

Spanish-Language Ballots in Springfield, Massachusetts

United States v. City of Springfield
(Michael A. Ponsor, D. Mass. 3:06-cv-30123)

The Justice Department filed a civil complaint against Springfield, Massachusetts, on August 2, 2006, alleging violations of sections 203 and 208 of the Voting Rights Act for failure to provide Spanish-language election resources for Spanish-language voters. By four days before a September 19 primary election, the court and the parties came to agreement on a consent decree, which operated successfully until its expiration early in 2010.

Subject: Voting procedures. *Topics:* Ballot language; three-judge court; primary election.

The Justice Department filed a civil complaint against Springfield, Massachusetts, on August 2, 2006, alleging violations of sections 203 and 208 of the Voting Rights Act for failure to provide Spanish-language election resources for Spanish-language voters.¹ With its complaint, the department filed a motion for a three-judge district court to hear its section 203 claim.² On August 21, the department moved for a temporary restraining order or a preliminary injunction in light of an imminent September 19 primary election.³

Section 203 requires jurisdictions with a threshold quantity of language-minority voters to provide election materials in the minority language.⁴ Section 208 entitles a voter who cannot read or write to assistance from a person of the voter's choice.⁵

On August 28, Judge Michael A. Ponsor granted the department's motion to file a reply brief and the city's motion to file a sur-reply brief.⁶ Two days later, the parties filed a proposed consent decree.⁷ That day, Judge Ponsor signed the agreement with respect to section 208⁸ and ordered the settlement as to section 203 to operate as a temporary restraining order until a three-judge court could consider it.⁹ The circuit's chief judge appointed a three-judge court to preside over the section 203 claim,¹⁰ and Judge Ponsor

1. Complaint, *United States v. City of Springfield*, No. 3:06-cv-30123 (D. Mass. Aug. 2, 2006), D.E. 1; see Jo-Ann Moriarty, *Springfield Sued Over Voting*, *Springfield Republican*, Aug. 3, 2006, at A1; Katie Zezima, *City Is Sued Over Voting*, *N.Y. Times*, Aug. 4, 2006, at A13.

2. Motion, *City of Springfield*, No. 3:06-cv-30123 (D. Mass. Aug. 2, 2006), D.E. 2.

3. Motion, *id.* (Aug. 21, 2006), D.E. 5.

4. Voting Rights Act § 203, Pub. L. No. 94-73, 89 Stat. 400, 402 (1975), *as amended*, 52 U.S.C. § 10503.

5. *Id.* § 208, Pub. L. No. 97-205, 96 Stat. 131, 134 (1982), 52 U.S.C. § 10508.

6. Docket Sheet, *City of Springfield*, No. 3:06-cv-30123 (D. Mass. Aug. 2, 2006).

7. Settlement Motion, *id.* (Aug. 30, 2006), D.E. 18.

8. Order, *id.* (Aug. 30, 2006), D.E. 21.

9. Order, *id.* (Aug. 30, 2006), D.E. 20.

10. Order, *id.* (Aug. 30, 2006), D.E. 19.

informed the parties on September 12 that the court's approval of the section 203 agreement was contingent on the parties' resolving one ambiguous passage.¹¹ The court approved the revised consent decree on September 15.¹² The decree operated successfully until its expiration on January 31, 2010.¹³

11. Order, *id.* (Sept. 12, 2006), D.E. 22.

12. Order, *id.* (Sept. 15, 2006), D.E. 24.

13. Order, *id.* (Feb. 19, 2010), D.E. 35.