

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CASA,

Plaintiff,

v.

JULIE WHEELER, DOUG HOKE, RON SMITH, in their official capacities as members of the York County Board of Elections,

Defendants.

No. 22 CV 1648 (JPW)

**PLAINTIFF AND DEFENDANTS’  
JOINT MOTION FOR STAY OF PROCEEDINGS REGARDING  
PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION**

Through this motion, Plaintiff CASA and Defendants Julie Wheeler, Doug Hoke, and Ron Smith jointly request that the Court enter an order staying proceedings regarding Plaintiff’s motion for preliminary injunction:

**Background and Procedural History:**

On October 19, 2022, Plaintiff CASA filed a complaint (ECF 1) against Defendants Wheeler, Hoke, and Smith (“Defendants”) in their official capacities as Members of the York County Board of Elections. The Complaint alleged violations of Section 4(e) of the Voting Rights Act, 52 U.S.C. §10303(e).

On October 20, 2022, Plaintiff CASA filed a motion for a preliminary injunction (ECF 5). On October 21, 2022, the Court held a status conference and set

a briefing and argument schedule on the motion. The Parties were ordered to complete briefing by 5:00 p.m. on October 27, 2022, and an oral argument was scheduled for 1:30 p.m. on October 28, 2022 (ECF 10). Defendants submitted their opposition to the motion on October 26, 2022 (ECF 17).

In their brief in opposition to Plaintiff CASA's motion, Defendants denied Plaintiff CASA's allegations and argued that Defendants, in fact, have complied with Section 4(e) of the Voting Rights Act. Defendants also argued that they will implement several additional measures for the 2022 general election to assist all voters whose primary language is Spanish, including voters subject to Section 4(e) protections.

#### The Parties' Agreement

The Parties have agreed to the following resolution regarding Plaintiff's motion for preliminary injunction:

1. For the upcoming 2022 general election in York County, Defendants will do the following:
  - a. Instruct Judges of Election in York County to make Spanish-language sample ballots available to Spanish-speaking voters in every precinct in York County and on the Board of Election's website.

- This shall include one copy posted at the registration table at each precinct and at least five additional copies for voters to take with them to the voting booth.
- b. Instruct Judges of Elections to post a Spanish-language sign at every precinct in York County that advises Spanish-speaking voters regarding York County's Spanish-language assistance line, provides that phone number (717-771-9641), advises Spanish-language voters of the state voter protection line (1-866-868-3772) and includes a list of state websites (available in Spanish) regarding voting issues.
- c. Abide by the instructions on page 24 of the Poll Worker Manual (ECF 5-8), by providing certain Spanish-language materials to Judges of Elections for use on Election Day and instructing Judges of Elections regarding the use of such documents.
- d. Provide training to Judges of Elections in York County on the use of the County's language assistance line, such as how and when to engage it. The training taking place on November 2, 2022 will also include training on the rights of Spanish-speaking voters, including rights available under Section 4(e) and Section 208 of the Voting Rights Act. This training will also instruct on the Spanish-language resources available to voters in York County, such as sample bilingual ballots, Spanish language signage, and

- Spanish-speaking poll workers (at those precincts where such workers are stationed).
- e. Take reasonable steps to make a bilingual Spanish-English speaker available to answer the telephone at the York County Board of Elections from 7:00 am to 8:00 pm on Election Day (November 8, 2022).
  - f. Ensure that when posting important updates on social media, that those updates be provided in Spanish as well as English.
  - g. Take reasonable steps to deploy twenty (20) Spanish-English bilingual poll workers at voting precincts in York County, with the understanding that those designated as poll workers must generally be stationed in the precinct where they live, consistent with Defendants' representation that they have hired twenty (20) individuals who will be able to provide coverage on November 8, 2022.
  - h. Instruct Judges of Elections at the 18 previously identified precincts in York City and Springettsbury Township 3 that they must post "Vote Here" signs in Spanish ("Vota Aquí") on election day for the 2022 general election.
  - i. Maintain a job posting on the York County Board of Elections website for a bilingual clerk through December 31, 2022, or until filled, whichever event occurs earlier.

- j. Post on the Board of Elections' website Spanish translations of the following three documents: September 7, 2022 Press Release Regarding Unsolicited Mailings; September 26, 2022 Notice of Polling Place Changes; and Official Notice of the 2022 General Election for Military and Overseas Voters. This must be completed by November 4, 2022.
- k. Mail English and Spanish language notices to all 1,748 voters affected by the change in polling location for York City 9<sup>th</sup> Ward, 1<sup>st</sup> Precinct. This is the only direct mailing currently contemplated by the County for the 2022 General Election.

2. Plaintiff CASA, through its signature below, immediately withdraws its previously-filed motion for preliminary injunction (Doc. 5) without prejudice to renew that motion or take any other actions in order to allege that Defendants have failed to comply with paragraph 1 above.

3. Each party will bear its own attorneys' fees and costs related to the litigation to date.

4. The Parties will meet and confer on or before December 10, 2022 and agree to provide a joint status report to the Court on December 15, 2022.

WE ASK FOR THIS:

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