

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THE UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

SUFFOLK COUNTY; SUFFOLK)
COUNTY BOARD OF ELECTIONS;)
ROBERT L. GARFINKLE AND)
ANITA S. KATZ, Commissioners)
of the Suffolk County Board)
Of Elections,)

Defendants.)

CV 04 2698

PLATT, J.

CIVIL ACTION NO.

FILED

IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUN 29 2004 ★

BROOKLYN OFFICE

COMPLAINT

The United States of America alleges:

1. The Attorney General brings this action pursuant to Section 203 of the Voting Rights Act of 1965 ("Section 203"), as amended, 42 U.S.C. § 1973aa-1a, 42 U.S.C. § 1973aa-2, 42 U.S.C. § 1973aa-6, and 28 U.S.C. § 2201.

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1345 and 42 U.S.C. § 1973aa-2. In accordance with the provisions of 28 U.S.C. § 2284, the Section 203 claim must be heard and determined by a court of three judges.

3. Defendant Suffolk County is a political subdivision of the State of New York and exists as a county, organized pursuant to the laws of New York.

4. Defendants Robert L. Garfinkle and Anita S. Katz serve as the two appointed Suffolk County Board of Elections Commissioners. Commissioners Garfinkle and Katz have

responsibilities concerning the administration of voting and elections in Suffolk County. They are sued in their official capacity.

5. Suffolk County is covered by Section 203 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973aa-1a with respect to the Spanish language. 28 C.F.R. 55, Appendix.

The determination by the Director of the Bureau of the Census that Suffolk County is a covered political subdivision for Hispanic citizens has been in effect since September 18, 1992.

6. Because Suffolk County is subject to the requirements of Section 203, "any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots" that Defendants provide in English must be furnished in the Spanish language so that Spanish-speaking voters can be effectively informed of and participate effectively in all voting-connected activities. 42 U.S.C. § 1973aa-1a.

7. In conducting elections in Suffolk County, Defendants have failed to furnish, in the Spanish language, the information and assistance needed by Hispanic citizens of limited-English proficiency to participate effectively in the electoral process, including, but not limited to, the following:

a. Defendants have failed to translate into Spanish all election-related information, including information about

election dates, voter registration, the absentee ballot process, polling place assignment, and poll worker recruitment;

b. Defendants have failed to translate into Spanish all election-related information at election sites including ballots, announcements, instructions, notices, and signs; and

c. Defendants have failed to recruit, appoint, train, and maintain an adequate pool of bilingual poll officials capable of providing Hispanic citizens with limited English proficiency with effective language assistance.

8. Defendants' failure to provide Suffolk County's limited-English proficient Hispanic citizens with the election information and assistance necessary for their effective political participation, as described above constitutes a violation of Section 203 of the Voting Rights Act, 42 U.S.C. § 1973aa-1a.

9. Unless enjoined by this Court, Defendants will continue to violate Section 203 by failing to provide Suffolk County's limited English-proficient Hispanic citizens with the election information and assistance necessary for their effective political participation.

WHEREFORE, Plaintiff United States prays for an order:

- (1) Declaring that Defendants have failed to provide Suffolk County's limited-English proficient Hispanic citizens with the election information and assistance

necessary for their effective political participation, in violation of Section 203 of the Voting Rights Act, 42 U.S.C. § 1973aa-1a;

- (2) Preliminarily and permanently enjoining Defendants, their agents and successors in office, and all persons acting in concert with them, from failing to provide Suffolk County's limited-English proficient Hispanic citizens with the election information and assistance necessary for their effective political participation, in violation of Section 203 of the Voting Rights Act, 42 U.S.C. § 1973aa-1a;
- (3) Requiring Defendants to take such actions as will ensure that Suffolk County's limited-English proficient Hispanic citizens are effectively informed of and able to be participate effectively in all phases of the electoral process, in compliance with Section 203 of the Voting Rights Act, 42 U.S.C. § 1973aa-1a;
- (4) Requiring Defendants to publicize effectively the remedial plans and programs addressing the Section 203 violations enumerated herein to ensure their widespread dissemination to Suffolk County's limited English proficient Hispanic citizen voters.


Plaintiff further prays that this Court order such additional relief as the interests of justice may require,

together with the costs and disbursements in maintaining this
action.


Dated: July 29, 2004

Brooklyn, New York

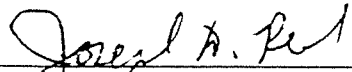
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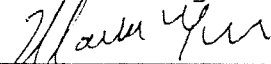
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