish-speaking and/or Hispanic voters, Defendants shall remove the poll workers.

Program Coordinator

10. The County shall employ an individual to coordinate the County's bilingual election Program ("the Coordinator") for all elections within the County. The County shall provide that individual with support sufficient to meet the goals of the Program. The Coordinator shall be able to understand, speak, write, and read fluently both Spanish and English. The Coordinator's responsibilities shall include coordination of the translation of ballots and other election information; development and oversight of Spanish publicity programs, including selection of appropriate Spanish-language media for notices and announcements; training, recruitment and assessment of Spanish-language proficiency of bilingual poll officials and interpreters; and managing other aspects of the Program.

Advisory Group

11. The Coordinator shall establish and chair an Advisory Group to assist and inform the bilingual Program. The

Coordinator shall invite participation from all interested individuals and organizations that work with or serve the Spanish-speaking community in Ector County, to determine how most effectively to provide election materials, information, and assistance to Spanish-speaking voters and to fill any gaps in public awareness about the County's bilingual election program due to past failures to provide accessible election-related information to Spanish-speaking voters. The Group shall be open to all interested persons. The Coordinator shall provide notice of all planned meetings to each member, including the time, location, and agenda for the meeting, at least 14 days in advance, although members of the Advisory Group may agree to waive or shorten this time period as necessary. Within five working days following each meeting, the Coordinator shall provide a written summary to all members and to the County Elections Administrator of the discussion and any decisions reached at the meeting. If the County Elections Administrator decides not to implement an Advisory Group suggestion or a consensus cannot be reached respecting such suggestion, he or she shall provide to the group through the Coordinator and maintain on file a written statement of the reasons for rejecting such suggestion.

12. The County shall transmit to all interested members of the Advisory Group copies, in English and Spanish, of all

election information, announcements, and notices that are provided to the electorate and general public and request that they share with their members.

Federal Examiners and Observers

13. To monitor compliance with and ensure effectiveness of this Decree, and to protect the Fourteenth Amendment rights of the citizens of Ector County, the appointment of a federal examiner is authorized for 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.

14. Defendants shall recognize the authority of federal observers to observe all aspects of voting conducted in the polls on election day, including the authority to view County personnel providing assistance to voters during voting, except where the voter objects.

Evaluation of plan

15. The parties recognize that regular and ongoing reassessment may be necessary to provide the most effective and efficient Spanish-language Program. Defendants shall evaluate the bilingual Program after each election to determine which aspects of the bilingual Program are functioning well; whether any aspects need improvement; and how to affect needed improvements. The Program may be adjusted at any time upon joint written agreement of the parties.

Retention of Documents and Reporting Requirements

16. During the duration of this Decree, the County shall make and maintain written records of all actions taken pursuant to this Decree and shall produce such records to the United States upon its request.

17. During the duration of this Decree, at least thirty (30) days before each County-administered election held in the County, Defendants shall provide to counsel for the United States, (a) the name, address, and precinct designation of each polling place; (b) the name and title of each poll official appointed and assigned to serve at each polling place, as of the date the materials are sent; (c) a designation of whether each poll official is bilingual in English and Spanish; and (d) an electronic copy of the voter registration list to be used in such elections. Within thirty (30) days after each election, Defendants shall provide to counsel for the United States any updated report regarding changes in items (a)-(c) above that occurred at the election, and provide information about all complaints the County received at the election regarding language or assistance issues.

Other Provisions

18. This Decree is final and binding between the parties and their successors in office regarding the claims raised in

this action. This Decree shall remain in effect through August 6, 2007, and the parties further stipulate that the Decree shall be extended through December 31, 2009, if Defendants remain under a continuing federal statutory obligation to provide minority language materials and assistance after August 6, 2007.

19. The Court shall retain jurisdiction of this case to enter further relief or such other orders as may be necessary for the effectuation of the terms of this agreement and to ensure compliance with Section 4(f)(4) of the Voting Rights Act.

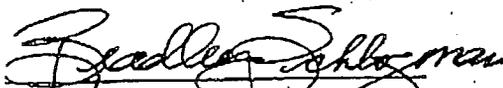
20. Each party shall bear its own costs and fees.

Agreed to this 22<sup>nd</sup> day of August, 2005.

AGREED AND CONSENTED TO:

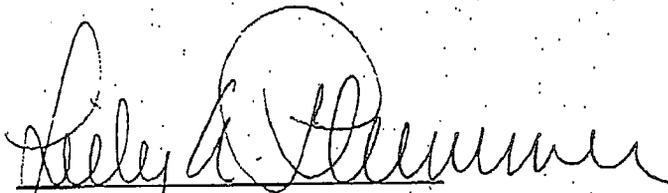
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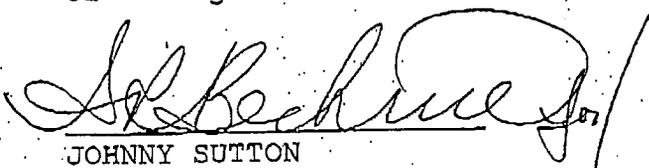


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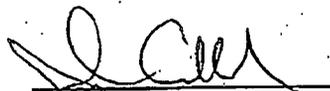
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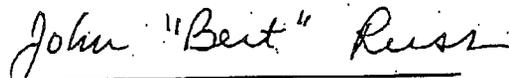
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County Judge

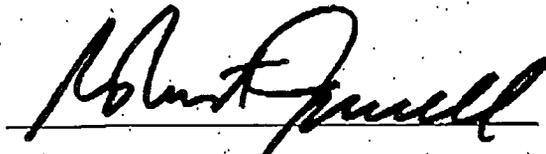


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## JUDGMENT AND ORDER

This Court, having considered the United States' claim under Section 4(f)(4) of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973b, and having determined that it has jurisdiction over this claim, has considered the terms of the Consent Decree, hereby enters the relief set forth above and incorporates those terms herein.

ENTERED and ORDERED this 26 day of August, 2005.

  
UNITED STATES DISTRICT JUDGE