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United States of America

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

UNITED STATES OF AMERICA,
Plaintiff,

v.

COUNTY OF RIVERSIDE,
CALIFORNIA; THE RIVERSIDE
COUNTY BOARD OF
SUPERVISORS; and THE
RIVERSIDE COUNTY REGISTRAR
OF VOTERS, BARBARA
DUNMORE, in her official capacity,
Defendants.

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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY: _____

CIVIL ACTION NO. **CV10-01059-SJD**
(CPA)

THREE-JUDGE COURT

**COMPLAINT ALLEGING
VIOLATIONS OF SECTION 203 OF
THE VOTING RIGHTS ACT**

1 Plaintiff United States of America, alleges:

2 **JURISDICTION**

3 1. The Attorney General files this action pursuant to Sections 203 and 204
4 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973aa-1a and 1973aa-

5 2. The Court has jurisdiction of this action pursuant to 28 U.S.C. §§ 1331, 1345,
6 2284, 42 U.S.C. § 1973aa-2, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201
7 and 2202. The claim pursuant to Section 203 of the Voting Rights Act, 42 U.S.C. §
8 1973aa-1a, as amended ("Section 203"), must be heard and determined by a court of
9 three judges. See 42 U.S.C. § 1973aa-2.

10 2. Venue is proper in this Court as the events relevant to this action
11 occurred in Riverside County, California, which is located in this district.

12 **PARTIES**

13 3. The Attorney General is authorized by Section 204 of the Voting Rights
14 Act of 1965, as amended, 42 U.S.C. 1973aa-2, to file this action on behalf of Plaintiff
15 UNITED STATES of AMERICA.

16 4. Defendant COUNTY OF RIVERSIDE ("COUNTY" or "RIVERSIDE")
17 is a geographical and political subdivision of the State of California.

18 5. Defendant RIVERSIDE COUNTY BOARD OF SUPERVISORS is a
19 five member board that is the governing body and primary budgetary authority of the
20 County. See Cal. Gov. Code § 25252. The Board of Supervisors enacts ordinances
21 and resolutions, adopts the annual budget, approves contracts, and appropriates
22 funds.

23 6. Defendant RIVERSIDE COUNTY REGISTRAR OF VOTERS, Barbara
24 Dunmore, is responsible for the administration of election day activities. See Cal.
25 Gov. Code § 26802. This includes the hiring, assignment, and training of poll
26 workers, and the production of election materials, as well as other aspects of

1 elections and voting procedures in the County. Defendant Barbara Dunmore is sued
2 in her official capacity.

3 **ALLEGATIONS**

4 7. According to the 2000 Census, Riverside County had a total population
5 of 1,545,385 persons, of whom 559,330 (36.2%) were Hispanic persons. The citizen
6 voting age population was 918,775 persons, of whom 204,215 (22.2%) were
7 Hispanic persons. There has been a steady growth in the County's Hispanic
8 population since the 2000 Census. According to the Census Bureau's 2007 American
9 Community Survey, the County has a total population of 2,073,571, of whom
10 896,116 (43.2%) are Hispanic.

11 8. According to the 2000 Census, of the Hispanic voting age citizens in the
12 County, 49,495 persons (24.2%) were limited English proficient.

13 9. Riverside County is subject to the requirements of Section 203 for the
14 Spanish language, pursuant to the designation by the Director of the Census. The
15 County has been continuously covered under Section 203 to provide bilingual
16 elections in Spanish since September 18, 1992. See 57 Fed. Reg. 43,213 (Sept. 18,
17 1992); 67 Fed. Reg. 48,871 (July 26, 2002). The Census Bureau designated
18 Riverside County for Spanish under Section 203 in 1975, see 40 Fed. Reg. 41,827
19 (Sept. 9, 1975), but the County was not designated under Section 203 in 1984, see
20 49 Fed. Reg. 25,887 (June 25, 1984). The determination of the Census Bureau that
21 the County is covered by Section 203 for Spanish is final and non-reviewable. See
22 42 U.S.C. § 1973aa-1a(b)(4).

23 10. Because Riverside County is subject to the requirements of Section
24 203, "any registration or voting notice, forms, instructions, assistance, or other
25 materials or information relating to the electoral process, including ballots" that
26

1 Defendants provide in English must also be furnished in Spanish. See 42 U.S.C.
2 § 1973aa-1a(c).

3 **CAUSE OF ACTION**

4 11. Plaintiff hereby alleges and incorporates by reference paragraphs one
5 through nine above.

6 12. In conducting elections in the County, Defendants have failed to
7 provide election-related information and assistance to Spanish-speaking voters, as
8 required by Section 203, by failing to recruit, appoint, train, and maintain an
9 adequate pool of bilingual poll workers capable of providing Spanish-speaking voters
10 with necessary and effective language assistance throughout the County on election
11 day.

12 13. Defendants have also failed to provide election-related information and
13 assistance in Spanish to Spanish-speaking voters, as required by Section 203, by
14 failing to provide certain election-related information, including but not limited to
15 information publicizing elections, in a manner that ensures that Spanish-speaking
16 voters throughout the County have an opportunity to be informed about election-
17 related activities.

18 14. Defendants' failure to provide Spanish-speaking citizens of Riverside
19 County with Spanish language election information and assistance, as described
20 above, constitutes a violation of Section 203 of the Voting Rights Act, 42 U.S.C. §
21 1973aa-1a.

22 15. Unless enjoined by this Court, Defendants will continue to violate
23 Section 203 by failing to provide limited English proficient Spanish-speaking
24 citizens of Riverside County with Spanish language election information and
25 assistance necessary for their effective participation in the political process.
26

PRAYER FOR RELIEF

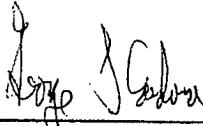
WHEREFORE, the Plaintiff United States prays that this Court enter an order:

- (1) Declaring that Defendants have failed to provide election-related information and assistance to Spanish-speaking voters as required by Section 203 of the Voting Rights Act, 42 U.S.C. § 1973aa-1a;
- (2) Enjoining Defendants, their employees, agents, and successors in office, and all persons acting in concert with them, from failing to provide Spanish language election-related information and assistance to persons with limited English proficiency as required by Section 203 of the Voting Rights Act, 42 U.S.C. § 1973aa-1a;
- (3) Requiring Defendants to develop, publicize, and implement a remedial plan to ensure that Spanish-speaking voters with limited English proficiency are able to understand, learn of, and participate in all phases of the electoral process as required by Section 203 of the Voting Rights Act, 42 U.S.C. § 1973aa-1a; and
- (4) Authorizing the appointment of federal observers for elections held in Riverside County pursuant to Section 3(a) of the Voting Rights Act, 42 U.S.C. § 1973a(a).

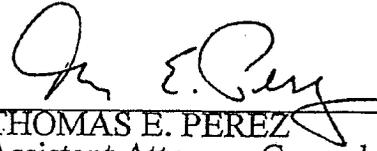
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Date: January 29, 2010

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