

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Civil Action No. 93-1134-LH/LFG
)
CIBOLA COUNTY, NEW MEXICO;)
CIBOLA COUNTY BOARD OF)
COMMISSIONERS; ELMER CHAVEZ,)
BENNIE COHOE, FRANK EMERSON,)
ANTONIO GALLEGOS, EDWARD)
MICHAEL, and JANE PITTS, Members)
of the Cibola County Board of)
Commissioners; and EILEEN M.)
MARTINEZ, Cibola County Clerk,)
)
Defendants.)
_____)

AMENDED COMPLAINT

Plaintiff United States of America hereby alleges:

1. The Attorney General files this action pursuant to Sections 2 and 203 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 and 1973aa-1a, and to enforce rights guaranteed by the Fourteenth and Fifteenth Amendments to the United States Constitution. This action is also brought to enforce the voter registration administration requirements of Section 8 of the National Voter Registration Act of 1993 (“NVRA”), 42 U.S.C. § 1973gg-6, and the provisional ballot and identification requirements of Sections 302 and 303 of the Help America Vote Act of 2002 (“HAVA”), 42 U.S.C. §§ 15482 and 15483.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345, 42 U.S.C. §§ 1973j(f), 1973aa-2, 1973gg-9(a) and 15511. Section 204 of the Voting Rights of 1965, as amended, 42 U.S.C. § 1973aa-2, requires that the claim brought pursuant to Section 203 of the Voting Rights Act be heard and determined by a court of three judges in accordance with the provisions of Section 2284 of Title 28 of the United States Code.

3. Venue for this action is proper in the United States District Court for the District of New Mexico. See 28 U.S.C. §§ 111 and 1391(b).

PARTIES

4. Plaintiff United States of America seeks declaratory and injunctive relief pursuant to Sections 12(d) and 204 of the Voting Rights Act, 42 U.S.C. §§ 1973j(d) and 1973aa-2, Section 11 of the NVRA, 42 U.S.C. § 1973gg-9, Section 401 of HAVA, 42 U.S.C. § 15511, and pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202.

5. Defendant Cibola County is an organized political subdivision of the State of New Mexico and exists under the laws of that state.

6. Defendant Cibola County Board of Commissioners is the general governing and managing body of Cibola County.

7. Defendant Elmer Chavez is a member of the Cibola County Board of Commissioners and is sued in his official capacity.

8. Defendant Bennie Cohoe is a member of the Cibola County Board of Commissioners and is sued in his official capacity.

9. Defendant Frank Emerson is a member of the Cibola County Board of Commissioners and is sued in his official capacity.

10. Defendant Antonio Gallegos is a member of the Cibola County Board of Commissioners and is sued in his official capacity.

11. Defendant Edward Michael is a member of the Cibola County Board of Commissioners and is sued in his official capacity.

12. Defendant Jane Pitts is a member of the Cibola County Board of Commissioners and is sued in her official capacity.

13. Defendant Eileen M. Martinez is the Cibola County Clerk and is responsible for the administration of procedures for voter registration and for the conduct of elections in Cibola County. She is sued in her official capacity.

FACTUAL ALLEGATIONS

14. Cibola County includes all or part of the following American Indian reservations: the Laguna Pueblo (“Laguna”), the Acoma Pueblo (“Acoma”), and the Ramah Chapter of the Navajo Nation (“Ramah”). According to the 1990 Census, Cibola County had a total population of 23,794 persons of whom 9,155 (38.5%) were American Indian. According to the 1990 Census, 2,590 of the American Indians residing in Cibola County were members of the Acoma Pueblo, and 3,718 were members of the Laguna Pueblo; the reported number of Navajos residing in the County was 1,821. According to 2000 Census data, Cibola County’s population is 25,595, of whom 10,680 (41.73%) are American Indian. Of the County’s American Indian population, 2,755 (25.80%) reside at Acoma, 3,725 (34.88%) reside at Laguna, and 2,100 (19.67%) reside at

Ramah. The County's voting age population is 17,745, of whom 6,720 (37.87%) are American Indian.

15. Members of the Acoma and Laguna Pueblos speak different dialects of Keresan, and these dialects of the Keresan language are a common means of communication among Pueblo Indians within Cibola County. The Navajo language is a common means of communication among the County's Navajo residents. Both Navajo and Keresan are historically unwritten languages.

16. The Navajo, Acoma, and Laguna populations in Cibola County are geographically concentrated. Navajo citizens tend to live in the Ramah Chapter of the Navajo Nation, where the overwhelming majority of the population is Navajo. Acoma citizens tend to live in the Acoma Pueblo, where the overwhelming majority of the population is Acoma. Laguna citizens tend to live in the Laguna Pueblo, where the overwhelming majority of the population is Laguna.

17. American Indians in Cibola County have suffered a long history of official discrimination, including discrimination affecting the right to vote. American Indians in New Mexico were denied the right to register and vote until 1948. In more recent years, federal courts have held that various voting devices and procedures implemented within New Mexico and Cibola County have denied American Indian citizens a fair opportunity for effective political participation. American Indians in Cibola County continue to bear the effects of past discrimination in such areas as education, health, housing and employment.

18. Navajo and Pueblo citizens live in a state of isolation from the processes of election and government, as conducted by Defendants. This isolation is manifested in terms of

language and culture, and in terms of sheer geographical distance, exacerbated by poor road conditions and by the Navajos' and Pueblos' relative lack of access to automobiles and telephones.

Voter Registration

19. Upon information and belief, in the months leading to the November 2, 2004 general election, more than 500 American Indian citizens from the Laguna Pueblo completed and properly submitted voter registration forms to become registered to vote in Cibola County.

20. The voter registration applications for these newly-registered Laguna voters were submitted to the County prior to the voter registration deadline established by state law. For the November 2, 2004 general election, that date was October 5, 2004.

21. American Indian citizens from Acoma and Ramah also completed and properly submitted voter registration forms to become registered to vote in Cibola County.

Early Voting

22. New Mexico law sets forth procedures permitting duly registered voters to cast ballots before election day. See, e.g. N.M. Stat. Ann. § 1-6-5.7. That process is known as “early voting.”

23. October 16, 2004 was the first day of early voting for the November 2, 2004 general election.

24. The November 2, 2004 general election was an election in which federal offices were on the ballot.

25. Starting on October 16, 2004, persons from Laguna who recently had registered to vote attempted to participate in early voting in Cibola County.

26. Despite their having completed and submitted proper and timely voter registration applications, persons from Laguna discovered that their names were not on the official voter registration list for Cibola County.

27. These persons' names were omitted from the official list of registered voters because Cibola County failed to process their voter registration applications prior to the start of early voting or before the general election on November 2, 2004.

28. Cibola County poll officials did not permit these persons to participate in early voting for the November 2, 2004 election, either by voting machine or by provisional ballot.

Provisional Ballots

29. For the November 2, 2004 election, Cibola County failed to ensure that provisional ballots were available in precincts at Acoma, Laguna, and Ramah by 7:00 a.m., the time the polls are required to be open.

30. For the November 2, 2004 election, Cibola County did not deliver provisional ballots to precincts at Acoma and Laguna until several hours after polls opened. It failed to deliver provisional ballots to Ramah until early afternoon.

31. For the November 2, 2004 election, Cibola County also failed to deliver a sufficient number of outer envelopes, in which the voted provisional ballots are placed, to certain precincts at Laguna.

32. These outer envelopes require the voter to affirm his or her eligibility to vote and to provide identifying information, which enables Cibola County to verify the voter's eligibility to vote.

33. At the November 2, 2004 election, a number of voters at Acoma, Laguna and Ramah, who stated that they were eligible to vote, were not on the voter registration list despite their claims of eligibility to vote.

34. At the November 2, 2004 election, some voters at Laguna, Acoma, and Ramah were not able to cast a provisional ballot despite their claims of eligibility to vote.

35. Approximately 260 provisional ballots were cast in the November 2, 2004 election in Cibola County.

36. Approximately 176 of the 260 provisional ballots cast in the November 2, 2004 election in Cibola County were cast in precincts located at Acoma, Laguna or Ramah.

37. Approximately 127 of the 260 provisional ballots cast in the November 2, 2004 election in Cibola County were cast in precincts located at Laguna.

38. Cibola County rejected at least 103 provisional ballots cast in the November 2, 2004 election. Of the 103 rejected provisional ballots, 36 were rejected because of the omission of outer envelopes, which Cibola County failed to supply in sufficient quantities or the poll workers were not properly trained to provide these outer envelopes. Thirty-two of these 36 rejected ballots were cast in precincts at Laguna.

39. At least 51 voters who completed and submitted a voter registration application on or prior to the voter registration deadline of October 5, 2004 were omitted from Cibola County's voter registration list for the November 2, 2004 general election. All 51 voters were from precincts located at Acoma, Laguna or Ramah.

40. Cibola County failed to process voter registration applications in a timely manner. Cibola County processed at least 35 voter registration applications after early voting began on October 16, 2004. These 35 registered voters could not participate in early voting.

41. Cibola County rejected provisional ballots cast in the November 2, 2004 election by some voters whose voter registration applications were completed and submitted prior to the registration deadline of October 5, 2004. Cibola County did not process the registration applications for voters in a timely fashion. A vast majority of the rejected ballots were cast in precincts located at Acoma, Laguna or Ramah.

Identification Requirements

42. For voter registration applications submitted by mail and received by Cibola County after January 1, 2003, but prior to the November 2004 general election, Cibola County failed to identify and note on its voter registration list which applicants were registering for the first time in Cibola County.

43. Accordingly, for elections for federal office held in 2004, poll officials failed to request identification from voters who registered to vote by mail since January 1, 2003, and who had not previously voted in an election for federal office and who had not otherwise submitted appropriate identifying information.

June 6, 2006 Federal Primary Election

44. Cibola County continued to have numerous registration list errors for the June 6, 2006 federal primary election due, in part, to the county clerk's practice of having voters' names removed from the registration list or placed on the inactive list solely on the basis that the voter had not voted in any election for two federal election cycles (or four years).

45. Cibola County did not properly train election officials prior to the June 6, 2006 federal primary election to ensure that voters, who were otherwise qualified to receive a provisional ballot, would receive a provisional ballot for that election.

46. Cibola County also did not provide sufficient training to poll workers regarding the identification requirements for voters who registered to vote by mail after January 1, 2003 and who have not previously voted in an election for federal office. Some poll workers for the June 6, 2006 primary election were unsure about the circumstances under which they are required to request identification from a voter and what forms of identification are legally acceptable.

CLAIMS FOR RELIEF: SECTIONS 2 AND 203

47. Plaintiff restates and incorporates herein the allegations of Paragraphs 1 through 46 of this Amended Complaint.

48. In 1984, Cibola County became subject to the requirements of Section 203 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973aa-1a ("Section 203"), as a result of a determination by the Director of the Census. 49 Fed. Reg. 25887 (June 25, 1984). This determination required the County to furnish oral instructions, assistance and other information relating to registration and voting in the Keresan language.

49. In 1992, Cibola County became subject to the requirements of Section 203 for Navajo as well as Pueblo voters as a result of determinations by the Director of the Census. 57 Fed. Reg. 43213 (September 18, 1992). The County remains covered for these language groups. 67 Fed. Reg. 48,871, 48,872 (July 26, 2002). These determinations of the Director of the Census

require Cibola County to furnish oral instructions, assistance and other information relating to registration and voting, in both Navajo and Keresan.

50. Defendants are prohibited by Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973, from applying or imposing any voting qualification or prerequisite to voting or standard, practice, or procedure which results in a denial or abridgement of the right of Navajo and Pueblo citizens to vote.

51. In conducting elections within Cibola County, Defendants have failed to furnish, in the Keresan and Navajo languages, the information and assistance necessary to allow Pueblo and Navajo residents fair opportunity for effective political participation, including the following:

a. Although Defendants provide a significant amount of information regarding voting and the election process in the English language, such information has not been provided effectively in the Keresan and Navajo languages. Examples of such information include information regarding the voter registration process, the absentee voting process, the voter registration cancellation process, and the offices and issues to be voted upon at the election.

b. Defendants have failed to provide a sufficient number of adequately trained bilingual persons to serve as translators for Pueblo and Navajo voters needing assistance at the polls on election day.

52. In addition to failing to provide information regarding elections and voting in the Navajo and Keresan languages, Defendants have failed to implement practices and procedures which would afford American Indian citizens in the isolated Navajo and Pueblo residential

concentrations an opportunity, equal to that afforded to other County residents, to register to vote, to obtain and cast absentee ballots, and to avoid voter registration cancellation.

53. Defendants' failure to provide Navajo and Pueblo residents of Cibola County with the oral instructions, assistance and other information relating to registration and voting necessary for effective political participation constitutes a violation of Section 203 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973aa-1a.

54. Defendants' election-related practices and procedures, as applied to Navajo and Pueblo citizens, implemented under the totality of circumstances described herein, constitute a denial of the right of Pueblo and Navajo citizens to participate in the political process and elect candidates of their choice on an equal basis with other citizens in violation of Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973.

55. Unless enjoined by this Court, Defendants will continue to enforce voting standards, practices, and procedures in a manner which denies Navajo and Pueblo citizens an opportunity to participate effectively and on an equal basis with other citizens in violation of Sections 2 and 203 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 and 1973aa-1a, and the voting guarantees of the Fourteenth and Fifteenth Amendments.

CLAIM FOR RELIEF: NVRA

56. Plaintiff restates and incorporates herein the allegations of Paragraphs 1 through 46 of this Amended Complaint.

57. Section 8 of the NVRA, 42 U.S.C. § 1973gg-6, provides that applicants who submit valid voter registration forms must be registered to vote in an election for federal office if those forms are received or accepted by an appropriate state elections officer, voter registration

agency, or motor vehicle authority (or in the case of registration by mail, postmarked) no later than the lesser of 30 days, or the period provided by State law, before the date of the next election for federal office. See 42 U.S.C. § 1973gg-6(a)(1)(A),(B),(C), and (D).

58. Section 8 of the NVRA sets forth specific notice procedures, including the requirement to mail a specific address confirmation notice via forwardable mail, which must be undertaken prior to removing the voter's name from the official voter registration list. See 42 U.S.C. § 1973gg-6(d). In New Mexico, once a voter is placed on inactive status, "the failure of [that] voter to vote in at least one statewide or local election in a four-year period" thereafter "shall be grounds for cancellation of registration." N.M. Stat. Ann. § 1-4-28.

59. Section 8 specifically prohibits the removal of a voter from the official voter registration list based on the voter's failure to vote in an election. See 42 U.S.C. § 1973gg-6(b).

60. Under New Mexico law, voter registration closes 28 days before an election. See N.M. Stat. Ann. § 1-4-8(A)(6).

61. Voter registration closed in New Mexico on Tuesday, October 5, 2004 for the November 2, 2004 general election. Accordingly, Cibola County was required to process all valid voter registration applications that were postmarked or dated and subscribed by October 5, 2004. See 42 U.S.C. § 1973gg-6(a)(1)(A),(B),(C), and (D).

62. Defendants, their employees, and agents have failed, and continue to fail, to implement or fully implement the voter registration administration requirements of Section 8 of the NVRA, 42 U.S.C. § 1973gg-6, in the following respects:

a. Cibola County has failed to register to vote in elections for federal office eligible voter registration applicants who submitted valid, timely voter registration applications to appropriate authorities;

b. Defendants have failed to develop and implement appropriate procedures to ensure that agents, employees and representatives of Cibola County register to vote in elections for federal office all eligible voter registration applicants who submitted valid, timely voter registration applications to appropriate authorities;

c. Cibola County has removed the names of voters from the registration list or placed them on the inactive registration list based on their failure to vote; and

d. Defendants have failed to develop and implement appropriate procedures to ensure that for elections for federal office, voters' names are not removed from the official list of registered voters without following the procedures set forth in Section 8(d) of the NVRA.

63. Unless and until ordered to do so by this Court, Defendants will not provide eligible persons in Cibola County who apply for voter registration an effective opportunity to register to vote in elections for federal office as required by Section 8(a)(1) of the NVRA, 42 U.S.C. § 1973gg-6(a)(1).

64. Unless and until ordered to do so by this Court, Defendants will not implement appropriate procedures to ensure that for elections for federal office, voters' names are not removed from the official list of registered voters without following the procedures set forth in Section 8(d) of the NVRA, 42 U.S.C. § 1973gg-6(d).

CLAIM FOR RELIEF: HAVA

65. Plaintiff restates and incorporates herein the allegations in Paragraphs 1 through 46 of this Amended Complaint.

66. Section 302(a) of HAVA, 42 U.S.C. § 15482(a), requires state and local election officials to provide provisional ballots to individuals whose names do not appear on an official voter registration list but who declare they are registered to vote in the jurisdiction in which they intend to vote and eligible to vote in an election for federal office, and who affirm in writing that he or she is a registered voter in the jurisdiction and eligible to vote in that election. 42 U.S.C. § 15482(a)(2).

67. Section 303(b) of HAVA, 42 U.S.C. § 15483(b), requires that voters who registered to vote by mail after January 1, 2003, and who had not previously voted in an election for federal office in Cibola County, provide certain identifying information. State or local election officials must require appropriate proof of identification from such registrants who have not otherwise provided sufficient identifying information before attempting to vote in an election for federal office.

68. Defendants did not provide sufficient quantities of provisional ballots for the November 2, 2004 general election in Cibola County. As a result, voters who were qualified for provisional ballots under Section 302(a) of HAVA improperly were denied access to provisional ballots. The failure of Defendants to provide provisional ballots to such voters violated Section 302(a) of HAVA, 42 U.S.C. § 15482(a).

69. Defendants did not deliver sufficient quantities of outer envelopes in which to place the voted provisional ballots for the November 2, 2004 general election in Cibola County.

Voters are required to sign a written affirmation of their eligibility to vote on the outer envelopes. As a result, voters who qualified for provisional ballots under Section 302(a) of HAVA were unable to sign a written affirmation before an election official because of the absence of the outer envelopes. The absence of the outer envelopes containing the written affirmation of voters caused these provisional ballots to be incomplete. These incomplete provisional ballots were not and could not be counted. The failure of Defendants to provide the outer envelopes for the provisional ballots violated Section 302(a)(2) of HAVA, 42 U.S.C. § 15482(a)(2).

70. Defendants did not properly train poll workers prior to the June 6, 2006 primary election regarding the requirements for offering and completing provisional ballots and when such ballots should be provided to voters. This failure violated the requirement for ensuring that provisional ballots are provided to voters in accordance with Section 302(a) of HAVA, 42 U.S.C. § 15482(a).

71. For elections for federal office in Cibola County occurring in 2004, Defendants did not require identification from voters who registered by mail after January 1, 2003 and who had not previously voted in an election for federal office. For the June 2006 federal primary election, Cibola County did not train poll workers regarding the identification requirements for such voters or the forms of identification sufficient to meet these requirements. These failures to require proof of identification of such voters and properly train poll workers violated Section 303(b) of HAVA, 42 U.S.C. § 15483(b).

72. Defendants, their employees and agents have failed, and continue to fail, to comply fully with Sections 302(a) and 303(b) of HAVA, 42 U.S.C. §§ 15482(a) and 15483(b), in the following respects:

a. Cibola County has failed to provide provisional ballots to individuals whose names did not appear on an official voter registration list but who declared they were registered to vote in Cibola County and eligible to vote in an election for federal office;

b. Defendants have failed to develop and implement appropriate procedures to ensure that provisional ballots and provisional ballot outer envelopes are provided to individuals whose names did not appear on an official voter registration list but who declared they were registered to vote in Cibola County and eligible to vote in an election for federal office;

c. Defendants have failed to develop and implement appropriate procedures to ensure that, for elections for federal office occurring after January 1, 2004, voters who registered to vote by mail after January 1, 2003, and who have not previously voted in an election for federal office in Cibola County, provide appropriate identifying information.

73. Unless and until ordered to do so by this Court, Defendants will not provide eligible persons in Cibola County an appropriate opportunity to cast provisional ballots, as required by Section 302(a) of HAVA, 42 U.S.C. § 15482(a).

74. Unless and until ordered to do so by this Court, Defendants will not require appropriate identifying information from voters who registered to vote by mail after January 1, 2003 and who have not previously voted in an election for federal office in Cibola County, as required by Sections 303(b) of HAVA, 42 U.S.C. § 15483(b).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff United States of America prays for an order:

A. Declaring that Defendants have failed to provide effective oral instructions, assistance and other information relating to registration and voting in the Keresan and Navajo languages in violation of Sections 2 and 203 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 and 1973aa-1a, and the voting guarantees of the Fourteenth and Fifteenth Amendments to the United States Constitution;

B. Declaring that Defendants' standards, practices, and procedures relating to registration, registration cancellation, absentee voting, and assistance at the polls deny Pueblo and Navajo citizens in Cibola County an opportunity equal to that enjoyed by other citizens to participate in the political process in violation of Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973, and the voting guarantees of the Fourteenth and Fifteenth Amendments to the United States Constitution;

C. Requiring Defendants to devise a plan to assure that Navajo and Pueblo citizens of Cibola County, including those who rely in whole or in part on the Keresan or Navajo language, have an opportunity equal to that of other members of the electorate to register to vote, avoid cancellation of registration, cast an absentee ballot, and otherwise to participate effectively in all phases of the election process;

D. Requiring Defendants to implement the remedial plan promptly upon approval by this Court;

E. Authorizing the appointment of federal observers for elections in Cibola County pursuant to Section 3(a) of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973a(a);

F. Declaring that Defendants are in violation of Sections 8(a)(1) and 8(b) of the NVRA, 42 U.S.C. §§ 1973gg-6(a)(1) and 1973gg-6(b), by failing to ensure that Cibola County (1) processed voter registration applications for elections for federal office in a timely manner, and (2) maintained an accurate and current voter registration roll for elections for federal office;

G. Declaring that Defendants are in violation of Section 8(d) of the NVRA, 42 U.S.C. 1973gg-6(d), by failing to ensure that the procedures set forth in that statute were followed prior to removal of persons from the voter registration list in elections for federal office;

H. Declaring that Defendants are in violation of Sections 302(a) and 303(b) of HAVA, 42 U.S.C. §§ 15482(a) and 15483(b), by failing to ensure that Cibola County, in elections for federal office, (1) distributed, delivered, and offered provisional ballots as appropriate to Cibola County precincts and voters, and (2) required identification of voters who registered to vote by mail after January 1, 2003 and who have not previously voted in an election for federal office in Cibola County;

I. Enjoining Defendants, their agents and successors in office, and all persons acting in concert with any of them from failing or refusing to comply with Sections 2 and 203 of the Voting Rights Act, 42 U.S.C. §§ 1973 and 1973aa-1a, Sections 8(a)(1), 8(b) and 8(d) of the NVRA, 42 U.S.C. §§ 1973gg-6(a)(1), 1973gg-6(b), and 1973gg-6(d), and Sections 302(a) and 303(b) of HAVA, 42 U.S.C. §§ 15482(a), 15483(b);

J. Requiring Defendants to process voter registration applications in a timely fashion and to maintain an accurate and current voter registration list in compliance with Section 8 of the NVRA, 42 U.S.C. § 1973gg-6;

K. Requiring Defendants to distribute, deliver, offer, and collect provisional ballots in compliance with the requirements of Section 302(a) of HAVA, 42 U.S.C. § 15482(a), in elections for federal office;

L. Requiring Defendants to request and obtain appropriate identifying information from voters who registered to vote by mail after January 1, 2003 and who have not previously voted in an election for federal office in Cibola County, pursuant to the Section 303(b) of HAVA, 42 U.S.C. § 15483(b); and

M. Requiring Defendants to provide this Court within 30 days from the date of any order imputing liability a plan to remedy any demonstrated violation of federal law. That plan also should include a means for County counsel to monitor and certify to this Court and to the United States that the County is meeting its obligations under federal law on a regular basis going forward.

Plaintiff further prays that this Court order such other relief as the interests of justice may require, together with the costs and disbursements of this action.

Respectfully Submitted,

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