

FILED

ERIC H. HOLDER JR
Attorney General

THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division

GEORGE S. CARDONA
Acting United States Attorney
MICHELE C. MARCHAND (#93390)
Assistant United States Attorney
Central District of California

T. CHRISTIAN HERREN JR
ROBERT POPPER
AMANDA GREGORY (#234129)
Attorneys
Voting Section
Civil Rights Division
United States Department of Justice
950 Pennsylvania Ave, N.W. - NWB Room 7254
Washington, D.C. 20530
Fax: (202) 307-3961
Tel: (202) 305-7540
amanda.gregory@usdoj.gov

Attorneys for Plaintiff
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.

CIVIL ACTION NO.

THREE-JUDGE COURT

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

10 FEB 12 PM 1:02

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

BY: _____

CX10-01059-SJO
(04)

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

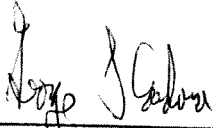
PRAYER FOR RELIEF

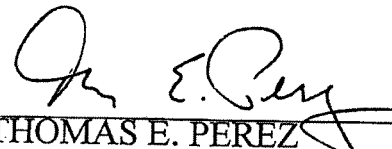
WHEREFORE, the Plaintiff United States prays that this Court enter an order:


- (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).

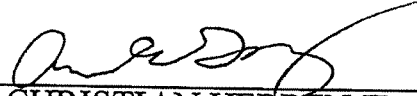
1
2 Date: January 29, 2010

3 ERIC H. HOLDER JR
4 Attorney General

5
6 
7 GEORGE S. CARDONA
8 Acting United States Attorney
9 Central District of California

10 
11 THOMAS E. PEREZ
12 Assistant Attorney General
13 Civil Rights Division

14 By: 
15 MICHELE C. MARCHAND (#93390)
16 Assistant United States Attorney
17 312 North Spring Street
18 Los Angeles, CA 90012

19 
20 T. CHRISTIAN HERREN JR
21 ROBERT POPPER
22 AMANDA GREGORY (#234129)
23 Attorneys
24 Voting Section
25 Civil Rights Division
26 United States Department of Justice
950 Pennsylvania Ave., NW
NWB Room 7254
Washington, D.C. 20530
Phone: (202) 305-7540
Fax: (202) 307-3961
amanda.gregory@usdoj.gov

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge S. James Otero and the assigned discovery Magistrate Judge is Oswald Parada.

The case number on all documents filed with the Court should read as follows:

CV10- 1059 SJO (OPx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

COPY

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> United States of America	DEFENDANTS County of Riverside, California; the Riverside County Board of Supervisors; and the Riverside County Registrar of Voters, Barbara Dunmore, in her official capacity
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Amanda Gregory (202) 305-7540 US Department of Justice, Civil Rights Division, Voting Section 950 Pennsylvania Ave NW - NWB Room 7254 Washington, DC 20530	Attorneys (If Known) Dana Smith (951) 955-6300 Deputy County Counsel, County of Riverside 3960 Orange St., Fifth Floor Riverside, CA 92501

II. BASIS OF JURISDICTION (Place an X in one box only.) <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%;"></td> <td style="width:33%; text-align: center;">PTF DEF</td> <td style="width:33%;"></td> <td style="width:33%; text-align: center;">PTF DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1 <input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table>		PTF DEF		PTF DEF	Citizen of This State	<input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6
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Citizen of This State	<input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4 <input type="checkbox"/> 4														
Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6														

IV. ORIGIN (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
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V. REQUESTED IN COMPLAINT: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Check 'Yes' only if demanded in complaint.)	<input type="checkbox"/> MONEY DEMANDED IN COMPLAINT: \$
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VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) complaint alleges violations of Section 203 of the Voting Rights Act, 42 U.S.C. 1973aa-1a
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VII. NATURE OF SUIT (Place an X in one box only.)
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OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input checked="" type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number: **CV10-01059**

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☒ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country

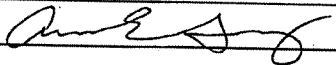
- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Riverside	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date 2/2/10

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))