

Spanish-Language Ballots in Philadelphia

United States v. City of Philadelphia
(Petrese B. Tucker, E.D. Pa. 2:06-cv-4592)

Twenty-five days in advance of the November 2006 general election, the Justice Department filed a civil complaint against Philadelphia for failure to provide Spanish-language election resources in violation of sections 203 and 208 of the Voting Rights Act.¹

Pursuant to section 203(b), the Director of the Census made the unreviewable determination that Philadelphia County was among the political subdivisions in the U.S. whose citizens were more than 5% Spanish speakers.² Section 203, therefore, requires the county to provide election materials in Spanish.³ Section 208 entitles a voter who cannot read or write to assistance from a person of the voter's choice.⁴ The circuit's chief judge appointed a three-judge court to hear the section 203 claims, as required by section 204.⁵

On October 20, one week after the complaint was filed, Judge Petrese B. Tucker set a status conference for October 24.⁶ On October 25, the Justice Department moved for a temporary restraining order or a preliminary injunction enforcing the Voting Rights Act and appointing federal election observers.⁷ Circuit Judge D. Brooks Smith and District Judges Tucker and Harvey Bartle III heard the motion on Friday, November 3.⁸ That day, they denied the motion,⁹ and they issued an opinion supporting their decision on election day.¹⁰

The court declined to order federal observers because of the government's weak case dilatorily brought.¹¹ On June 1, 2007, Judge Tucker approved a stipulated dismissal of the case.¹²

1. [Complaint](#), *United States v. City of Phila.*, No. 2:06-cv-4592 (E.D. Pa. Oct. 13, 2006), D.E. 1; see [Amended Complaint](#), *id.* (Apr. 26, 2007), D.E. 35.

2. [67 Fed. Reg. 48,871, 48,875](#) (July 26, 2002).

3. Voting Rights Act § 203, Pub. L. No. 94-73, 89 Stat. 400, 402 (1975), *as amended*, [42 U.S.C. § 1973aa-1a](#) (2012).

4. *Id.* § 208, Pub. L. No. 97-205, 96 Stat. 131, 134 (1982), [42 U.S.C. § 1973aa-6](#).

5. [Designation](#), *City of Phila.*, No. 2:06-cv-4592 (E.D. Pa. Oct. 20, 2006), D.E. 5; see Voting Rights Act § 203, *as amended*, [42 U.S.C. § 1973aa-2](#).

6. [Order](#), *City of Phila.*, No. 2:06-cv-4592 (E.D. Pa. Oct. 20, 2006), D.E. 7.

7. [Motion](#), *id.* (Oct. 25, 2006), D.E. 9; see Marcia Gelbart, *Phila. Opposes U.S. Observers at Polls*, *Phila. Inquirer*, Oct. 27, 2006, at B1.

8. See [Notice](#), *City of Phila.*, No. 2:06-cv-4592 (E.D. Pa. Nov. 2, 2006), D.E. 19.

9. [Order](#), *id.* (Nov. 3, 2006), D.E. 25.

10. [Opinion](#), *id.* (Nov. 8, 2006), D.E. 27, available at [2006 WL 3922115](#).

11. *Id.*

12. [Order](#), *City of Phila.*, No. 2:06-cv-4592 (E.D. Pa. June 1, 2007), D.E. 37.