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IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA  
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CLERK, U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO, 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-Ov1-22 JGG

CONSENT DECREE

The United States of America 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, alleging recent violations of the Voting Rights Act arising from Orange County's election practices and procedures as they affect Spanish-speaking citizens of the county.

The claim under Section 203 of the Voting Rights Act, 42 U.S.C. 1973aa-1a, must be heard and determined by a court of three judges pursuant to 42 U.S.C. 1973aa-2 and 28 U.S.C. 2284.

Orange County has been subject to the requirements of Section 203 of the Voting Rights Act, 42 U.S.C. 1973aa-1a, since 1992 with respect to the Spanish language. 28 C.F.R. 55, Appendix. The county's coverage was based on a determination

by the Director of the Census that there are more than 10,000 citizens of voting age who are members of a single language minority group (Spanish heritage or Hispanic) who do not speak or understand English well enough to participate in the English-language election process, and the illiteracy rate of these persons as a group is higher than the national illiteracy rate. This determination was published in the Federal Register on September 18, 1992.

The United States alleged in its complaint that various election practices and procedures of defendants unlawfully deny or abridge the voting rights of Spanish-speaking citizens residing in Orange County. The challenged practices concern the alleged failure of defendants to provide for an adequate number of bilingual poll workers trained to assist Hispanic voters on election day; the alleged failure of defendants to ensure that poll officials allow Spanish-speaking voters their assistants of choice in casting their ballots; and the alleged failure of defendants to translate certain written election materials into Spanish.

Despite defendants' alleged failure to adhere to Sections 203 and 208 of the Voting Rights Act, the United States does not contend that defendants' non-compliance was the result of discriminatory purpose. Moreover, the Orange County Supervisor

of Elections has been cooperative during the Department of Justice's investigation of this matter and has demonstrated from the beginning of the investigation an interest in resolving any violations of federal law.

Defendants deny any violations of the Voting Rights Act as alleged by the United States. Defendants' agreement to the entry of this decree is without admission by defendants that any of their acts or omissions, past or current, have been in violation of the law. Accordingly, this decree shall not serve as evidence that the county or the Supervisor of Elections violated the Voting Rights Act in any pending or subsequent judicial or administrative proceeding, except for actions to enforce or modify this decree or after the decree expires, or actions brought by the Department of Justice to enforce Sections 203 and 208 of the Voting Rights Act. Defendants are dedicated to ensuring that all future elections in Orange County operate in a manner that complies with Section 203 and Section 208 of the Voting Rights Act.

This Court has jurisdiction over the parties and the subject matter of this litigation. This agreement is final and binding between the parties, which pursuant to Fla Stat. Ann. 125.15 (West 2002) and the Orange County Charter, Article VII, Section 706, binds the Orange Board of County Commissioners as

well as the Supervisor of Elections, and their successors in office regarding the claims raised in this action.

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

1. Defendants shall provide to Spanish-language minority citizens full and complete information about all stages of the electoral process, "including, for example the issuance, at any time during the year, of notifications, announcements, or other informational materials concerning the opportunity to register, the deadline for voter registration, the time, places and subject matters of elections, and the absentee voting process[,]" 28 C.F.R. 55.15. All information that is disseminated by Orange 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. 1973aa-1a(c), shall also be provided in the Spanish language. Defendants shall ensure that both English and all Spanish-language election-related information, materials, and announcements provided by the State of Florida are made equally accessible.

2. Defendants shall assign up to three employees to act as the Spanish Language Assistance Coordinator(s), for at least three months prior to a federal, state or county election, to

help carry out the requirements of this Consent Decree, except that Coordinator(s) for the 2002 primary election only need to be assigned two months prior to the election. The Coordinator(s) shall report to and be supervised by the Orange County Supervisor of Elections, who shall be responsible for ensuring the effective coordination of their duties. The Coordinator(s) shall be bilingual in English and in Spanish. The Coordinator(s) shall be trained in all aspects of the voting and registration process by the Orange County Supervisor of Elections.

3. The translations of the written election-related material into Spanish shall be clear, accurate and complete. 28 C.F.R. 55.19. The Supervisor of Elections and/or the Coordinator(s) will consider the demographics of the Hispanic community and consult with some members of the Hispanic community when translating its own written materials, but need not consult about translations provided to the county by the State of Florida.

4. The Orange County Supervisor of Elections and/or the Coordinator(s) shall meet with representatives of the Hispanic community at least one month prior to each election cycle (e.g., prior to the 2002 primary election) and solicit their views on what steps are needed to ensure the effectiveness of

bilingual assistance for Hispanic voters.

5. Defendants shall ensure that voters are permitted to have assistance in the voting booth by a person of their choice as provided by 42 U.S.C. 1973aa-6. The voter may choose anyone to provide assistance as long as the assistor is not the voter's employer or agent of that employer or union officer or agent of the voter's union. 42 U.S.C. 1973aa-6. The assistor will be permitted to assist in all aspects of the voting process.

6. In any precinct where registered Hispanic voters comprise at least five percent of the voters in the precinct, there shall be at least one poll official bilingual in Spanish and English. In each election precinct in Orange County where Hispanic voters comprise more than 40 percent of the registered voters, defendants shall seek to ensure that at least half of the polling officials are bilingual.

7. Defendants will monitor the levels of Spanish language assistance needed inside the polling booths and will, where needed, provide additional helpers to provide assistance to Spanish-speaking voters. 28 C.F.R. 55.20.

8. Defendants shall use their best efforts to secure bilingual poll officials and bilingual helpers. The Orange County Supervisor of Elections' office shall recruit bilingual

election officials by providing notices in English and Spanish to the Spanish-language media, Hispanic community organizations (e.g., voting organizations, businesses, churches, senior citizen centers, etc.), the Supervisor of Elections' internet site, and the county's cable television site in addition to any other recruitment methods the county uses. The Supervisor of Elections' office also shall publicize prior to the election, through these same publicity methods, the availability of bilingual poll workers to assist Spanish-speaking voters at the polls on election day and that voters may bring their assistor of choice under the allowances provided for in Section 208 of the Voting Rights Act.

9. The Orange County Supervisor of Elections and/or responsible Coordinator(s) shall conduct the training of poll officials and any other election related personnel who will be working at the polls on election day regarding the importance of all eligible citizens being able to cast a ballot at the polls, the right of voters to have assistance in Spanish (including inside the voting booth), and the right of certain voters, including voters with limited English proficiency, to be assisted by the person of their choice.

10. The Orange County Supervisor of Elections and/or the responsible Coordinator upon receipt of complaints shall

investigate any allegations of poll worker hostility toward Spanish-speaking and/or Hispanic voters in any election. The results of any investigation(s) shall be reported to the Orange County Supervisor of Elections. Where it reasonably has been found that poll workers have engaged in inappropriate treatment of Spanish-speaking and/or Hispanic voters, the Supervisor shall remove these poll workers, and these poll workers shall not be eligible to be poll workers in future elections.

11. Bilingual poll officials shall be afforded an opportunity to be trained in the translation of the entire ballot, all election related forms used in the polls on election day, and the voting process in the Spanish language so that bilingual election officials will be able to provide a full and accurate translation.

12. Nothing in this Decree shall preclude defendants from the use of contracting to carry out any of the terms and conditions specified herein, including the establishment of the Coordinator position. However, should defendants exercise this option, they shall nevertheless maintain responsibility for compliance with the terms and conditions herein.

13. At least ten (10) days before each federal, state or county election in Orange County, the Orange County Election Supervisor and/or the Coordinator(s) shall provide to counsel



for the United States a report containing the following information: (a) the name 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 (including a designation of those who are bilingual in English and Spanish); and (c) a copy of the most recent voter registration lists on computer disk. Within thirty (30) days after each federal, state or county election in Orange County, the Orange County Election Supervisor and/or the Coordinator(s) 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.

14. The parties recognize that a regular and ongoing reassessment may be necessary in order to provide Spanish-language minority voters equal access to all phases of the electoral process in Orange County. The Supervisor of Elections and Coordinator(s) shall evaluate the Section 203 bilingual assistance program after each election cycle (e.g., after the 2002 general election) and on an ongoing basis through meetings with the Hispanic community, representatives of the Hispanic community, and counsel for the United States.

After the 2002 elections, the Supervisor of Elections and counsel for the United States shall meet to evaluate the effectiveness of using multiple Spanish Language Assistance Coordinators.

15. The parties agree that to assist in carrying out the purposes of this Consent Decree, the United States will be permitted to monitor elections in Orange County from the date of the entry of this Consent Decree until January 31, 2005.

(A) The United States will give timely notice of its intent to monitor a particular election;

(B) Department of Justice personnel, including attorneys and staff members, will be permitted into the precincts for the purpose of observing the election process; such Department personnel shall not seek to interfere in any way with the conduct of the election, but will merely observe and report problems to county election officials for resolution.

16. This Consent Decree shall expire on January 31, 2005, unless plaintiff moves the court for good cause shown to extend this Consent Decree.

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

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 Sections 203 and 208 of the Voting Rights Act.

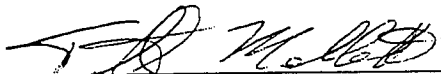
Agreed to this 27th day of June, 2002.

AGREED AND CONSENTED TO:

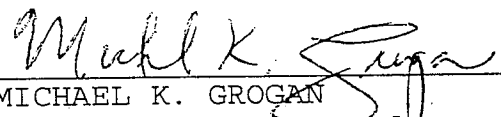
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UNITED STATES OF AMERICA

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ORANGE COUNTY AND ORANGE  
COUNTY SUPERVISOR OF ELECTIONS

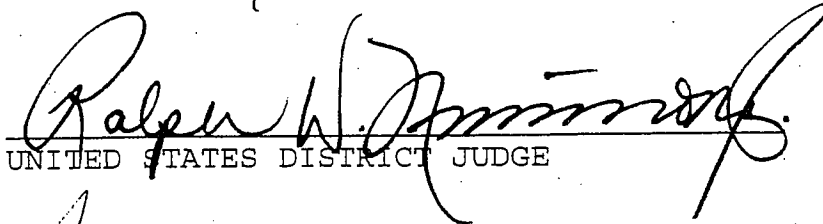
  
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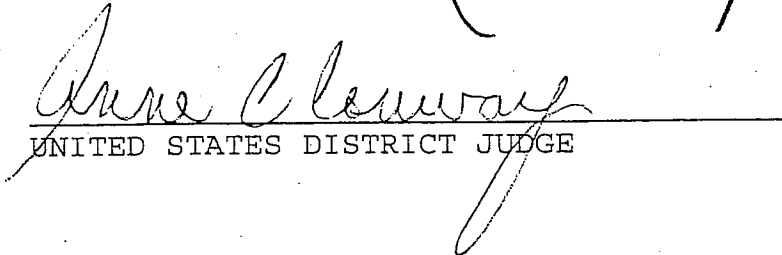
JUDGMENT AND ORDER

This three-judge Court, having been properly empaneled under 28 U.S.C. 2284 to consider the United States' claim under Section 203 of the Voting Rights Act, 42 U.S.C. 1973aa-1a, (plaintiff's First Cause of Action), and having determined that it has jurisdiction over this claim, has considered the terms of the Consent Decree set forth above, and incorporates those terms herein. This Court hereby enters the relief set forth in this decree, with the exception of paragraph five, which addresses only the United States' second cause of action under Section 208 of the Voting Rights Act.

ENTERED and ORDERED this 8<sup>th</sup> day of October, 2002.

  
UNITED STATES CIRCUIT JUDGE

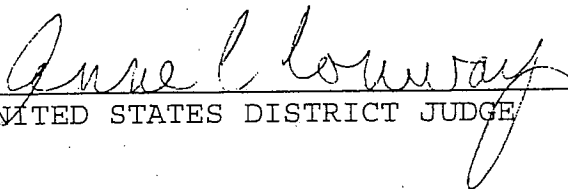
  
UNITED STATES DISTRICT JUDGE

  
UNITED STATES DISTRICT JUDGE

JUDGMENT AND ORDER

The Court having jurisdiction over plaintiff's claims under Section 208 of the Voting Rights Act, 42 U.S.C. 1973aa-6 (plaintiff's Second Cause of Action), has considered the terms of the Consent Decree set forth above and incorporates those terms herein. The Court hereby enters the relief set forth in paragraphs 5, 8, 9, 15, 16, and 17.

ENTERED and ORDERED this 30<sup>th</sup> day of August, 2002.

  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE