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16 Counsel for Plaintiff  
17 United States of America

18 IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

20 UNITED STATES OF AMERICA, )  
21 )  
Plaintiff, )  
22 )  
v. )  
23 ALAMEDA COUNTY, CALIFORNIA; )  
DAVE MACDONALD, ALAMEDA COUNTY )  
24 REGISTRAR OF VOTERS, in his official )  
capacity; and the ALAMEDA COUNTY BOARD )  
25 OF SUPERVISORS, )  
Defendants. )

No. C-11-3262 EMC-MMS-RS

**CONSENT DECREE, JUDGMENT,**  
**and ORDER**

CONSENT DECREE

1 The United States of America filed this action pursuant to Section 203 of the Voting Rights Act,  
2 42 U.S.C. § 1973aa-1a, and pursuant to 28 U.S.C. § 2201, to enforce voting rights guaranteed by  
3 the Fourteenth and Fifteenth Amendments, with respect to the conduct of elections in Alameda  
4 County, California.

5 The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345 and  
6 42 U.S.C. §§ 1973aa-2a. In accordance with 42 U.S.C. § 1973aa-2 and 28 U.S.C. § 2284, the  
7 United States' Section 203 claim must be heard and determined by a court of three judges.

8 Alameda County is subject to Section 203 of the Voting Rights Act, which requires that  
9 whenever any covered jurisdiction provides “any registration or voting notices, forms,  
10 instructions, assistance, or other material or information relating to the electoral process,  
11 including ballots, it shall provide them in the language of the applicable minority group as well  
12 as in the English language.” 42 U.S.C. 1973aa-1a. Alameda County has been continuously  
13 covered by Section 203 since September 18, 1992, and is required by Section 203 to provide  
14 Spanish language and Chinese language written voting material, information and assistance to  
15 voters. 42 U.S.C. § 1973aa-1a(b)(2); 57 Fed. Reg. 43,213 (Sept. 18, 1992); 67 Fed. Reg. 48,871  
16 (July 26, 2002).

17 According to the 2000 Census, Alameda County had a total population of 1,443,741, of  
18 whom 273,887 (18.9%) were of Hispanic origin and 110,895 (7.6%) were of Chinese origin. In  
19 2000, the voting-age citizen population was 896,918, of whom 106,287 (11.9%) were of  
20 Hispanic origin and 62,154 (6.9%) were of Chinese origin. Of the voting-age citizens of  
21 Hispanic origin, 22,010 (20.7%) were limited English proficient, while 28,280 (45.5%) of the  
22 voting age citizens of Chinese origin were limited English proficient.

23 The Hispanic origin and Chinese origin populations in Alameda County have grown.  
24 According to the 2005-2009 American Community Survey 5-Year Estimates, Alameda County's  
25

1 total population is 1,457,095, of whom 310,688 (21.3%) were of Hispanic origin and 128,891  
2 (8.8%) were of Chinese origin. In 2005-2009, the voting-age citizen population was 919,099, of  
3 whom 122,686 (13.3%) were of Hispanic origin.

4 On April 13, 1995, the United States filed a lawsuit in the United States District Court for  
5 the Northern District of California, against Alameda County for failing to provide election  
6 material and assistance in Chinese for limited-English proficient voters in violation of Sections 2  
7 and 203 of the Voting Rights Act. U.S. v. Alameda County, C95-1266 (N.D. Cal.). On January  
8 22, 1996, the Court entered a Settlement Agreement and Order, which, among other things,  
9 required the County to provide Chinese language assistance and materials to limited-English  
10 proficient voters. *Id.* Further, the Settlement Agreement and Order permanently enjoined  
11 defendants from failing to comply with the requirements of Sections 2 and 203 of the Voting  
12 Rights Act.

13 The United States contends in this action that Alameda County has failed to implement  
14 an effective minority language election program for Spanish-speaking voters and Chinese-  
15 speaking voters in violation of Section 203 of the Voting Rights Act. The United States further  
16 contends that Alameda County has failed to hire, train, and place qualified bilingual poll workers  
17 in polling places with significant limited-English proficient Spanish-speaking and Chinese-  
18 speaking voters. The United States also contends that Alameda County has also failed to  
19 translate and disseminate all written election material and information into Spanish and Chinese,  
20 including information published on its website.

21 Because Defendants are committed to complying fully with the Voting Rights Act and  
22 the Parties wish to avoid protracted and costly litigation, Plaintiff United States of America and  
23 Defendants Alameda County, California, Dave Macdonald, Registrar of Voters, in his official  
24 capacity, and the Alameda County Board of Supervisors (“the Parties”) have agreed that this  
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1 lawsuit should be resolved through the terms of this Consent Decree (“Decree”). Accordingly,  
2 the Parties hereby consent to the entry of this Decree, as indicated by the signatures of counsel at  
3 the end of this Order. Except as provided in this Decree, the Parties waive further hearings and  
4 entry of findings of fact and conclusions of law on all issues involved in this matter. Each party  
5 shall bear its own costs and fees.

6 Accordingly, it is hereby ORDERED, ADJUDGED, AND DECREED that:

7 1. Defendants, their agents, employees, contractors, successors, and all other persons  
8 representing the interests of Defendants are hereby permanently enjoined from failing to provide  
9 “any registration or voting notices, forms, instructions, assistance, or other materials or  
10 information relating to the electoral process, including ballots” in “the language of the applicable  
11 minority group,” specifically, in the Spanish language and the Chinese language, “as well as in  
12 the English language,” as required by Section 203 of the Voting Rights Act, 42 U.S.C. 1973aa-  
13 1a.

14 2. The terms of this Decree apply to all Federal, state, and local elections that are  
15 administered by the County. Whenever Defendants enter into an election services contract with  
16 any other entity, political subdivision, or political party to conduct an election on behalf of that  
17 entity, Defendants shall require such entity to agree to abide by the terms of this Decree as if  
18 such entity were a party to this Decree, and consistent with the responsibility of each entity to  
19 comply fully with Section 203 of the Voting Rights Act.

20 **Translation and Dissemination of Election-Related Materials**

21 3. All information that is disseminated by Alameda County in English about  
22 “registration or voting notices, forms, instructions, assistance, or other materials or information  
23 relating to the electoral process, including ballots,” 42 U.S.C. 1973aa-1a, shall also be provided  
24 in the Spanish and Chinese languages.

1           4.       Defendants shall utilize a certified translator to prepare translated materials. The  
2 translator shall work in coordination with the bilingual election program Coordinator and the  
3 Advisory Group described in paragraphs 24 - 26 to ensure that bilingual materials are complete,  
4 accurate, linguistically competent and accessible for limited-English proficient voters. The  
5 translated materials must include effective translations that most accurately convey the meaning  
6 of the original English-language information.

7           5.       Any voting system the County employs shall be multilingual, as described below.  
8 If the County uses electronic voting machines, these machines shall offer the readily apparent  
9 options of a Spanish ballot and Chinese ballot, and any audio version of the ballot on such  
10 machines shall be available at least in English, Spanish, and Chinese. Any paper ballots the  
11 County uses in English, including the official ballot, the provisional ballot, and the absentee  
12 ballot, shall also be available in translated bilingually in English and Spanish, and English and  
13 Chinese.

14           6.       If there is a precinct with English, Spanish, and Chinese-speaking voters, then the  
15 County shall ensure that both English and Spanish, and English and Chinese ballots are visible  
16 and available on an equal basis. The County shall provide at least enough English and Spanish  
17 and English and Chinese ballots to equal the number of registered voters in a precinct whose  
18 surname indicates membership in a particular minority group. Moreover, the County shall  
19 ensure that the boxes containing the Spanish and Chinese ballots are clearly marked in bold  
20 lettering to avoid poll worker confusion. The Parties may by written agreement adjust the above  
21 described standard in light of confirmed information that the actual language need in a particular  
22 precinct is less or greater than that standard.

1           7.       To the extent the County posts instructions on casting a ballot and other  
2 information in English in the voting booth, the County shall also provide that same information  
3 in Spanish and Chinese.

4           8.       Sample ballots and other written materials mailed to voters' homes shall be  
5 provided in Spanish and Chinese to voters who have requested translated materials. These  
6 minority-language materials must be mailed out at the same time as the English-language  
7 materials.

8           9.       Defendants shall ensure that all Spanish, Chinese, and English language election  
9 information, materials, and announcements are made equally available. Spanish and Chinese  
10 language information shall be distributed in newspapers, radio, the Internet, and other media that  
11 exclusively or regularly publish or broadcast information in Spanish and Chinese to the local  
12 population. Dissemination of these minority language announcements shall be in the form,  
13 frequency, and media best calculated to achieve notice and understanding equal to that provided  
14 to the English-speaking population and to provide substantially the same information, but need  
15 not be identical in all respects to English language announcements.

16           10.      The County shall work with its Spanish-language and Chinese-language election  
17 program coordinators (see paragraph 24, *infra*, delineating the coordinators' duties) to identify  
18 Hispanic and Chinese organizations in the County as well as organizations that serve Spanish-  
19 speaking or Chinese-speaking citizens. After identifying these organizations, the County shall  
20 consult with its Advisory Group members (see paragraphs 25-27, *infra*, establishing the  
21 guidelines for the Advisory Group) to update and review the organizations. The County shall  
22 affirmatively contact the organizations by telephone and in writing to inform these groups of this  
23 Decree and solicit their assistance in contacting limited-English proficient voters. Within 30  
24 days of the entry of this Decree, the County shall also extensively distribute postage prepaid  
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1 cards through these groups to provide limited-English proficient individuals with instructions on  
2 how to obtain Spanish-language or Chinese-language voting and election materials at home, and  
3 the County shall also mail these cards to all voters with Spanish or Chinese surnames who were  
4 born in either a Spanish-speaking or Chinese-speaking country and have thus far not requested  
5 election materials in a minority language.

6 **Spanish and Chinese Language Assistance**

7 11. Spanish and Chinese language assistance shall be available at all locations where  
8 election-related transactions are conducted except as outlined below for election precincts.

9 Trained bilingual (Spanish fluent plus English fluent and Chinese fluent plus English fluent)  
10 election personnel shall be available to answer voting-related questions by telephone without  
11 cost to voters during normal business hours at the Registrar of Voters' office. The County may  
12 coordinate the provision of such services with other governmental or non-governmental entities  
13 that conduct elections.

14 12. Defendants shall recruit, hire, and assign poll officials able to understand, speak,  
15 write, and read Spanish and English fluently to provide effective assistance to Spanish-speaking  
16 voters at the polls on election days. Defendants shall recruit, hire, and assign poll officials able  
17 to understand, speak, write, and read Chinese and English fluently to provide effective assistance  
18 to Chinese-speaking voters at the polls on election days.

19 13. Alameda County agrees that in targeting precincts for bilingual assistance it shall  
20 consult Spanish and Chinese surnames of registered voters, data from the 2010 Census and the  
21 most recent Five-Year Survey data from the American Community Survey regarding the location  
22 of persons of Hispanic origin and persons of Chinese origin in the County.

23 14. Defendants agree to the following targets for Spanish-language assistance with  
24 bilingual poll workers fluent in English and Spanish:

1 a. any election precinct in which there are 100-249 registered voters  
2 with Spanish surnames shall be staffed by at least one bilingual election  
3 official;

4 b. any election precinct in which there are 250-499 registered voters  
5 with Spanish surnames shall be staffed by at least two bilingual election  
6 officials; and

7 c. any election precinct in which there are 500 or more registered  
8 voters with Spanish surnames shall be staffed by at least three bilingual  
9 election officials.

10 d. If the ACS data shows that the persons identified as Hispanic  
11 origin at the block group level are less than three percent of the population  
12 in a particular area, and therefore, it is questionable whether there are a  
13 significant number of Spanish-speaking voters in that area, the County  
14 shall notify the United States that it will not be providing bilingual poll  
15 workers in that particular area, unless it would be required by paragraph  
16 14(e) of this consent decree.

17 e. If the County has received 10 or more requests for translated  
18 materials from limited-English proficient Spanish-speaking voters in a  
19 particular precinct, the County shall provide at least one bilingual poll  
20 worker.

21 f. Defendants shall employ bilingual personnel, trained in Spanish  
22 language election terminology, who shall be on call and available to travel  
23 to a precinct insufficiently staffed by bilingual poll officials to provide any  
24  
25



1 necessary assistance to any limited-English proficient Spanish-speaking  
2 voter.

3 15. Defendants further agree to provide Chinese language assistance (in Mandarin or  
4 Cantonese, depending on the limited-English proficient Chinese-speaking population's needs)  
5 with bilingual poll workers fluent in English and Chinese, as follows:

6 a. any election precinct in which there are 35-84 registered voters  
7 with Chinese surnames shall be staffed by at least one bilingual election  
8 official;

9 b. any election precinct in which there are 85-169 registered voters  
10 with Chinese surnames shall be staffed by at least two bilingual election  
11 officials;

12 c. any election precinct in which there are 170-339 registered voters  
13 with Chinese surnames shall be staffed by at least three bilingual election  
14 officials; and

15 d. any election precinct in which there are 340 or more registered  
16 voters with Chinese surnames shall be staffed by at least four bilingual  
17 election officials.

18 e. If the County has received 10 or more requests for translated  
19 materials from limited-English proficient Chinese-speaking voters in a  
20 particular precinct, the County shall provide at least one bilingual poll  
21 worker.

22 f. Defendants shall employ bilingual personnel, trained in Chinese  
23 language election terminology, who shall be on call and available to travel  
24 to a precinct insufficiently staffed by bilingual poll officials to provide any  
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1 necessary assistance to any limited-English proficient Chinese-speaking  
2 voter.

3 16. In the event that the formula outlined in Paragraphs 14 and 15 above requires that  
4 more than four bilingual poll workers be assigned to a single precinct, the Parties may agree to  
5 modify the number of required bilingual poll workers in that precinct.

6 17. Defendants shall also provide bilingual Spanish language and Chinese language  
7 assistance, materials, and information at all early voting polling sites.

8 18. The Parties may, by written agreement, adjust these requirements in light of  
9 reliable information that the actual need for language assistance in a particular polling place is  
10 lesser or greater than these standards or that the anticipated voter turnout is substantially lower or  
11 higher than average voter turnout.

12 19. Signs in English, Spanish, and Chinese shall be posted prominently at all polling  
13 places stating that Spanish language assistance and Chinese language assistance is available. At  
14 sites without bilingual staff, signs in English, Spanish, and Chinese shall be posted that explain  
15 how voters can obtain Spanish language assistance and Chinese language assistance. The  
16 County will establish a call-in number available to all polling places that has bilingual  
17 interpreters standing by to assist voters.

18 **Other Language Minority Groups**

19 20. Currently, the only language minority groups covered by Section 203 in Alameda  
20 County are Spanish-speaking and Chinese-speaking limited-English proficient voters. However,  
21 Defendants agree to follow any future determinations made by the Director of the Census and  
22 Congress regarding the County's 203 obligations. Specifically, Defendants agree to provide  
23 bilingual assistance, materials, and information to any other Alameda County language minority  
24 group(s) that may be covered in the future by Section 203.

1           **Election official training**

2           21.     Prior to each election, in addition to any required state or county training, the  
3 County shall train all poll officials and other election personnel present at the polls, including  
4 student poll workers, regarding the provisions of Section 203 of the Voting Rights Act, including  
5 the legal obligation and means to make Spanish language and Chinese language assistance and  
6 materials available to voters, and the requirement that poll officials be respectful and courteous  
7 to all voters regardless of race, ethnicity, color, or language abilities and to avoid inappropriate  
8 comments.

9           22.     In addition to the general training for poll officials, the County shall train all  
10 bilingual poll officials on Spanish language and Chinese language election terminology, voting  
11 instructions, and other election-related issues. The County shall maintain a record of which poll  
12 officials attend training sessions, including the time, location, and training personnel involved.  
13 The County shall provide a copy of the training manual to the United States prior to the start of  
14 training sessions. Personnel from the United States will be permitted to observe the training.

15           **Response to Complaints About Poll Officials**

16           23.     Defendants, upon receipt of complaints by voters, whether oral or written, relating  
17 to minority language voters, materials or assistance shall investigate expeditiously any such  
18 election-related allegations, including poll official hostility toward Spanish-speaking or Chinese-  
19 speaking voters in any election. The results of the investigation(s) conducted by the Defendants  
20 shall be reported to the United States within 30 days. The report shall include the County's  
21 "Trouble Ticket(s)" generated regarding the matter. Where there is credible evidence that poll  
22 officials have engaged in inappropriate treatment of Spanish-speaking or Chinese-speaking  
23 voters, Defendants shall remove those poll officials.

24           **Spanish Language and Chinese Language Election Program Coordinators**

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1           24. Defendants shall designate individuals to coordinate the County's Spanish  
2 language and Chinese language election program ("the Coordinators") for all elections within the  
3 County. Defendants shall provide the Coordinators with support sufficient to meet the goals of  
4 the program. The Coordinators shall be able to understand, speak, write, and read fluently both  
5 Spanish and English or Chinese and English. The Coordinators' responsibilities shall include  
6 coordination of the translation of ballots and other election information; development and  
7 oversight of Spanish and Chinese language publicity programs, including selection of  
8 appropriate Spanish language and Chinese language media for notices and announcements;  
9 training, recruitment, and assessment of Spanish language proficiency and Chinese language  
10 proficiency of bilingual poll officials and interpreters; and managing other aspects of the  
11 program.

12           **Advisory Group**

13           25. Defendants shall establish an Advisory Group to assist and inform the Spanish  
14 language and Chinese language election program. The Advisory Group shall be open to any  
15 interested community members and organizations and will help to determine how to most  
16 effectively provide election materials, information, and assistance to Spanish-speaking and  
17 Chinese-speaking voters. Defendants shall maintain a roster of the Advisory Group members  
18 together with the telephone and facsimile numbers or e-mail addresses of each member. The  
19 Advisory Group shall meet regularly for six months prior to the first election conducted by  
20 Defendants under the Decree, and at least once during the two months after the election.  
21 Thereafter, the Advisory Group shall meet as it determines is necessary, so long as it meets at  
22 least three times during the six months before the November 2012 general election, at least once  
23 during the two months after the November 2012 general election. The Parties may by writing  
24 adjust the Advisory Group's meeting schedule after consultation with the Advisory Group. The  
25

1 Coordinators shall provide notice of all planned meetings, including the date, time, location, and  
2 agenda at least 14 days in advance of such meeting, although members of the Advisory Group  
3 may agree to waive or shorten this time period as necessary.

4 26. Within five days after each meeting, the Coordinator shall provide a written  
5 summary of the discussion and any decisions reached at the meeting to all Advisory Group  
6 members and to the Registrar of Voters. If the Registrar of Voters decides not to implement an  
7 Advisory Group's suggestion or a consensus cannot be reached respecting such suggestion, the  
8 Registrar of Voters shall provide to the Advisory Group through the Coordinators, and maintain  
9 on file, a written statement of the reasons for rejecting such suggestion. Defendants shall  
10 provide a copy of each such summary and report to each member of the Advisory Group and to  
11 any additional interested member of the public who requests such information.

12 27. Defendants shall transmit to all members of the Advisory Group, and to any  
13 additional interested member of the public who requests such information, in English, Spanish,  
14 or Chinese, copies of all election information, announcements, and notices that are provided or  
15 made available to the electorate and general public, and request that they share such information  
16 with others.

17 **Federal Observers**

18 28. To assist in monitoring compliance with and ensure effectiveness of this Decree,  
19 and to implement the voting guarantees of the Fourteenth and Fifteenth Amendments for the  
20 citizens of Alameda County, the appointment of federal observers is authorized for Alameda  
21 County pursuant to Section 3(a) of the Voting Rights Act, 42 U.S.C. § 1973a(a), for the duration  
22 of this Decree.

23 29. Defendants shall recognize the authority of Federal observers to gather  
24 information and to observe all aspects of voting conducted in the polls on election day, including  
25

1 the authority to view County personnel providing assistance to voters during voting, except  
2 where the voter objects.

3 **Evaluation, Modification, and Termination**

4 30. The Parties recognize that regular and ongoing reassessment may be necessary to  
5 provide the most effective and efficient Spanish-language and Chinese-language election  
6 program. Defendants shall evaluate the Spanish-language and Chinese-language election  
7 program after each election to determine which aspects of the program are functioning well;  
8 whether any aspects need improvement; and how to effect needed improvements. The program  
9 may be adjusted at any time upon joint written agreement of the Parties.

10 31. This Decree shall terminate no later than March 30, 2017. The Decree may  
11 terminate on an earlier date, provided the Parties agree or this Court determines, in accordance  
12 with the procedures in paragraphs 32-35 below that Defendants have achieved substantial  
13 compliance with the terms of the Decree for the previous two election cycles.

14 32. If after the November 2014 election, or anytime subsequent to that date, the  
15 Defendants' assessments show that they have been substantially complying with all aspects of  
16 this Decree for the previous two election cycles and have the intent and means to continue  
17 compliance with Section 203, the Defendants will file a report with the United States  
18 demonstrating substantial compliance with each provision of this Decree. An "election cycle"  
19 refers to all elections administered by Defendants during a calendar year. Defendants shall  
20 include with any certification request reports from the Coordinator and the Advisory Group  
21 detailing the Defendants' efforts to comply with the Decree. Defendants shall bear the burden of  
22 demonstrating that they have substantially complied with the Decree and maintained substantial  
23 compliance for the required period.

1           33.     After conferring with Defendants, the United States, in its good faith discretion,  
2 will determine whether the Defendants have maintained substantial compliance for the requisite  
3 election cycles, and a conclusion of substantial compliance may not be unreasonably withheld.  
4 If the Parties agree that there is substantial compliance, they shall file a joint motion with the  
5 Court to terminate the Decree.

6           34.     If the United States determines that the County has not substantially complied for  
7 the requisite period, and if Defendants dispute such determination, the County may file a motion  
8 with this Court for termination of the Decree after the November 2014 election, or anytime  
9 subsequent to that date. In any such proceeding, the County shall have the burden of  
10 demonstrating substantial compliance. The County must notify the United States and the  
11 Advisory Group, and provide public notice of its intention to file such motion, at least 45 days  
12 prior to filing a contested motion to terminate the Decree. The County shall make public the  
13 report sent to the United States showing substantial compliance, and invite comments from the  
14 public. The County shall publish the report on its election information website. The Advisory  
15 Group shall also disseminate the report to interested community members. Further, the County  
16 shall publish a notice informing the public of its motion to terminate the consent decree in the  
17 newspapers or other media it relies upon to publicize election-related information to the Spanish-  
18 speaking and Chinese-speaking communities pursuant to paragraph 9 of the consent decree. The  
19 notice shall be provided in Spanish and in Chinese as well as in English, and shall advise how  
20 persons can submit their comments and provide the contact information for the appropriate  
21 election officials, including Spanish-speaking and Chinese-speaking bilingual officials, who can  
22 answer questions relating to the notice. The County shall allow at least 30 days for public  
23 comment before filing the motion to terminate the Decree. The County shall provide all  
24 comments received to the United States.

1           35.     Within thirty (30) days after submission of the information described in paragraph  
2 39 below regarding any election conducted throughout the term of this Agreement, the United  
3 States shall notify Defendants' counsel and the Registrar of Voters of any known alleged  
4 violation or potential violation of this Agreement and shall provide Defendants a report detailing  
5 the Defendants' alleged violation of this Agreement. The United States and Defendants shall  
6 work together in good faith to remedy as soon as possible any violation of this Agreement.  
7 Defendants may provide a written response to the federal observers' report within thirty (30)  
8 days after receipt of the written report. If Defendants fail to submit a written response within  
9 thirty (30) days, or indicates in its written response that Defendants do not have the intent or  
10 means to comply with the terms of this Agreement applicable to the particular election, the  
11 United States shall have the right to seek such relief as may be necessary to enforce the terms of  
12 this Agreement.

13           **Retention of Documents and Reporting Requirements**

14           36.     Throughout the duration of this Decree, Defendants shall make and maintain  
15 written records of all actions taken pursuant to this Decree sufficient to document its compliance  
16 with all of the requirements of the Decree. Such records shall be made available, to the United  
17 States, upon its request and upon reasonable notice.

18           37.     During the duration of this Decree, at least 30 days before each County  
19 administered election, except for mail ballot elections, Defendants shall provide to counsel for  
20 the United States:

- 21           a.       the name, address, and precinct designation of each polling place;
- 22           b.       the name and title of each poll official appointed and assigned to serve at  
23 each polling place, as of the date the materials are sent;
- 24
- 25



- c. a designation of whether each poll official is bilingual in English and Spanish or English and Chinese;
- d. an electronic copy of the voter registration list to be used in such elections;
- e. copies of any signs or other written information provided at polling places;
- and
- f. agendas and minutes from previous meetings of the Advisory Group.

38. During the duration of this Decree, at least 30 days before each County administered vote by mail election, Defendants shall provide to counsel for the United States:

- a. an electronic copy of the voter registration list to be used in such elections;
- b. a copy of all the materials and information relating to the vote by mail election that the County sent its voters, including all translated materials and information.
- c. agendas and minutes from previous meetings of the Advisory Group.

39. Within 30 days after each such election, the County shall provide to counsel for the United States any updated report regarding changes in these items as well as information about all complaints the County received at the election regarding language or assistance issues, by express mail or electronically to the following address:

United States Department of Justice  
Civil Rights Division  
Voting Section  
950 Pennsylvania Avenue NW  
Room NWB-7254  
Washington, D.C. 20530  
Telephone: (202) 353-0419

1 Facsimile: (202) 307-3961

2 bruce.gear@usdoj.gov

3 olimpia.michel@usdoj.gov

4 **Other Provisions**

5 40. This decree is final and binding regarding the claims raised in this action.

6 41. The Court shall retain jurisdiction of this case to enter further relief or such other  
7 orders as may be necessary for the effectuation of the terms of this agreement and to ensure  
8 compliance with Section 203 of the Voting Rights Act.

1 AGREED AND CONSENTED TO:

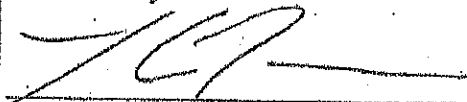
2 Date: 12 day of Oct, 2011

3 For Plaintiff:


4 UNITED STATES OF AMERICA

5 THOMAS E. PEREZ  
6 Civil Rights Division  
7 Assistant Attorney General

8 MELINDA HAAG  
9 U.S. Attorney

10 

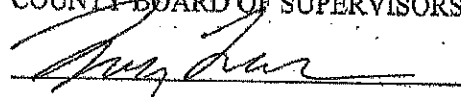
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For Defendants:

ALAMEDA COUNTY, CALIFORNIA;  
DAVE MACDONALD, ALAMEDA  
COUNTY REGISTRAR OF VOTERS, in  
his official capacity; and the ALAMEDA  
COUNTY BOARD OF SUPERVISORS.

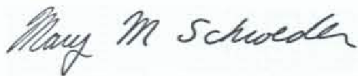


RAYMOND S. LARA  
Deputy County Counsel

**JUDGMENT AND ORDER**

This three-judge Court, convened under 28 U.S.C. 2284 and 42 U.S.C. § 1973aa-2, having considered the United States' claim under Section 203 of the Voting Rights Act, 42 U.S.C. § 1973aa-1a, and having determined that it has jurisdiction over this claim, has considered the terms of this Consent Decree, and hereby enters the relief set forth above and incorporates those terms herein. Pursuant to Section 3(a) of the Voting Rights Act, 42 U.S.C. 1973a(a), federal observers are authorized to attend and observe elections in Alameda County during the period of this decree.

ENTERED and ORDERED this 19th day of October, 2011.



MARY M. SCHROEDER  
United States Circuit Judge



EDWARD M. CHEN  
United States District Judge



RICHARD SEEBORG  
United States District Judge