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CENTRAL DISTRICT OF CALIF.

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14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CV 04-6443 CAS VBKx

16 UNITED STATES OF AMERICA,) No. CV
17)
18 Plaintiff,) THREE-JUDGE COURT
19 v.) COMPLAINT
20)
21 VENTURA COUNTY, CALIFORNIA;)
22 PHIL SCHMIT, the COUNTY CLERK)
& RECORDER, in his official)
23 capacity; and the VENTURA)
COUNTY BOARD OF SUPERVISORS,)
Defendants.)

24 The United States of America, Plaintiff herein, alleges:

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

1 2. Jurisdiction: The Court has jurisdiction of this
2 action pursuant to 28 U.S.C. § 1345 and 42 U.S.C. § 1973aa-2.
3 In accordance with the provisions of 42 U.S.C. § 1973aa-2 and 28
4 U.S.C. § 2284, the Section 203 claim must be heard and
5 determined by a court of three judges. The events relevant to
6 this action occurred in Ventura County, which is located in the
7 United States District Court for the Central District of
8 California.

9 3. Defendant Ventura COUNTY is a political and
10 geographical subdivision of the State of California.

11 4. Defendant PHIL SCHMIT is the County Clerk & Recorder
12 of Ventura County. In this capacity as county clerk, Defendant
13 Schmit has responsibilities concerning the administration of
14 voting and elections in Ventura County. Defendant Schmit is a
15 resident of Ventura County, and is sued in his official
16 capacity.

17 5. Defendant Ventura COUNTY BOARD OF SUPERVISORS is the
18 primary budgetary authority for the county and for the County
19 Clerk & Recorder of Ventura County.

20 6. According to the 2000 Census, Ventura County had a
21 total population of 753,195 persons, of whom 251,965 (33.5%)
22 were Hispanic persons; and a total citizen voting-age population
23 of 458,420 persons, of whom 96,780 (21.1%) were Hispanic
24 persons.

25 7. According to the 2000 Census, 24,505 Hispanic voting-
26 age citizens in Ventura County were limited English proficient
27 ("LEP").
28

1 8. Ventura County is subject to the requirements of
2 Section 203 for the Spanish language, pursuant to the
3 designation by the Director of the Census. The Director has
4 determined that more than 10,000 of Ventura County's voting-age
5 citizens are members of a single language minority group
6 (Spanish heritage or Hispanic) who do not speak or understand
7 English well enough to participate in the English-language
8 election process and have an illiteracy rate that is higher than
9 the national illiteracy rate. See 42 U.S.C. § 1973aa-1a(b)(2);
10 see also 67 Fed. Reg. 48,871 (July 26, 2002). The determination
11 of the Census Bureau that Ventura County is covered by Section
12 203 for Spanish language is final and non-reviewable. See 42
13 U.S.C. § 1973aa-1a(b)(4).

14 9. Ventura County has been continuously covered under
15 Section 203 to provide bilingual elections in Spanish since
16 September 18, 1992. See 57 Fed. Reg. 43,213 (Sept. 18, 1992);
17 67 Fed. Reg. 48,871 (July 26, 2002). The Department has
18 directly notified election officials, including Ventura County
19 election officials, in all covered jurisdictions and has
20 provided information regarding the requirements of Section 203.

21 10. Because Ventura County is subject to the requirements
22 of Section 203, "any registration or voting notices, forms,
23 instructions, assistance, or other materials or information
24 relating to the electoral process, including ballots" that
25 Defendants provide in English must also be furnished in Spanish
26 to Spanish-speaking voters. 42 U.S.C. § 1973aa-1a(c).

1 CAUSE OF ACTION

2 11. Defendants have not provided election-related
3 materials, information, and/or assistance in Spanish to limited
4 English proficient Hispanic citizens as required by Section 203
5 of the Voting Rights Act, including, but not limited to, the
6 following:

7 a. failing to recruit, appoint, train, and maintain
8 an adequate pool of bilingual poll officials capable of
9 providing Hispanic citizens with limited English proficiency
10 language assistance;

11 b. failing to translate into Spanish the official
12 ballot, and all election-related announcements, instructions,
13 and notices at election sites;

14 c. failing to translate into Spanish all election-
15 related information, including but not limited to information
16 contained in legal notices publicizing elections and materials
17 available to the general public on the Internet website of the
18 Elections Division of the County Clerk & Recorder's office.

19 12. Defendants' failure to provide Spanish-speaking
20 citizens of Ventura County with Spanish-language election
21 information and assistance, as described above, constitutes a
22 violation of Section 203.

23 13. Unless enjoined by this Court, Defendants will
24 continue to violate Section 203 by failing to provide Spanish-
25 speaking citizens of Ventura County with Spanish-language
26 election information and assistance necessary for their
27 political participation.

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1 PRAYER FOR RELIEF

2 WHEREFORE, Plaintiff the United States of America prays that
3 this Court enter an order:

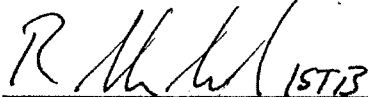
- 4 (1) Declaring that Defendants have failed to provide
5 election information and assistance necessary to those
6 who require it in Spanish in violation of Section 203
7 of the Voting Rights Act, 42 U.S.C. § 1973aa-1a;
- 8 (2) Enjoining Defendants, their employees, agents, and
9 successors in office, and all persons acting in
10 concert with them, from failing to provide Spanish-
11 language election information and assistance to
12 persons with limited English proficiency as required
13 by Section 203, 42 U.S.C. § 1973aa-1a;
- 14 (3) Requiring Defendants to devise and implement a
15 remedial plan to ensure that Spanish-speaking citizens
16 with limited English proficiency are able to
17 participate in all phases of the electoral process as
18 required by Section 203 of the Voting Rights Act, 42
19 U.S.C. § 1973aa-1a;
- 20 (4) Requiring the Defendants to publicize the remedial
21 plans and programs addressing violations of Section
22 203 of the Voting Rights Act to ensure their
23 widespread dissemination to Ventura County's voters;
24 and
- 25 (5) Authorizing the appointment of federal examiners for
26 elections held in Ventura County pursuant to Section
27 3(a) of the Voting Rights Act, 42 U.S.C. § 1973a(a),
28 through August 1, 2007.

1 Plaintiff further prays that this Court order such
2 additional relief as the interests of justice may require,
3 together with the costs and disbursements in maintaining this
4 action.

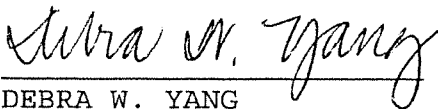
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1 Date: 4th day of August, 2004


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4 JOHN D. ASHCROFT
Attorney General

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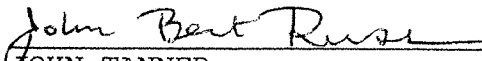
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