

**VOTING RIGHTS OF LATINOS IN YAKIMA AND ENFORCEMENT BY THE
STATE**

**Lázaro Carrión
Politics 402
Whitman College
November 17, 2005**

Introduction

The focus of my research in the Community-Based Learning Project is on the enforcement of voting rights by the state government. In addition, I researched the voting registration laws in Washington State, bilingual voting materials available to the Latino community, litigation and lawsuits filed under the Voting Rights Act, and evidence of Latino under-representation. I carried out my research by looking at government databases and journals, conducting interviews in a couple of Latino communities, and visiting the auditor's office in Yakima city. The structure and processes in carrying out this project were made possible through the patience and guidance of my community partner Joaquin Avila, assistant professor of Law at Seattle University School of Law. This research has led to several conclusions and findings. First, after spending much time researching litigation in Washington State, only one was found for violation of the Voting Rights Act. Second, Latinos in Washington State have low voting registration and even lower turnout. Lastly, because there are low numbers of Latino candidates running for office, there is little or no representation in local governments where Latinos comprise a substantial portion of the population. As a result, the following policy and activist responses I am recommending are as follows: One, voter mobilization efforts targeting Latinos need to improve. The general method used for all Latinos is geared more towards those Latinos who are likely to vote and not those who are unlikely to vote. Those least likely to vote have rarely been targeted in voter mobilization efforts, and as long as they continue to be neglected Latino voter registration and turnout will remain low. Two, there are not enough Latino candidates running for office which not only limits the selection from which Latino voters can choose from, but constrains the possibility of Latino representation. Therefore, Latino communities must effectively promote and encourage Latinos to run for office in order to attain the representation they desire.

Methods and Literature Discussion

In order to understand the purpose of the Voting Rights Act, it is important to look at the history of disfranchisement and voting discrimination of racial minorities. Therefore, Armand Derfner's article "Racial Discrimination and the Right to Vote"¹ was useful literature that provided the background of African American's efforts to gain the right to vote and serving as a lens to analyze the struggle Latinos in the United States face today.

The Voting Rights Act of 1965 legally enfranchised all racial minorities. However, in practice, this was not the case. A few noteworthy achievements of the Voting Rights Act and its amendments in 1970, 1975, and 1982 are as follows: Eliminated any "test or device" (such as a literacy test) used as a prerequisite to register and vote; gave the federal government the right to oversee elections and to enforce the voting rights of all eligible citizens; any new state changes to voting qualification or prerequisite to vote

¹ Armand Derfner, "Racial Discrimination and the Right to Vote," *Vanderbilt Law Review* vol. 26 1972: 523-582

must not only be pre-cleared by the federal government, but the proposed change must prove that it's not racially discriminatory; and the ordering of a new election when there is evidence of discrimination that *might* have affected the election's outcome.

Moreover, a report from the Tomás Rivera Policy Institute² provided a clear analysis of the ineffectiveness and problems of the Latino voter mobilization tactics used today. A significant portion of the Latino population is not-citizen, young, uneducated and poor. Just these four factors alone combined, without any institutional barriers, affect the Latino electorate. Even for some of the community based organizations that strategically attempt and succeed in increasing Latino voter registration have one ultimate downfall— Latino turnout. This is because these community organizations “over-invest in getting citizens registered and are much less involved with actually getting them to the polls. Together, the time and money spent on these activities may leave few resources to get those citizens they have registered to vote.”³ As their research indicated, this is the primary problem of advocates involved in Latino mobilization. There is a general assumption that registration will facilitate voter turn out. However, even though it is a prerequisite to voting, voter turnout in Latino communities has not reflected the efforts of the organizations that succeed in getting them registered.

Another problem hindering Latino mobilization is the type of Latinos targeted from organizations. Even though these organizations know that the Latinos least likely to vote are younger, less educated and have lower incomes, those being targeted don't exactly fall into these categories. To maximize Latino turnout, organizations need to change their approach and begin targeting those least likely to vote. In doing so, the ability for the Latino electorate to reach its potential increases. Three difficult problems that Latino registration campaigns face are: 1) funding—without the appropriate funding, inadequate tactics are implemented that are reflected in the turnout results. 2) Recruiting and keeping volunteers—it is very difficult to be effective without the appropriate staff and personnel to assist and help outreach to Latino communities. 3) Convincing Latinos of the importance of participation—if a person does not believe and see the potential for change through institutional means, in this case the electoral process, then actual turnout will remain low even if a high percentage of the population is registered.

Gathering quantitative data was easy in some aspects and difficult in others. The United States Census Bureau provides population statistics that are accessible and easy to understand. The statistics that I gathered from the U.S. Census Bureau include: total national population statistics, individual state population statistics, total Washington State population statistics, and total Latino population in the U.S. and of each individual state. Since this project is primarily concerned with Latinos in Washington State, most of the data will focus on the case study of Yakima City and Yakima County.

²Rodolfo de la Garza, Carolyn Dunlap, Jongho Lee and Jaesung Ryu, Latino Voter Mobilization in 2000 “Campaign Characteristics and Effectiveness,” pages 1-11

³ Latino Voter Mobilization in 2000, page 3

Two of my primary data sources were the United States Census Bureau⁴, and the Washington State government internet websites⁵. From these two sources, I was specifically seeking total population statistics of the country, states, cities and the Latino population distribution amongst those three categories. What was useful about these sources was that they not only provided the total population for the State of Washington and every city in it, but the total population that is of voting age. Moreover, the tables available categorized all the different racial groups and their respective voting age population which was very useful for comparative study. The only limiting aspect of this source is that it took time to understand how the web site worked. Since the U.S. Census Bureau provides numerous data and tables for various subjects, as a first time user, it took numerous hours to finally gather the correct data and tables.

Once population statistics for Washington State and individual cities were gathered, the next big step in the project was to determine how many people were registered out of the total voting age population. To make this process easier and due to time constraints, only one city was selected: Yakima Washington. Yakima city was selected because it not only holds more Latinos than any other city in the Yakima County, but it continues to struggle in having a Latino serve in the city council or as mayor.

Gathering data for Yakima was a long process of corresponding through e-mail and commuting to the county courthouse and auditor's office. In order to access the voting records and registration information of any city, my partner and I were asked to sign an affidavit and formal request of any records along with a fee.⁶ Once the request was processed, the Yakima courthouse provided registration records for all of the Yakima County. The registration records contained the following pertinent information; all the active registered voters currently living in Yakima County, their full name, the city in which they live in, the specific precinct they reside in, the type of election (local, state, or federal), and whether or not the registered citizen voted in the election.

In addition to the case study carried out in Yakima, four interviews were conducted in local Walla Walla communities. My project partner and I pinpointed an area of the city where Latinos reside and walked throughout the neighborhoods looking for people willing to be interviewed. As we walked and knocked on doors, a few Latino community members were randomly selected to be interviewed. Three of the four interviewees were older adults and the one was a young adult in his early twenties. In all of the interviews conducted the same questions were asked. The questions asked dealt with their status as voters, views on the needs of the Latino community, and opinions and concerns regarding the Latino electorate.⁷ The length of the interviews heavily depended on the person's voting experience and participation in the elections, interest and cynicism in the voting process and of politicians in office and what they had to say about the Latinos and voting. Even though all of the interviewees were Latino, not all preferred to conduct the interview in Spanish. Two interviews were in English and two in Spanish. I, Lázaro

⁴ <http://www.census.gov/>

⁵ www.secstate.com

⁶ RCW 29A.08.720

⁷ For a list of the questions asked in the interview, see Appendix B.

Carrión conducted the two interviews in Spanish and translated them into English later. Austin Rainwater and I conducted the interviews in English together and were both present in all of the interviews.

Interviewing local Latino community members provided further insight into the overarching problems that hinder voting participation. Fernando⁸, the first interviewee, was a young Mexican-American in his early twenties. One of the most interesting aspects of the first interview was Fernando’s rearticulation of his identity as Mexican. At the end of the interview we had an informal discussion on his initial self-identification as a Mexican and eventually as a Mexican-American. Throughout the interview I kept using the broad term “Latino” to encompass all Latin Americans and their descendents in the United States. Given the various waves of migrations of Latin Americans to the United States, I was cautious to not assume that all Latinos in Washington State are Mexican. Even though statistics show that most Latinos in Washington State are Mexican or of Mexican descent⁹, to impose any identity on someone as a result of perception can be problematic. Fernando’s reaction to my question of whether or not he was “Chicano” was indicative of that problem. He rejected the identity of Chicano and referred to himself as Mexican. Also, he said he was born in the United States which would also make him an American. So when I asked him whether or not he was American, he paused for few seconds and said he was Mexican-American. In Fernando’s example, being American does not mean losing the heritage and ethnic background of which he descended from. He made a distinction between being just an American and a Mexican-American. Fernando took pride in his identity which was made possible through his ability to rearticulate and redefine who he was.

Data Presentation

Cities in Yakima County with representation			
Last Name	First Name	City	Position
Aguilar	Bengie	Sunnyside	city council
Garcia	Paul	Sunnyside	city council
Romero	Clara	Toppenish	city council
Morales	Robert	Wapato	city council
Guzman	Tony	Wapato	city council
Villarreal	Elvia	Wapato	city council
Lopez	Natalie	Wapato	city council
Perez	Issai	Wapato	city council
Guerra	Ernie	Wapato	city council
Orozco	John	Wapato	city council
Gonzalez	Alfredo	Wapato	city council
Garcia	Avelina A.	Harrah	city council
Castilleja	Santos	Harrah	city council
Molina	Virginia	Mabton	city council
Herrera	Velva	Mabton	city council
Armendariz	Ernesto	Mabton	city council
Zavala	Vera	Mabton	city council

The above

table¹⁰ shows

⁸ All interviewees did not provide a name and therefore have pseudonyms.

⁹ <http://factfinder.census.gov>. Out of the 441, 509 Hispanics in Washington recorded in the 2000 U.S. Census data; approximately 329,934 or 74.7% of them are Mexican.

¹⁰ The information was gathered from the Yakima County website: <http://www.pan.co.yakima.wa.us/Vote/english/Cities.htm>

the total number of cities with a Latino in the city council or as mayor. Out of the fourteen cities in the Yakima County, only seven of them have representation.

Cities in Yakima County w/out representation
Moxee
Naches
Selah
Tieton
Union Gap
Zillah
Yakima

Out of the seven cities that did not have Latino representation, Yakima holds the highest population of Latinos within the county. According to the 2000 US Census data the following applies towards Washington State:

Total population in state	Total population that is latino	Latinos that are mexican or of Mexican descent
5894121	441509	329,934
Population 18 and older	Latinos 18 and older	
4,380,278	264,099	

Total population in Yakima County	Yakima County Latinos	Not a U.S. citizen (for all population in Yakima County)
222,581	79,905	25,084
18 and older	Latinos 18 and older	
151, 830	44, 373	

Precinct	Total Registered in 99'	Total # Spanish Surname registered	Percent Spanish Surname Registered
126	569	187	32.86%
120	533	175	32.83%
104	388	112	28.86%
101	442	106	23.98%
111	758	170	22.42%
127	555	88	15.85%
129	629	96	15.26%
156	711	107	15.04%
184	580	79	13.62%
116	125	16	12.80%
142	1091	129	11.82%
131	974	101	10.36%
162	463	44	9.50%
110	887	73	8.22%
155	927	61	6.58%
118	183	11	6.01%
186	810	47	5.80%
133	1073	61	5.68%
154	1121	63	5.61%
134	1134	59	5.20%
170	1268	58	4.57%
179	1413	58	4.10%
138	1745	60	3.43%
169	1328	34	2.56%
163	1065	27	2.53%
Total	20772	2022	

After looking at election records and candidate lists, I only had access to one election where a Latino was a candidate. The table above includes the precinct number, the total population in each precinct, how many of those Latinos have surnames, and the percentage of registered Latinos in each precinct.¹¹

In this election, the Latino candidate lost in all the precincts against the Anglo candidate. After analyzing the data, it is very difficult to determine whether racially polarized voting exists. However, just because the Latino candidate did lose in all precincts does not necessarily mean that racially polarized voting exists. The following table shows the results, precinct totals, and percentage for each candidate per precinct.

¹¹ The table was formulated after gathering the registration list from the Yakima County Auditor's office.

Precinct	Total for Latino Candidate	Total for Anglo Candidate	% for Latino	% for Anglo
126	154	189	27.06%	33.21%
120	147	175	27.57%	32.83%
104	98	172	25.25%	44.32%
101	109	213	24.66%	48.10%
111	186	385	24.53%	50.79%
127	151	284	27.20%	51.17%
129	178	285	28.29%	45.31%
156	229	414	32.20%	58.22%
184	143	286	24.65%	49.31%
116	41	66	32.80%	52.80%
142	260	509	23.83%	46.65%
131	279	546	28.64%	56.05%
162	117	223	25.26%	48.16%
110	216	526	24.35%	59.30%
155	231	505	24.91%	54.47%
118	58	109	31.69%	59.56%
186	41	158	5.06%	19.50%
133	300	605	27.95%	56.38%
154	211	428	18.82%	38.18%
134	287	683	25.30%	60.22%
170	252	577	19.87%	45.50%
179	243	668	17.19%	47.27%
138	336	916	19.25%	52.49%
169	227	894	17.09%	67.31%
163	211	661	19.81%	62.06%
Total	4705	10477		

In the table above, it is clear that the Latino candidate lost in every precinct. However, what is noteworthy about the previous two tables is that there is a correlation between the precincts with high percentages of Latinos and the high percentages of votes for the Latino candidate. Whether this is sufficient information and data to determine whether racially polarized voting exists, it is not clear. It would be interesting to see a future election with the same circumstances but factoring the increase of Latino registered voters. Now that Yakima County qualifies under the Voting Rights Act¹² to provide bilingual materials for the Spanish speaking population, comparing the registration increases and voter turnout of the Latino population would be worth analyzing.

¹² For further information regarding the provisions of the Voting Rights Act and the bilingual material requirements, see appendix c.

Discussion of Findings

The data, case study, and interviews come together in explaining the shortcomings of the Latino electorate. One potential solution to low Latino turnout at the polls is simple education. If a potential voter does not know how the voting system works, educational pamphlets or guide of some sort would provide sufficient knowledge for Latinos to feel confident enough to know where to go, what to do, and who to talk to when the time comes to register or vote. However, if language barriers are a problem for Latino voters, according to the Voting Rights Act of 1965, it is the state's responsibility to provide the bilingual materials necessary to facilitate the voting process. Until 2004, Yakima County was not required to do so. The following quote provides further insight of the difference a bilingual program and coordinator can make.

“My job did not exist before the consent decree. My job and the Bilingual Program originated out of the decree in 2004. Before my time, the county did produce some Spanish election material, however apparently not to the extent it does now. Through my position I also do a lot of voter outreach in an effort to reach more of our Hispanic community, something that was also done on a very limited basis before I was hired. Obviously, I can not speak for all efforts that took place before I came on board. However, I do know we've made a great deal of progress in a short time. When I was first hired, I had very few monolingual Spanish speakers come in or call with questions. Now, I seem to be getting more and more Spanish speakers with questions and requesting assistance in Spanish. I'm happy to help and hope the Bilingual Program has encouraged them to seek the assistance they need.”—Delia Chavez, *Bilingual Program Coordinator in the Yakima County*.

Appendix A:

Interview Questions

1. Intro to the person who opens the door. If the person answering the door is not of voting age, ask the person if we can speak with an adult in the household. Assuming that the adult is there, the following questions will proceed in order:
 - a. Have you ever voted in an election in any country? (if yes, ask what country)
 - i. If yes:
 1. Were they nationwide or local (district) elections?
 2. When you voted, why did you vote?
 3. Why does voting matter?
 4. How do you think your vote mattered?
 5. How many times in the past few years have people asked you to vote?
 6. When voting, what language do you prefer the ballot to be in?
 - a. If Spanish:
 - i. Did you know that you can get a ballot in Spanish?
 - ii. If no:
 1. What are the reasons for not voting? (Obstacles? Lack of interest? Institutional barriers?)
 - a. Have you ever registered to vote?
 - i. If yes:
 1. What kept you from voting?
 2. Where would you go to register to vote?
 3. How many times in the past few years have people asked you to register or to vote?
 4. Do you think the government cares if you vote?
 5. When registering, what language do you prefer on the registration?
 - a. If Spanish
 - i. Did you know you could get a Spanish registration?
 6. Do you think that voting matters? Why?

For all:

1. What do you think politicians who are elected could do to make things better in this community?

2. Do you think there are enough Latino candidates running for elections these days?
 - a. If no:
 - i. Why do you think that is?
3. Do you have children?
 - a. If yes
 - i. Do you want your children to become voters? Why?
4. What is the most important political issue for you today?

Appendix C:

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
YAKIMA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CV-04-3072-LRS
CIVIL NO.

v.

YAKIMA COUNTY;
CORKY MATTINGLY,
Yakima County Auditor;
JIM LEWIS, RONALD GAMACHE,
and JESSE PALACIOS,
County Commissioners.

CONSENT DECREE

Defendants.

I. Background

A. The United States of America initiated this action pursuant to Section 203 of the Voting Rights Act of 1965 ("Section 203"), as amended, 42 U.S.C. § 1973aa- 1a, 1973aa-2, and 28 U.S.C. § 2201, alleging that election practices and procedures used by Yakima County, Washington, for Spanish-speaking citizens violate Section 203. The claim under Section 203 must be heard and determined by a court of three judges pursuant to 42 U.S.C. § 1973aa-2 and 28 U.S.C. § 2284.

B. Yakima County's coverage under Section 203 is based on a determination by the Director of the Census that more than five (5) percent of the citizens of voting age in the County are members of a single language minority group (Spanish heritage) who do not speak or understand English well enough to participate effectively in the English-language election process (hereinafter referred to as Spanish-speaking citizens or voters), and that these persons have an illiteracy rate higher than the national illiteracy rate, 42 U.S.C. 1973aa-1(a).

C. In 1976 Yakima County was designated by the Director of the Census as a jurisdiction subject to the requirements of Section 203 for persons of Spanish heritage. 41 Fed. Reg. 29,998 (July 20, 1976). In 2002, Yakima County was again so designated by the Director of the Census. 67 Fed. Reg. 48,871 (July 26, 2002).

D. The United States alleges in its complaint that Yakima County is not fully compliant with the requirements of Section 203 for Spanish-speaking citizens residing in Yakima County with respect to the need to:

1. Provide complete and accurate Spanish translations of all materials and information produced in English and provided to the public, including but not limited to, ballots, information about voter registration, candidate qualification procedures, voting by mail or absentee, voting at the polls, and voting-related information on the Yakima County website;
2. Provide effective Spanish language assistance at County offices and polling places regarding election-related issues;
3. Publish Spanish language materials in a timely fashion;
4. Make Spanish language materials, information, and assistance available to Spanish-speaking voters; and
5. Provide Spanish materials to those voters who need them or take steps to notify such Spanish-speaking voters that Spanish materials are available.

E. The named defendant parties (hereinafter "Yakima County") do not admit to the allegations of the complaint. Yakima County, however, does share with the United States a mutual interest to implement procedures that will protect the rights of Spanish-speaking voters to participate fully in the electoral process in compliance with the Voting Rights Act and the United States Constitution, and therefore, Yakima County agrees to implement fully the terms of this consent decree for enforcement of all applicable laws. Accordingly, the United States and Yakima County consent to the entry of this Order, as indicated by the signatures of counsel at the end of this document. The parties waive a hearing and entry of findings of fact and conclusions of law on all issues involved in this matter.

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED** that Yakima County, its agents, employees, contractors, successors and all other persons representing the interests of Yakima County are hereby ENJOINED from violating Section 203 by failing to provide in Spanish any "registration or voting notices, forms, instructions, assistance or other materials or information" that they provide in English. 42 U.S.C. § 1973aa-1a(c). More specifically, Yakima County shall be required to do the following:

II. Translation of election-related materials

All "registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots," 42 U.S.C. 1973aa-1a(c), provided by Yakima County shall also be provided by Yakima County in the Spanish language. Yakima County shall ensure that both English and Spanish language election information, materials, and announcements provided by Yakima County are made equally available.

A. Yakima County shall translate into Spanish all election-related documents and information it provides in English. Such translation shall begin as soon as the English text is known and shall be completed so as to allow

distribution along with the English text. To ensure the quality of translations, the County shall employ trained translators who are familiar with Spanish language election terminology to produce clear and accurate written translations. The County shall develop and maintain a glossary of Spanish election terminology using Spanish terms understandable to local Latino citizens in concert with bilingual members of local Latino communities.

B. All official ballots, including absentee ballots, shall be printed bilingually in both English and Spanish. Any new voting system adopted by the County shall offer bilingual ballots or a readily apparent option of a Spanish ballot, and any audible version of the ballot on such machines shall be available in English and Spanish.

III. Dissemination of Spanish language information.

. All voter registration and election notices, forms, instructions, and other materials available to voters in English shall also be printed in Spanish and shall be displayed or available in the County Auditor's Office, each polling place, and any other location where the County posts election-related materials on the same basis as English language materials and information.

A. Yakima County shall ensure that all Spanish- and English-language election-related information, materials, and announcements are made equally available. Spanish-language information shall be distributed through newspapers, radio and other media that exclusively or regularly publish or broadcast information in Spanish. Dissemination of these announcements need not be identical in all respects to dissemination of English-language announcements, but shall be in the form, frequency, and media best calculated to achieve notice and understanding equal to that provided to the English-speaking population.

B. Yakima County shall adopt a checklist identifying each Spanish-language and bilingual material that the County makes available to the public at each polling place. The checklist shall include, for each item, an attestation that the poll workers at the polling place posted or made available to voters such Spanish-language or bilingual document, or solicit a detailed written explanation of why individual items were not posted or available. The election inspector for each polling place must complete and sign this document before receiving payment for work in the election, subject to applicable state and federal law. Yakima County shall maintain a record of each failure to complete and sign the checklist.

IV. Spanish Language Assistance

. Trained bilingual (English/Spanish) election personnel shall be available to answer voting related questions by telephone without cost during normal business hours and while the polls are open on election days.

A. Yakima County shall recruit, hire, and assign sufficient bilingual (Spanish/English) poll workers, who are able to understand, speak, read, and write Spanish fluently, to provide assistance to Spanish-speaking voters at the polls on election days. To assist in the recruitment of bilingual poll workers, the County shall survey its employees to identify personnel who speak Spanish and, to the extent such employees can be made available to provide assistance, allow and

encourage such employees to serve at the polls on election day or be available "on call" to address questions or problems that may arise.

B. As part of its obligation to ensure that entities on whose behalf the County conducts elections are fully compliant with Section 203 in their elections, the County shall request that each entity for which it conducts elections perform similar surveys of its employees and shall request from such entities, and maintain copies of, all election-related materials and information created or disseminated by such entities for each election. In addition, the County shall request that each school district or other educational entity for which the County conducts elections implement a program that allows and encourages selected bilingual students (as allowed by state law and as part of an educational program devised by such district) to serve as poll workers on election day for all County elections, including election days that fall on school days, with such students receiving academic credit appropriate to their service as well as all pay and benefits of poll officials.

C. The County shall invite eligible members of the Advisory Group, discussed below, to serve as paid poll workers and to encourage other bilingual voters to do so. The County shall publicize to the Spanish speaking community the option of absentee voting to the same extent it does so for English-speaking voters.

D. Bilingual assistance shall be provided in polling places in accordance with the following:

1. In polling places where the number of Spanish surnamed registered voters is 150 to 299, there shall be at least one poll worker bilingual in Spanish and English.
2. In polling places where the number of Spanish surnamed registered voters is 300 to 599, there shall be at least two poll workers bilingual in Spanish and English.
3. In polling places where the number of Spanish surnamed registered voters is 600 to 999, there shall be at least three poll workers bilingual in Spanish and English.
4. In polling places where the number of Spanish surnamed registered voters is over 1,000, there shall be at least four poll workers bilingual in Spanish and English.
5. When assigning poll workers bilingual in Spanish and English to election boards at various polling places, assignment should be done in a manner that there will be at least one bilingual poll worker on each election board, whenever feasible.
6. The parties may agree to adjust the standards in this section in light of information that the actual language need in a particular polling place is lesser or greater than that set forth above.

E. Yakima County shall make available and train in Spanish language election terminology sufficient bilingual personnel who shall be on call throughout

election day to provide language assistance to Spanish-speaking voters in person at any polling place in which additional language assistance is needed or where no bilingual poll worker is available. Such on-call staff shall be stationed in appropriate areas of the County, including in the City of Yakima and locations in the lower Yakima Valley, so as to minimize any delay for voters while the staff member travels to the polling place.

F. At each training session prior to an election, in addition to any required state or County training, the County shall train all poll workers and other election personnel present at the polls on the requirements of Section 203, including making Spanish language assistance and materials available to voters and being respectful and courteous to all voters regardless of race, color, language abilities, or national origin. In addition to the general training for poll workers and interpreters, the County shall train all bilingual poll workers on Spanish language election terminology and how to interpret into Spanish the ballot(s), voting instructions, and other election-related issues. The County shall maintain a record of which poll workers attend training sessions, including the time, location, and training personnel involved.

G. Yakima County shall post signs prominently in both English and Spanish at sites where voting occurs stating that Spanish language assistance is available. Bilingual poll workers shall be identified as such by badges. At sites without bilingual poll workers, signs in both English and Spanish shall be posted that explain how voters can obtain Spanish language assistance.

H. Upon receipt of complaints by voters, whether oral or written, Yakima County shall investigate expeditiously any allegations of poll worker hostility toward Spanish-speaking and/or Latino voters in any election. Yakima County shall report the results of each investigation to the United States. Where there is worker(s) have engaged in inappropriate treatment of credible evidence that a poll Spanish-speaking and/or Latino voters, Yakima County shall remove the poll worker(s).

V. Program Coordinator

The County shall employ, on a full time basis, an individual to coordinate the County's Bilingual Election Program ("Program Coordinator") for all elections within the County. The County shall provide that individual with transportation and other support sufficient to meet the goals of the Program. The Program Coordinator shall be able to understand, speak, write, and read fluently both Spanish and English.

A. The Program Coordinator shall work under the supervision of the Yakima County Auditor to implement a bilingual election program. The Program Coordinator's responsibilities shall include coordination of translation of ballots and other election information; development of an election glossary to ensure uniform use of election terminology in Spanish; development and oversight of publicity, including selection of appropriate Spanish-language media for notices and announcements in Spanish and English-language print media that specifically serves Latino communities for announcements in English; recruitment of bilingual poll workers and interpreters, including assessment of their Spanish language proficiency; devising specific steps to provide election information to the Spanish-

speaking community; sending staff to make presentations and answer questions at events and meetings sponsored by Latino community organizations; and managing other aspects of the Program.

VI. Advisory Group:

The Program Coordinator shall establish and chair an Advisory Group to assist and inform the Bilingual Election Program and shall invite participation from all organizations listed in Attachment A, as well as other individuals and organizations that work with or serve the Spanish-speaking and Latino communities in Yakima County. Such Advisory Group shall be open to all interested persons.

A. The Advisory Group shall meet at least once a month in 2004, at least every two months during 2005, and as the group determines is necessary in 2006. In these meetings, Yakima County shall solicit information on how most effectively to provide election materials, information, and assistance to Spanish-speaking voters and how to publicize the County's Spanish language election program. The Program Coordinator shall provide notice of all planned meetings to each member, including the date, time, location, and meeting agenda at least 14 days in advance, although members of the Advisory Group may agree to waive or shorten this time period as necessary.

B. Within five days after each meeting, the Program Coordinator shall provide a written summary of the discussion and any decisions reached at the meeting to all members and to the County Auditor. If the County Auditor decides not to implement an Advisory Group suggestion or a consensus cannot be reached respecting such suggestion, the Auditor shall provide to the group through the Program Coordinator and maintain on file a written statement of the reasons for rejecting such suggestion.

C. The County shall transmit to all interested members of the advisory group copies, in English and Spanish, of all election information, announcements, and notices that are provided or made available to the electorate and general public and request that they share such information with their members.

VII. Evaluation of the plan

The parties recognize that regular and ongoing reassessment may be necessary in order to provide the most effective and efficient Spanish language program. Yakima County shall evaluate the Bilingual Election Program after each election cycle (e.g., following 2004 elections) to determine which aspects of the Bilingual Election Program are functioning well; whether any aspects need improvement; and how to make needed improvements. The program may be adjusted at any time upon written agreement of the parties.

VIII. Federal Examiners and Observers:

To monitor compliance with this Decree, the appointment of federal examiners is authorized for Yakima County pursuant to Section 3(a) of the Voting Rights Act, 42 U.S.C. 1973a(a), through December 31, 2006.

A. Yakima County acknowledges the authority of federal observers to observe all aspects of voting conducted in the polls on election day, including the

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

IX. Retention of Documents and Reporting Requirements

During the duration of this decree, the County shall make and maintain written records of all actions taken pursuant to this Consent Decree. Such documents, lists, and records shall be made available, upon reasonable notice, to the United States for inspection and copying.

A. During the duration of this decree, at least ten (10) days before each County-administered election held in the County, Yakima County shall provide to counsel for the United States, the name, address, and precinct designation of each polling place; the name and title of each poll worker appointed and assigned to serve at each polling place; a designation of whether each poll worker is bilingual in English and Spanish; and an electronic copy of the final, official voter registration list to be used in each such election. Within thirty (30) days after each election, Yakima 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 and the voters' registration list used in the election.

X. Duty to Defend Consent Decree

The parties to this Consent Decree shall employ their best efforts to defend this Consent Decree against any legal challenge.

XI. Jurisdiction

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

XII. Termination of Consent Decree

This agreement is final and binding between the parties and their successors in office regarding the claims raised in this action. This agreement shall remain in effect through December 31, 2006, and the United States may, within 90 days of that date, move to extend the decree for good cause shown, in the event of a violation of any provision contained herein by the County.

AGREED AND CONSENTED TO:

For Plaintiff:

UNITED STATES OF AMERICA

/s/

James A. McDevitt, United States Attorney
William A. Beatty, Asst. United States
Attorney and Chief, Civil Division
Eastern District of Washington

For Defendants:

/s/

Terry Austin, Esp.
County Counsel, Yakima County
County Court House, Room 329
128 North Second Street

920 West Riverside Avenue #300
Spokane, WA 99201-1494

Yakima, Washington 98901

/s/

R. Alexander Acosta
Assistant Attorney General
Civil Rights Division

/s/

Joseph D. Rich, Chief
John Tanner, Special Litigation Counsel
Bruce I. Gear
Ana Henderson, Attorneys
Voting Section, NWB
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

JUDGMENT AND ORDER

This three-judge Court, having been properly empaneled under 28 U.S.C. § 2284 to consider the United States' claim under Section 203 of the Voting Rights Act of 1965 (as amended), 42 U.S.C. § 1973aa-1a (1992), and having determined that it has jurisdiction over this claim, has considered the terms of the Consent Decree, hereby enters the relief set forth above and incorporates those terms herein.

ENTERED and ORDERED this 3rd day of September, 2004.

/s/

Susan P. Graber
UNITED STATES CIRCUIT JUDGE

/s/

Fred Van Sickle
UNITED STATES DISTRICT JUDGE

/s/

Lonny R. Suko
UNITED STATES DISTRICT JUDGE