

**MODIFIED LETTER OF AGREEMENT**

**BETWEEN**

**SANDOVAL COUNTY, NEW MEXICO AND THE UNITED STATES**

CIVIL RIGHTS DIVISION  
VOTING RIGHTS SECTION  
2011 APR 13 AM 11:30

The United States, Sandoval County ("County"), and remaining defendants, agree through their undersigned counsel to the following Letter of Agreement ("Agreement"):

Sandoval County has been covered under Section 203 of the Voting Rights Act, 42 U.S.C. § 1973aa-1a, for American Indians since 1975. 40 Fed. Reg. 43044 (Sept. 18, 1975); 49 Fed. Reg. 25887 (June 25, 1984); 57 Fed. Reg. 43213 (Sept. 18, 1992); 67 Fed. Reg. 48871 (July 26, 2002). At present, the County is covered under Section 203 for Navajo and Pueblo (Keres and Towa) languages. 67 Fed. Reg. 48871 (July 26, 2002). Based on information provided by the Census Bureau, the Indian reservations that triggered coverage are the Pueblos of Zia, Santo Domingo, San Felipe and Jemez, and the Navajo Nation Reservation.

Section 203 requires that all information that is provided by Sandoval County in English about voter "registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots," must be provided in Keres, Towa, and Navajo to the extent needed to allow language minority group members to be informed of and participate effectively in the electoral process and all voting-related activities. 42 U.S.C. § 1973aa-1a(c). The provisions of Section 203 apply to 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." Attorney General's Procedures for the Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups, 28 C.F.R. § 55.15. Because Keres, Towa, and Navajo are historically unwritten, defendants are required to furnish oral instructions,

assistance and other information relating to registration and voting in Keres, Towa, and Navajo. 42 U.S.C. § 1973aa-1a(c); see also 28 C.F.R. § 55.12(c).

In December of 1988, the United States brought an action against the State of New Mexico and Sandoval County alleging violations of Sections 2 and 203 of the Voting Rights Act for failure to provide American Indian citizens with adequate language assistance regarding all aspects of the electoral process. On March 23, 1990, the parties entered into a settlement agreement which provided for the development and implementation of a comprehensive multilingual Native American Voting Rights Program (“NAVRP”) for the American Indian citizens of Sandoval County. A detailed description of the NAVRP was filed with the Court on April 30, 1990. On May 17, 1990, this Court ordered the State and County to implement the NAVRP.

The settlement required that State and County officials hire voting rights language coordinators (“VRCs”) to disseminate election information in the Navajo and Keres languages. Through its VRCs, the County was required to carry out a comprehensive program to provide election information to Indians regarding every phase of the electoral process.<sup>1</sup> The County, however, failed to comply substantially with the terms of the NAVRP.

Indeed, based primarily on the reports of federal observers who monitored Election Day practices and procedures at the County’s predominantly Indian precincts, the United States noted continuing problems regarding dissemination of information and assistance to voters in the

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<sup>1</sup> Pursuant to the provisions of the settlement agreement, the case was dismissed as against the State defendants on December 31, 1990. Nevertheless, State officials pledged to continue the state program and the State has maintained an Native American Election Information Program, staffed with one or more Native American coordinators, since that time.

predominantly Indian precincts, and the utter failure to provide translator training as required by the NAVRP.

Counsel for the United States met repeatedly with County officials to resolve compliance problems without court intervention. The County improved its compliance record in some areas, but continued its overall record of indifference (and at times outright hostility) to major substantive portions of the NAVRP.

In June 1993 the United States moved to reactivate the case for continued discovery, including document production and depositions. The Court granted that motion and the ensuing discovery, including the deposition of the County Clerk, uncovered compelling evidence of the County's failure to comply with the Consent Decree. Based on that evidence, Sandoval County agreed to negotiate an extension and modification of the decree.

The parties filed a revised Consent Decree and NAVRP on August 30, 1994. The revised decree included provisions designed to remedy the compliance problems with the NAVRP. Among the changes were adding Towa to the languages covered by the decree; extending the decree's duration by ten years; adding a third, full-time, Towa-speaking VRC; transferring control of the NAVRP from the County Clerk, who had been hostile to the program since its inception, to the County Attorney; the insertion of explicit language preventing interference with the VRCs' ability to travel, to obtain access to County facilities, or to perform other tasks in furtherance of the NAVRP; and establishing Voting Rights Act coverage for Sandoval County under Sections 3(a) (federal observers) and 3(c) (preclearance) of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973a(a) and 1973a(c). This Court entered the revised decree and NAVRP on September 9, 1994 ("Order").

Pursuant to the Court's Order, the United States assigned federal observers to monitor Sandoval County elections, and the United States conducted extensive investigations of the actions of Sandoval County in complying with the revised NAVRP and Section 203 of the Voting Rights Act from 1994 through June of 2004.

Based on information gathered from 1994 through June of 2004, the United States determined that Sandoval County, despite making some improvements, failed to implement fully the NAVRP and to furnish all instructions, assistance and other information relating to voting orally in the Navajo and Pueblo languages, in violation of the Order and Section 203.

The United States conferred with Sandoval County, including its County Attorney, to discuss and resolve noted compliance problems. The parties agreed that amendment and extension of the Order were justified. Thus, the parties moved jointly to extend and amend the Court's Order of September 9, 1994 until January 15, 2007. The Court granted that joint motion on November 5, 2004 and entered the amended consent decree ("Revised Order").

After the November 5, 2004 extension, the United States monitored three elections: the November 2004 general election and the 2006 primary and general elections. While Sandoval County made some progress in making the election process accessible to the American Indian population of the County, reports of federal observers who monitored elections demonstrated that Sandoval County failed to furnish all instructions, assistance and other information relating to voting orally in Keres, Towa, and Navajo, in violation of the Court's Revised Order. The parties agreed that these failures constituted good cause to extend the consent decree, and, on April 4, 2007, moved jointly to modify and extend the Consent Decree through January 15, 2009. After a Court hearing on July 20, 2007, the United States filed federal election observer reports for the 2004 and 2006 primary and general elections, as well as copies of letter

agreements between the United States and other counties regarding programs to comply with Section 203. The Defendants filed the Voting Rights Coordinator reports from the 2004 and 2006 elections. The parties then filed, on September 10, 2007, a Joint Report to the Court and an Amended Joint Stipulation, wherein the parties agreed that extension and modification of the Consent Decree were necessary and appropriate under the circumstances. The Court entered the Amended Joint Stipulation on November 28, 2007.

After the November 28, 2007 extension, the United States monitored two elections: the June 2008 primary election and the November 2008 general election. While the County improved its efforts to comply with the Consent Decree and Section 203, such improvement mostly occurred just prior to the November 2008 election. The County improved its translation training of Navajo-speaking poll workers for both the June and November 2008 elections, but ineffective translations occurred at some polling places serving Navajo-speaking voters. The County improved its translation training of Towa-speaking poll workers for the November 2008 election, but ineffective translations occurred at the polling place serving Towa-speaking voters. Although the County made an improvement by holding its first ever translation training for Keres-speaking poll workers for the November 2008 election, that training was not effective and resulted in ineffective translations at polling places serving Keres-speaking voters. The County conceded it had not complied fully with the terms of the Consent Decree. Based on the County's improvement and in reliance on the County's representation that it would continue its efforts toward full compliance, the United States agreed to memorialize the substantive provisions of the NAVRP in an out-of-court Letter of Agreement.

After the parties entered into the out-of-court Letter of Agreement, the United States monitored two elections: the June primary and the November general elections. The monitoring

showed that the County maintained its improvements in the Navajo and Towa language programs, including improvements in pre-election language assistance training and in election day language assistance at the polls, but also showed that substantial gaps still remain in the Keres language program. The Keres VRC provided language assistance training prior to the November election for poll workers at one of the three polling places serving Keres-speaking voters. The Keres VRC, however, did not provide any language assistance training prior to the June election, nor did he provide language assistance training for two of the three polling places serving Keres-speaking voters prior to the November election. Significantly, the County did not hire a full-time or part-time Keres-speaking VRC prior to the June election, but hired a Keres-speaking VRC on a limited basis and only to provide a radio announcement. No other dissemination of election information in Keres was provided to limited-English-proficient Keres speakers prior to the June primary election. Moreover, Keres language assistance during the June election was not effective and nearly nonexistent. During the November election, however, much more language assistance was provided at the Keres-speaking polling places, although at times it was not complete. Accordingly, the parties stipulate and agree to the following:

1. Defendants shall make all phases of the election process as accessible to the Native American populations at the Torreon, Ojo Encino, and Counselors Chapters of the Navajo Nation, as well as at the Jemez, Zia, Santo Domingo, and San Felipe Pueblos, as they are to the remainder of the County's population. Accordingly, Sandoval County shall continue to provide information, publicity, and assistance in Keres, Towa, and Navajo regarding voter registration, voter registration cancellation, absentee voting, early voting, and procedures at the polls including translation of the ballot as well as the training of polling officials and translators as outlined in the attached NAVRP.

2. Defendants shall ensure ongoing substantial compliance with Sections 2 and 203 of the Voting Rights Act for each language minority group for as long as that group is covered by Section 203, as measured by good faith efforts.

3. If the United States acquires evidence establishing:

- i. A material breach by Sandoval County of this Agreement, or;
- ii. Substantial noncompliance by Sandoval County with Section 203 of the Voting Rights Act;

the United States may commence and/or reopen a lawsuit against the appropriate parties alleging such breach or noncompliance upon thirty (30) days' notice, during which time the parties reasonably shall endeavor to reach an amicable resolution of said allegation of breach or noncompliance.

4. This Agreement is binding on the parties and their successors in office. The parties agree to the admissibility of this Agreement without objection in any subsequent proceeding for its enforcement. No oral modification or oral waiver of this Agreement shall be effective.

5. The revised Native American Voting Rights Program to be implemented by Sandoval County is attached.<sup>2</sup>

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<sup>2</sup> The prior Letter of Agreement referred to the Native American Voting Rights Program as the Native American Election Information Program.

Agreed to on this 7<sup>th</sup> day of April 2011.

For Plaintiff:  
UNITED STATES OF AMERICA

For Defendants:  
SANDOVAL COUNTY, et al.

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**NATIVE AMERICAN VOTING RIGHTS PROGRAM**

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A. County Voting Rights Coordinators

1. Duration. Sandoval County shall comply with each of the following provisions for each of the language minority groups – Navajo, Towa, and Keres – until such time as the applicable language minority group is no longer covered by Section 203 as determined by the Director of the Census.

2. General. Sandoval County, under the supervision of the Sandoval County Attorney acting on behalf of the Sandoval County Commission, shall continue to employ at least three Voting Rights Coordinators (“VRCs”) to coordinate the Native American Voting Rights Program (“NAVRP”) in the County. At least two of the VRCs shall be full-time – one of whom shall be fluent in Navajo and English, and the other of whom shall be fluent in Towa and English. Sandoval County shall also employ one classified part-time VRC who shall be fluent in Keres and English. For the four months leading up to each applicable election applicable, Sandoval County shall contract with an additional VRC to provide assistance to the classified part-time Keres VRC. The additional VRC shall be fluent in Keres and English. The requirements of the NAVRP shall apply to all elections held within Sandoval County which include any Native American-majority precinct located in whole or in part on the following reservations which, based on the most recent Census data, triggered the bilingual voting information requirements of Section 203 of the Voting Rights Act for Navajo and Pueblo Indians in the County: the Pueblos of Jemez, San Felipe, Santo Domingo and Zia, and the Counselors, Ojo Encino and Torreon Chapters of the Navajo Nation (“covered reservations”). These elections include primary, general and special elections, as well as elections for the Cuba, Jemez and Bernalillo Independent School Districts. The Keres-fluent VRC(s) shall coordinate the election information programs as appropriate for Bernalillo Independent School District elections

in the relevant precincts, the Navajo-fluent VRC shall coordinate the election information programs for Cuba Independent School District elections in the relevant precincts, and the Towa-fluent VRC shall coordinate the election information programs for Jemez Independent School District elections in the relevant precincts. The VRCs shall be supervised by the Sandoval County Attorney acting on behalf of the Sandoval County Commission. The duties of the VRCs shall be limited to those necessary to implement the goals and tasks specified in the NAVRP. Each of the classified VRCs shall be paid a salary in accordance with a compensation salary schedule. The additional contract Keres-speaking VRC shall be paid a reasonable hourly wage. The provisions of the personnel ordinance of Sandoval County shall apply to the VRCs.

3. In the event that it becomes fiscally impossible for Sandoval County to employ the Navajo- and Towa-speaking VRCs full-time, the County may employ those two VRCs part-time in a non-election year, but shall continue to employ those two VRCs full-time in an election year. An election year is defined as the period of time starting four months prior to the primary election and extending through the subsequent general election and through the following school board election. According to Sandoval County's current election schedule, an election year would start in February prior to the primary election and would extend through the school board election in the following year. A non-election year is defined as the period of time starting after a school board election and extending until four months prior to the following primary election. Whenever Sandoval County changes the employment status of the two VRCs under this provision, it shall provide notice to the United States no later than ten (10) days following such change.

4. Filling VRC vacancies. If a vacancy occurs in a VRC position, the County Attorney shall immediately notify the United States and shall fill the vacancy within 90 days,

after consultation with Native American leaders as outlined below. During the period of vacancy the duties of the vacant position will be performed by the other VRCs. A vacancy does not relieve the County of its obligations under the NAVRP.

5. Consultation with Native American officials. To fill VRC vacancies, the County Attorney shall at all times follow the County Personnel Rules and Regulations regarding the hiring of new employees. The County Attorney shall request from appropriate tribal officials the names of at least two persons recommended for the respective position. The County Attorney shall seriously consider those persons recommended by tribal officials, but may hire other qualified applicants. For the Keres-fluent VRC position(s), recommendations of at least two names each shall be sought from the Governors of the Pueblos of San Felipe, Santo Domingo and Zia. For the Navajo-fluent VRC position, recommendations of at least two names each shall be sought from the Navajo Election Administration (“NEA”) and the Presidents of the Counselors, Torreon and Ojo Encino Chapters of the Navajo Nation. For the Towa-fluent VRC, recommendations of at least two names shall be sought from the Tribal Council of the Jemez Pueblo.

6. Training of VRCs. The VRCs shall be trained by the State and County in all aspects of the election process, and shall attend all election seminars conducted by the Secretary of State and/or Sandoval County Clerk. VRCs shall be fully briefed at least quarterly by the County Attorney concerning their duties and responsibilities under the NAVRP. Pueblo tribal officials of Sandoval County and the NEA and Navajo tribal officials of Sandoval County, as appropriate, shall be invited to attend these seminars and briefings.

7. Field visits. The VRCs shall, under the supervision of the County Attorney, oversee the County’s NAVRP generally and visit on a regular basis each covered reservation. In

the course of these visits, the VRCs shall, as necessary and among other things, disseminate election-related information (such as election dates, qualifying dates, ballot contents for upcoming elections), distribute and explain sample ballots, register voters, distribute and collect applications for voting absentee, distribute and collect absentee ballots, explain the absentee voting process, explain registration procedures and deadlines, conduct bilingual training in English and the relevant Indian language for each bilingual poll worker who will participate in the NAVRP prior to the election (using translation tapes that will be provided to each trainee), distribute translation tapes and/or CDs on ballot contents (including a list of candidates on the ballot), and explain the process for removing voters from the list of eligible voters. Further, the VRCs shall announce and hold regular office hours at the Satellite Election Offices (see paragraph A.12. below).

8. Record of field visits. The VRCs, or other County officials designated by the County Attorney, shall maintain a record of the date and purpose of each visit for election-related purposes to each Pueblo community center, Navajo Chapter House, or other sites on the Pueblo and/or Navajo Indian Reservations.

9. Training of election personnel. The VRCs shall conduct the training of all poll officials and other election-related personnel who will participate in the NAVRP. For each election covered by the NAVRP, the VRCs shall conduct at least one formal training session for all Keres-speaking election personnel, one formal training session for all Navajo-speaking personnel and one formal training session for all Towa-speaking personnel. Each Pueblo Governor and Navajo Chapter President whose Chapter or Pueblo is in whole or in part within Sandoval County shall be notified in writing, at least two weeks before the scheduled training, of each training session and be invited to send a representative. Training sessions shall be open to

the public and shall be held at locations convenient to trainees. Such trainings shall be conducted pursuant to Paragraph F.2 below.

10. NAVRP and travel budgets. Sandoval County shall establish a separate travel budget for the VRCs which shall be sufficient to cover their travel expenses incurred in carrying out their duties, obligations and responsibilities to effectively implement the NAVRP. VRCs shall be reimbursed for expenses incurred for travel incident to bona fide NAVRP business, including visits to Pueblos or Navajo Chapters and to sites for training programs. The County also shall establish a separate, itemized NAVRP budget.

11. Access to Clerk's Office facilities. The VRCs shall have full access to the records and facilities of the Office of the County Clerk, including access to computers. They shall have the authority to inspect, modify, update, and generate reports from all County Clerk election records, whether in computer or other form, in order to fulfill the goals of the NAEIP. Such modifications, updates and reports shall be subject to review of the County Bureau of Elections. The County Clerk shall provide the VRCs or the County Attorney with updated lists of registered voters by precinct ("alpha lists") upon their request.

12. Satellite Election Offices. Sandoval County shall establish three permanent Satellite Election Offices, if practicable. One office shall be established at a location within one of the three Navajo Chapters; otherwise, the County shall establish an election office for the sole use of the Navajo-speaking VRC(s) at a location within the Sandoval County Courthouse. Another office shall be established at a location within the San Felipe, Santo Domingo or Zia Pueblo; otherwise, the County shall establish an election office for the sole use of the Keres-speaking VRC(s) at a location within the Sandoval County Courthouse. The third office shall be established at a location within the Jemez Pueblo; otherwise, the County shall establish an

election office for the sole use of the Towa-speaking VRC(s) at a location within the Sandoval County Courthouse. The County shall be responsible for equipping, but not renting, such offices. In the event that establishing a Satellite Election Office is not practicable, the VRC may work at other locations within the relevant community. In such event, the VRC shall post notices in prominent locations throughout the community, including tribal offices and/or Chapter Houses, to the extent practicable, identifying the new location of the Satellite Election Office where the VRC can be reached, a phone number to reach the VCR, and relevant office hours.

13. Function of Satellite Election Offices. Each Satellite Election Office shall serve as: the principal place for office hours for the VRCs; a library of written and recorded election information; and a distribution point for the dissemination of election information. The Satellite Election Office shall also serve as a site for the performance of all functions related to the election process that can be performed at the County Courthouse, including but not limited to: registering to vote or updating voter registration information; filing by residents of Chapters or Pueblos as a candidate for office; and applying for and casting an absentee ballot. The VRCs shall announce and maintain regular office hours at the Satellite Office.

14. Satellite Office equivalent to County Courthouse. Delivery of a voter registration application or performance of any other election-related task at a Satellite Election Office shall be effective in terms of all time deadlines and requirements as if the application had been delivered, or the task performed, at the County Courthouse.

15. Supplies and equipment. A supply of all forms and materials necessary to complete all functions related to the election process shall be maintained at each Satellite Election Office. Copies of all materials, information and audio or video tapes required to be disseminated pursuant to the NAVRP, including all election-related materials prepared by the

State, likewise shall be available in each office, together with appropriate office supplies, typing equipment, and audio or visual equipment.

B. Intergovernmental Coordination

1. Cooperation with the State. Sandoval County and the VRCs shall request and accept all training, materials and services available from the State of New Mexico in furtherance of the implementation of the NAVRP, and shall encourage the production of such training, materials, and services by the State.

2. Cooperation with other counties. The County is encouraged to work with other counties in New Mexico and neighboring states which have programs for Native American language minorities to coordinate election activities, including the development of standard terminology for the translation of election materials into Navajo and Keres.

3. Consultation with Native American officials. Sandoval County shall invite representatives from the NEA and officials of the Pueblos and Chapters within the County to assist in all phases of the NAVRP, including translations.

4. Cooperation with federal election observers. Sandoval County recognizes the authority of federal observers to enter and attend at any place for holding an election in the County for the purpose of observing election procedures, including entering the voting booth for the purpose of observing poll worker assistance to voters.

C. Translations

1. Time and subject matter of translations. The following election-related materials and announcements shall be translated into Navajo, Towa, and Keres and made available on audio and/or video tapes, and provided to the VRCs at the Satellite Election Offices by the dates specified:

- a. Detailed election calendar for each year (by January 1 of each year);
- b. State, County and school district election proclamations (by the statutory date of proclamation);
- c. Constitutional amendments and other referenda issues on the ballot (within 30 days of the date the English text is determined, and no later than the date of proclamation);
- d. A brief description of each constitutional amendment or other referendum issue on the ballot (by the date of each election proclamation);
- e. Voter registration deadlines (by January 1 of each year, with separate tapes containing deadlines for each type of election);
- f. Instructions relating to voting by absentee ballot (60 days prior to the respective qualification deadlines for primary elections for state and federal offices, primary elections for other offices, independent candidates, and write-in candidates);
- g. An explanation of the voter purge process as provided by this agreement (as soon as practicable);
- h. The offices for each election and the political party for each candidate (by the date on which the ballot is printed);
- i. Explanations of voting procedures including the operation of voting equipment and how to cast a write-in ballot (60 days prior to the respective qualification deadlines for primary elections for state and federal offices, primary elections for other offices, independent candidates, and write-in candidates); and
- j. An explanation of the circumstances under which a voter may cast a provisional ballot, the circumstances under which the ballot will be counted and information regarding the free access system through which the voter may learn whether the provisional ballot was counted, and if not, the reason that the ballot was not counted (60 days prior to the respective qualification deadlines for the relevant election).

2. Discussion/use of tapes at tribal meetings. To the extent practicable, the County, through the VRCs, shall seek to ensure that the subject matter and availability of each tape is discussed in at least one tribal meeting of each covered Keres-speaking or Towa-speaking

Pueblo reservation or Navajo Chapter House during the appropriate publicity period, and that either the VRC or other trained bilingual person is present to answer any questions concerning the subject matter.

3. Copies and transcripts provided to Navajo Chapters and Pueblos. To the extent practicable, a copy of each translated audio tape and/or CD described in this agreement shall be provided in the appropriate language, to the community center for each covered Pueblo reservation and each Navajo Chapter House in Sandoval County that does not contain a satellite elections office.

4. Selection and use of qualified translators. Translation shall be made by the appropriate VRC or by qualified translators contracted with by the County for that purpose. The translators shall be selected after consultation with the tribal officials at each Chapter and covered Pueblo reservation in Sandoval County as well as the NEA, to the extent practicable. The County Attorney shall make use of any expertise available from the State and shall assist in translation of technical or complicated election-related materials.

D. Dissemination of Election-Related Information

1. Availability to high schools. Election-related announcements, materials, tapes and other election information shall be made available upon request to the public high schools in the County to familiarize students with all phases of the election process.

2. Radio and/or Television. Sandoval County will air twenty (20) total advertisements on KANW radio for Keres and Towa and KNDN for Navajo or other comparable radio stations during each general, primary and special election cycle. Sandoval County will air or cause to be aired at its own expense ten (10) radio announcements of all pertinent information regarding voter registration requirements for five (5) weeks prior to the close of voter registration

for each general, primary, and special election. Sandoval County will air or cause to be aired an additional ten (10) announcements on the same station and at the same times for five (5) weeks prior to each general, primary, and special election, which announcements shall include information concerning the date of the relevant upcoming election, information on the absentee ballot process, a list of the offices to be elected, a brief description of the topic of each ballot proposition, the availability of trained translators at the polls, and the right of each voter who requires assistance in casting a ballot to be assisted by a person of her or his choice in accordance with federal law. Each radio announcement will be aired in Navajo, Keres, and Towa as applicable.

3. Demonstration of use of voting equipment. The County Clerk shall make available to the VRCs facsimiles of voting equipment or devices for their use in training poll officials and in conducting voter education programs at Pueblo community centers and Navajo Chapter Houses.

E. Absentee Voting

1. Delivering, filling out, and collecting applications on the reservations. The County shall supply applications for absentee ballots to the VRCs. To the extent practicable, the VRCs shall deliver applications to the Chapters and Pueblos, assist voters in filling them out, and collect applications for return to the County Clerk's Office. The VRCs shall return completed absentee ballot applications to the County Courthouse as soon as practicable, but no later than five (5) business days following the day on which the VRCs accepted completed absentee ballot applications. Each Satellite Election Office shall have the necessary materials and personnel available during regular office hours so that an absentee or early ballot can be cast in person there and be counted as if the ballot had been cast at the County Courthouse.

2. Absentee voting at tribal meetings. To the extent practicable, the County shall provide an opportunity for American Indian citizens, qualified to vote pursuant to state law, to cast absentee ballots within their precincts by ensuring that the VRCs attend the last tribal meeting prior to each primary, general, special or school board election, for each covered reservation, so that eligible persons may obtain and, if they desire, cast absentee ballots in person at that time. Tribal meetings include, but are not limited to, tribal council meetings or other public tribal gatherings where 20 or more persons are expected to attend. VRCs shall announce and explain at the tribal meetings, the availability of and instructions for voting absentee. It shall be sufficient for voters on the reservations to have their absentee ballot application witnessed only by another registered voter.

3. Announcements. To the extent practicable, announcements shall be made regarding the availability of absentee balloting, including the standards of eligibility for absentee ballots and for voting absentee, during any tribal meeting prior to the deadline for voting by absentee ballot under state law, and where such meetings fall in the absentee voting period. The availability of absentee balloting also shall be made known by posting such information prominently at the community center for each of the covered Pueblos, at each Navajo Chapter House and at trading posts or post offices on the covered reservations.

4. Authorization to deliver and collect ballots. VRCs shall be authorized to deliver absentee ballots to voters whose absentee ballot applications have been accepted by the County clerk, to witness absentee ballots, and to accept completed absentee ballots from eligible voters for delivery to the County clerk. The VRCs shall deliver completed absentee ballots to the County Clerk as soon as practicable, but no later than five business days following the day on which the VRC accepted the completed absentee ballot, except that all absentee ballots accepted

by the VRC during the five days preceding the deadline for receipt of absentee ballots shall be delivered to the County Clerk by the deadline for receipt.

F. Election Day Procedures

1. Hiring, training and ensuring attendance of poll officials; consultation. The County Clerk shall assign at least the statutory number of poll officials bilingual in English and the applicable Indian language and fully train them, and engage in reasonable efforts to secure their presence at the polls on election day for each Native-American majority precinct which serves residents of the covered reservations in Sandoval County. The County Clerk shall make all reasonable efforts to consult with the NEA and Navajo tribal officials of Sandoval County and other appropriate tribal officials to identify bilingual individuals qualified to work at the polls. Alternate translators shall be designated as required by state law. The County Clerk shall provide to the County Attorney no later than 21 days preceding each primary, general or special election a list of names, addresses, and telephone numbers of the bilingual poll officials assigned to each Native-American majority election precinct which serves residents of the covered reservations.

2. Training of poll officials; use of tapes. Poll officials and translators shall be fully trained, at locations in the County convenient to the trainees, in English and the relevant Indian language concerning election day procedures at the polling places, the contents and issues appearing on the ballot, and voter purge procedures. Poll officials and translators also shall be trained in the relevant Indian language to translate Election Day procedures, ballot contents, and voter registration and purge procedures. Training in translation of the ballot in the Keres, Towa and Navajo Indian languages shall include the use of audio and/or video tapes, and one copy of each tape shall be maintained in accordance with the terms of this agreement. A copy of each

tape along with a sample ballot shall be provided to each trainee at the training. The County may require that trainees return such tapes and materials to County officials on Election Day so that they may be reused. Training sessions shall be followed by oral testing in Navajo, Keres or Towa, as appropriate to ensure their effectiveness. Bilingual poll officials and translators shall receive additional compensation for participating in bilingual training. Such training shall be completed no later than the third day before the relevant election.

3. Number of translators per precinct. If practicable, for each additional voting machine at each polling place in excess of one, the VRCs shall ensure the presence of an additional trained translator.

4. Instructions regarding assistance to voters. At each training session, poll officials shall be instructed to specifically advise each voter who requires assistance in casting a ballot that the voter may choose any person to provide that assistance, with the exceptions provided in Section 208 of the Voting Rights Act, 42 U.S.C. 1973aa-6. Poll officials also shall be instructed to cooperate with federal observers as outlined in paragraph B.4.

G. Purge Process

1. Pre-screening of "possible purge lists". At least 60 days prior to the mailing of any notice of removal from the voter registration lists in accordance with Section 8(d)(2) of the National Voter Registration Act of 1993, the County Clerk shall provide to the VRCs copies of a list of all persons identified for purging from the voting list in each Native American-majority election precinct serving residents of the covered reservations. Through consultation with tribal election liaisons and tribal officials, to the extent practicable, the VRCs shall screen said lists to identify persons still eligible to vote in Sandoval County. The name of each such person shall be removed from the list of voters to be purged, and it shall be the responsibility of the VRCs to

correct any errors on the voter list as to address, precinct assignment, or other matter, and to notify the voter of such change. Sandoval County shall be under no obligation to mail to any such person any notice pursuant to Section 8(d) of the National Voter Registration Act of 1993.

2. Distribution and posting of possible purge list. After the revisions described in the above paragraph, the list of persons in the Native American precincts to be sent a notice of removal from the voter registration lists in accordance with Section 8(d)(2) of the National Voter Registration Act shall be provided to tribal officials in each covered reservation in Sandoval County, to the extent practicable. To the extent practicable, the VRCs shall post the names of persons identified on these lists at each Navajo Chapter House and community center on the covered Pueblo reservations, with the sole notation that “the following persons should contact their VRC (name) at (contact information).”

3. Assistance with response to purge notice. The appropriate VRC shall attempt to contact personally each voter identified on the list and explain the purge process. If the voter so desires, the VRC shall assist the voter in filling out the response to the notice, collect the response, and deliver it to the County Clerk’s Office.

4. Final screening of possible purge list. One week before the registration deadline for each election covered by the NAVRP, the VRCs shall review the list of those still identified for purging, certify the current residence of all such voters whose current residence is known to them, revalidate the registration of those voters, and make the necessary adjustments to the voter registration records.

H. Records

1. Statistical records required. In addition to copies of tapes and other materials or records mentioned in this agreement, the County shall maintain statistical records including but not limited to:

a. Voter Registration to be compiled by the County Clerk

- Voter registration, by precinct, on a monthly basis.

b. Voter Purge to be compiled by the County Clerk

- Total number of voters purged, by precinct.
- Total number of voters retained on the voter registration rolls based on certification of eligibility by the VRCs.
- Total number of voters, by precinct, reinstated by returning post cards.
- Total number of voters validated by other means during the purge period by precinct.

c. Absentee Voting to be compiled by the County Clerk

- Total number of mail requests for absentee ballots and number of absentee votes cast per precinct pursuant to mail requests.
- Total number of absentee ballots cast, per precinct, in person at the County Courthouse.
- Total number of absentee ballots cast, per precinct, in person before a VRC on the reservations.

d. Publicity

- English text, Indian language, date, time and medium of each broadcast (where records are available) or publication pursuant to this agreement.
- Time, place, subject matter and occasion of each instance in which each election-related video and audio tape was played.

All records to be kept by precinct must be kept for each and every (Indian and non-Indian) precinct in Sandoval County for a minimum of twenty-two (22) months. The records required in paragraphs (a) through (c) of this section are tallies that must be computed by the County Clerk and copies of these tallies shall be provided to the VRCs and the County Attorney. Both the raw data used to compute the tallies, and the tallies themselves shall be maintained at

the County Clerk's office, and all records shall be available for public inspection upon request. Copies of these records shall be sent to the Department of Justice upon request.

2. Progress reports. After each election covered by the NAVRP, each VRC, under the supervision of the County Attorney, shall prepare a report detailing her or his election-related activities in implementing the goals and provisions of the NAVRP. The United States and the Sandoval County Attorney shall develop a form to be completed by each VRC which will constitute the report. Sandoval County shall submit a copy of each report no later than thirty (30) days following the applicable election. The format of the reports shall be a detailed recitation of the specific efforts made by the County to comply with each relevant provision of the NAVRP (for example, dates and times of visits to particular Navajo chapters or Pueblos, and subjects discussed; dates and times of training sessions and whether the election procedure outlined in a particular paragraph was discussed; the date and text of an election announcement published in a particular newspaper; the date, time, subject matter and language of each radio broadcast). If an appropriate provision is not specifically mentioned in the report, noncompliance with it shall be presumed. In addition, each VRC shall prepare a report detailing all actions taken concerning purge procedures as required by this NAVRP. Sandoval County shall submit a copy of each such report to the United States no later than 30 days following the day on which the County's purge process is completed.