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Peggy Burnside  
Texas Municipal Clerks Certification Program  
*Via Email*

**REGARDING: Voting Rights Act (*translations*)**

Peggy:

Please accept this follow-up information regarding translations under section 2 of the federal Voting Rights Act of 1965 (VRA). It is my law firm's position that municipalities should be translating election-related items appearing on city council agendas and minutes. This advice stems from guidance we have personally received from the U.S. Department of Justice (DOJ).

DOJ has not yet codified its interpretation of the VRA, so we are unable to provide you with a citation to the Code of Federal Regulations (C.F.R.). Nonetheless, DOJ officials are rendering this opinion in the form of conference presentations, telephone conversations, and lawsuits.

Recently, Cary and I had the good fortune to have Ms. Cristina Ruiz Blanton join our firm. Cristina previously worked as a staff attorney in the Elections Division of the Texas Secretary of State's Office (SOS). In 2006, Cristina heard Mr. John Tanner (former Chief of the DOJ's Voting Section) state at a SOS election law seminar that his agency determined that agenda items related to elections must be translated. DOJ maintains that position, according to Ms. Yvette Rivera, Litigation Counsel for the Voting Rights Division. When Cristina spoke with Ms. Rivera last month, Rivera mentioned that DOJ's interpretation of § 203 of the VRA extended to all information that is provided to the public in English about voter registration, elections, and voting, including information provided in the polling places and the voting booths. Thus, by their very nature, city council agendas and minutes are public documents that convey to the citizenry information about elections, and therefore must be translated (at least in part).

Below are citations to Texas cases where DOJ has filed suit against political subdivisions for failing to adequately provide Spanish translations for public materials regarding elections. For your convenience, I am also providing you with the contact information for DOJ and SOS in the event that you would like to seek additional guidance on this matter. *Best wishes!*

Sincerely,

Alan J. Bojorquez

**Case Citations found on the U.S. DOJ litigation website:**  
<http://www.usdoj.gov/crt/voting/litigation/recent203.php>

***United States v. City of Earth, TX (N.D. Tex 2007)***

On September 4, 2007, the court entered a consent decree in Texas. On July 16, 2007, the Department filed a complaint against the City of Earth alleging violations of Section 203 of the Voting Rights Act of 1965 for Hispanic voters.

***United States v. Littlefield ISD, TX (N.D. Tex 2007)***

On September 4, 2007, the court entered a consent decree in Texas. On July 16, 2007, the Department filed a complaint against the Littlefield ISD alleging violations of Section 203 of the Voting Rights Act of 1965 for Hispanic voters.

***United States v. Post ISD, TX (N.D. Tex 2007)***

On September 4, 2007, the court entered a consent decree in Texas. On July 16, 2007, the Department filed a complaint against the Post ISD alleging violations of Section 203 of the Voting Rights Act of 1965 for Hispanic voters.

**Contact information for DOJ:**

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**Contact information for SOS:**

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