

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

CASA,

Plaintiff,

v.

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

Defendants.

Oral Argument Requested

**Civ. Action No. 1:22-cv-01648
Hon. Jennifer P. Wilson**

**MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION
FOR A PRELIMINARY INJUNCTION**

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TABLE OF CONTENTS

I. BACKGROUND.....3

 A. Section 4(e) of the Voting Rights Act.....3

 B. York County’s Puerto Rican Population.....4

 C. York County’s Failure to Provide Spanish-Language Voting Services ...5

 D. Plaintiff.....7

 E. Defendants.....8

 F. Imminent Election Deadlines9

II. LEGAL STANDARD.....9

III. ARGUMENT10

 A. Plaintiff Has Standing to Seek a Preliminary Injunction.10

 B. Plaintiff Meets the Preliminary Injunction Standard and is Entitled to the Narrow Relief Requested.13

 i. Plaintiff is likely to succeed on the merits.13

 ii. Plaintiff will suffer irreparable harm without immediate injunctive relief.....16

 iii. A preliminary injunction will serve the public interest.17

 iv. The balance of hardships favors Plaintiff.18

 C. An Order Directing Defendants to Comply will Provide Effective Relief Because Defendants are the Proper Entities to Enjoin.....19

IV. CONCLUSION20

TABLE OF AUTHORITIES

CASES

Action NC v. Strach,
216 F. Supp. 3d 597 (M.D.N.C. 2016)17

Arroyo v. Tucker,
372 F. Supp. 764 (E.D. Pa. 1974)3, 13, 15

Blunt v. Lower Merion Sch. Dist.,
767 F.3d 247 (3d Cir. 2014)10

Disability Rts. Pennsylvania v. Pennsylvania Dep't of Hum. Servs.,
No. 1:19-CV-737, 2020 WL 1491186 (M.D. Pa. Mar. 27, 2020)11

Donald J. Trump for President, Inc. v. Bookvar,
493 F. Supp. 3d 331 (W.D. Pa. 2020)8, 19

Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers,
415 U.S. 423 (1974)10

Havens Realty Corp. v. Coleman,
455 U.S. 363 (1982)11

Hunt v. Wash. State Apple Advertising Comm'n,
432 U.S. 333 (1977)11

Katzenbach v. Morgan,
384 U.S. 641 (1966)3

Kos Pharms., Inc. v. Andrx Corp.,
369 F.3d 700 (3d Cir. 2004)9

League of Women Voters of N. Carolina v. North Carolina,
769 F.3d 224 (4th Cir. 2014)16, 17

Madera v. Detzner,
325 F. Supp. 3d 1269 (N.D. Fla. 2018)passim

Oburn v. Shapp,
521 F.2d 142 (3d Cir. 1975)10

OCA-Greater Houston v. Texas,
867 F.3d 604 (5th Cir. 2017)11

Puerto Rican Org. for Political Action v. Kusper,
350 F. Supp. 606 (N.D. Ill. 1972)15

Puerto Rican Org. for Political Action v. Kusper,
490 F.2d 575 (7th Cir. 1973)3, 15

Reilly v. City of Harrisburg,
858 F.3d 173 (3d Cir. 2017)10

Spokeo, Inc. v. Robins,
578 U.S. 330 (2016).....9

Torres v. Sachs,
381 F. Supp. 309 (S.D.N.Y. 1974)14

United States v. Berks Cnty.,
250 F. Supp. 2d 525 (E.D. Pa. 2003).....14, 15, 18

United States v. Berks Cnty.,
277 F. Supp. 2d 570 (E.D. Pa. 2003).....passim

Univ. of Tex. v. Camenisch,
451 U.S. 390 (1981).....10

STATUTES & REGULATIONS

25 P.S. §§ 2641-6428

42 U.S.C. § 19733

52 U.S.C. § 10303(e)passim

P.R. Regs. DE REG. 8115, Art. III, §B4

Absent immediate injunctive relief, Plaintiff CASA's members will be denied their fundamental right to vote in York County, Pennsylvania's upcoming November 8, 2022 general election. Section 4(e) of the Voting Rights Act ("VRA") protects the voting rights of persons educated in schools in Puerto Rico, where the predominant classroom language is Spanish. 52 U.S.C. § 10303(e). Plaintiff CASA has many members who are Spanish-speaking American citizens who attended school in Puerto Rico and are eligible to vote in York County, Pennsylvania. Without this Court's intervention, these individuals will be unable to vote effectively in the upcoming election due to Defendants' failure to ensure the provision of Spanish-language election materials and assistance in York County, Pennsylvania.

Plaintiff CASA meets all four prongs of the standard for preliminary injunctive relief.

First, Plaintiff is likely to succeed on the merits of its claim. Section 4(e) requires that Spanish-speaking Puerto Ricans be provided election materials and assistance in the language they can read or understand. *See* 52 U.S.C. §10303(e). York County is home to hundreds of Spanish-speaking Puerto Ricans who are eligible to vote but are unable to vote effectively in English. Nonetheless, York

County conducts predominantly English-only elections¹ that effectively deprive those citizens of their right to vote. That is a plain violation of Section 4(e).

Second, the equitable factors all strongly favor Plaintiff. It is beyond dispute that voting is a fundamental right under the Constitution, such that depriving Plaintiff's members of that right causes irreparable injury. Third, because the right to vote is the cornerstone of our democracy, it is in the public interest to ensure that Plaintiff's members can exercise that right. Finally, the balance of harms favors Plaintiff because any administrative costs Defendants may incur to provide Spanish-language materials and assistance pale in comparison to Plaintiff's members' interests in participating in the political process.

For all of these reasons, Plaintiff is entitled to injunctive relief requiring Defendants to provide Spanish-language election materials and assistance in York County for the November 8, 2022 election. Given the imminence of the election, Plaintiff respectfully requests that the Court hear and decide its request for relief as soon as possible, so that Defendants can implement the relief before the upcoming election.

¹ A small minority of the voting precincts in York County, Pennsylvania (specifically, 18 of the total 161 precincts) have ballots in both English and Spanish. *See* Declaration of Julia Chapman ("Chapman Decl."), Ex. A. Nonetheless, York County fails to comply with Section 4(e) on a county-wide basis.

I. BACKGROUND

A. Section 4(e) of the Voting Rights Act

Section 4(e) of the Voting Rights Act was enacted to protect the voting rights of Spanish-speaking Puerto Ricans. *Katzenbach v. Morgan*, 384 U.S. 641, 645 n.3 (1966); *Arroyo v. Tucker*, 372 F. Supp. 764, 766 (E.D. Pa. 1974). Specifically, Section 4(e) provides that “persons educated in American-flag schools² in which the predominant classroom language was other than English” shall not be “denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language.” 52 U.S.C. §10303(e) (formerly 42 U.S.C. §1973b(e)).³ The reason for Section 4(e) is clear: “[A] Spanish-speaking Puerto Rican is entitled to [election] assistance in the language he can read or understand.” *Puerto Rican Org. for Political Action v. Kusper*, 490 F.2d 575, 580 (7th Cir. 1973) (“*Kusper II*”).

² An “American-flag school” is a school in any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico. 52 U.S.C. §10303(e).

³ The sixth-grade education requirement in Section 4(e) was eliminated when Congress amended the Voting Rights Act in 1970. *See* 42 U.S.C. § 1973(a). Accordingly, Section 4(e) “prohibit[s] the states from conditioning the right to vote of persons who attended *any number of years* of school in Puerto Rico on their ability to read or understand the English language.” *Puerto Rican Org. for Political Action v. Kusper*, 490 F.2d 575, 579 (7th Cir. 1973) (“*Kusper II*”) (emphasis added).

B. York County’s Puerto Rican Population

York County has a substantial Spanish-speaking Puerto Rican population. According to the U.S. Census Bureau’s American Community Survey (“ACS”) 2020 One-Year Estimate, York County is home to 14,456 citizens of Puerto Rican descent. *See* Chapman Decl. Ex. B. Many of these citizens are limited English-proficient. *Id.* Specifically, 750 individuals of Puerto Rican descent in York County self-reported in the ACS that they either do not speak any English or do not speak English well. *Id.* Unknown additional York County residents of Puerto Rican descent may be able to speak English, but not fluently read the technical language of an election ballot. Furthermore, many of these individuals with limited English proficiency attended at least some school in Puerto Rico. *See, e.g.,* Declaration of Lydia Walther-Rodriguez (“Walther-Rodriguez Decl.”) at ¶ 9. And as courts have previously recognized, the primary language of instruction in Puerto Rico was not English. *See United States v. Berks Cnty.*, 277 F. Supp. 2d 570, 574 (E.D. Pa. 2003) (“*Berks II*”) (noting “[t]he primary language of classroom instruction in Puerto Rico is Spanish.”); *see also* P.R. Regs. DE REG. 8115, Art. III,

§B.⁴ As such, there is a substantial population in York County, Pennsylvania that qualify for Section 4(e) protections.

C. York County's Failure to Provide Spanish-Language Voting Services

York County provides little to no Spanish-language election materials or voting services. Illustrative of this fact is York County's 2022 general election sample ballots, which show that only 18 out of the 161 precincts have English/Spanish ballots. *See* Chapman Decl. Ex. A. Additionally, as demonstrated in Section D, *infra*, York County residents' experiences in prior elections reveal that (1) Defendants provide English-only instructions and English-only poll location signage, (2) that poll workers give incorrect and misleading information to voters inquiring about their right to access Spanish-language materials and assistance at the polls, and (3) that the County does not have any Spanish-speaking poll workers.

Defendants' failure to make voting accessible to Spanish-speaking individuals is also visible on York County's website. The website provides detailed information to voters—*e.g.*, notice to military and overseas voters, notice regarding polling place changes, an election results user guide, basic information about local government

⁴ The cited regulation of the Department of Education of Puerto Rico is in Spanish. Translated to English, the regulation provides: "Every student in the schools of the Public Education System has the right to: ... B. Receive an education taught in our vernacular language, Spanish. English will be taught as a second language, with the exception of Specialized Language Schools."

and elective office in Pennsylvania, along with information regarding voting more generally. *See, e.g.*, Chapman Decl. Exs. C, D, E, F, G. However, all this information is provided in English. Further, the website lists election results in English only. *See* Chapman Decl. Ex. H.

York County's social media is also inaccessible to Spanish-speaking individuals. The York County Board of Elections ("BOE") almost exclusively tweets and re-tweets English-only content on its Twitter account. *See* Chapman Decl. Ex. I. In one English-only tweet dated November 2, 2021, the Board linked to sample ballots for the November 2, 2021 election, revealing that only 18 out of 161 precincts had ballots in both English and Spanish. *See* Chapman Decl. Ex. J. York County chooses to use Twitter to share important information about poll hours, polling locations, and voter registration. York County's current practices place high barriers to Spanish speakers learning this information.

Plaintiff CASA, as well as Plaintiff's counsel, have reached out to York County repeatedly to urge them to remedy these violations. *See* Compl. ¶¶ 40-42. Despite these efforts, Defendants have not committed to providing county-wide Spanish-language sample ballots or sufficient Spanish-language election materials or assistance.

D. Plaintiff

Plaintiff CASA is a non-profit organization, with an office in York County, Pennsylvania, which is dedicated to uplifting and leveraging the voices of Pennsylvania's immigrant and Latino communities. Walther-Rodriguez Decl. at ¶ 4. In furtherance of that mission, since 2016, Plaintiff CASA has been actively registering Latinx voters and working on issues of voter protection and language access at the polls in Pennsylvania, including in York County. *Id.* at ¶¶ 2, 4. CASA is a membership-based organization, with members in York County who were educated in Puerto Rico, where the predominant classroom language was Spanish. *Id.* at ¶ 9. Many of its Spanish-dominant, Puerto Rican educated members want and intend to vote in Pennsylvania's November 8, 2022, general election. *Id.* Under Defendants' current election scheme, those members will not be able to exercise their right to vote effectively in a predominantly English-only election.

As a result of Defendants' failure to ensure the provision of Spanish-language materials and assistance to Spanish-speaking Puerto Ricans, including in the 2022 Pennsylvania general election, CASA has diverted its limited resources from other projects to provide and advocate for Spanish-language assistance to Spanish-language voters in York County. *Id.* at ¶ 7.

By way of example, one of CASA's members attended elementary school through eleventh grade in Puerto Rico, in which the language used in the classroom

was predominantly Spanish. *Id.* at ¶ 9. He does not speak, read, or understand any English. *Id.* This member is eligible to vote in York County, Pennsylvania, and wants and intends to vote in the 2022 Pennsylvania general election. *Id.* However, because he does not understand English, he will be unable to vote effectively under Defendants' current election procedures and using Defendants' current election materials. *Id.* This member registered to vote with CASA's assistance and voted in the 2020 general election. *Id.* at ¶ 10. When he voted, the signs were only in English, the ballot and instructions were only in English, and there was nobody available to assist with interpretation. *Id.* This member had no way of understanding the English-only materials or the process. *Id.* Other members have had similar experiences. *See id.* ¶¶ 11-19.

E. Defendants

Defendants Julie Wheeler, Doug Hoke, and Ron Smith comprise the York County BOE. As the York County BOE, Defendants have jurisdiction over the conduct of the primaries and elections in York County. 25 P.S. §§ 2641-642; *see also Donald J. Trump for President, Inc. v. Bookvar*, 493 F. Supp. 3d 331, 351 (W.D. Pa. 2020) (“The [PA] Election Code vests county boards of elections with discretion to conduct elections . . .”).

Plaintiff seeks preliminary injunction relief against the Defendants to ensure that Spanish language sample ballots, election and registration materials, and assistance are timely provided in the upcoming November 2022 election.

F. Imminent Election Deadlines

Pennsylvania's next general election will occur on November 8, 2022. *See* Chapman Decl. Ex. K. The deadline for eligible voters to register to vote is October 24, 2022. *Id.* The deadline to apply for a vote by mail ballot is November 1, 2022, and the deadline for receipt of these vote by mail ballots is November 8, 2022. *See* Chapman Decl. Ex. L.

II. LEGAL STANDARD

To satisfy the Article III standing requirement, a plaintiff must have “(1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision.” *Spokeo, Inc. v. Robins*, 578 U.S. 330, 338 (2016) (citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992)).

To obtain a preliminary injunction, a plaintiff “must show: (1) a likelihood of success on the merits; (2) that it will suffer irreparable harm if the injunction is denied; (3) that granting preliminary relief will not result in even greater harm to the nonmoving party; and (4) that the public interest favors such relief.” *Kos Pharms., Inc. v. Andrx Corp.*, 369 F.3d 700, 708 (3d Cir. 2004) (citing *Allegheny Energy, Inc.*

v. DQE, Inc., 171 F.3d 153, 158 (3d Cir. 1999)). “[A] district court—in its sound discretion—should balance those four factors so long as the party seeking the injunction meets the threshold on the first two.” *Reilly v. City of Harrisburg*, 858 F.3d 173, 176 (3d Cir. 2017).

Movants bear the burden of demonstrating that preliminary injunctive relief is warranted, *Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers*, 415 U.S. 423, 441 (1974), but they are “not required to prove [their] case in full at a preliminary-injunction hearing.” *Univ. of Tex. v. Camenisch*, 451 U.S. 390, 395 (1981). “It is not necessary that the moving party’s right to a final decision after trial be wholly without doubt.” *Oburn v. Shapp*, 521 F.2d 142, 148 (3d Cir. 1975) (citations omitted).

III. ARGUMENT

A. Plaintiff Has Standing to Seek a Preliminary Injunction.

Plaintiff CASA has standing to seek a preliminary injunction. An organization can demonstrate standing in two ways: associational standing and organizational standing. *See Blunt v. Lower Merion Sch. Dist.*, 767 F.3d 247, 279 (3d Cir. 2014) (citing *Common Cause of Pa. v. Pennsylvania*, 558 F.3d 249, 261 (3d Cir. 2009)). An organization has associational standing to bring suit on behalf of its members when “(a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization’s purpose;

and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.” *Hunt v. Wash. State Apple Advertising Comm’n*, 432 U.S. 333, 343 (1977). An organization that establishes associational standing can bring suit on behalf of its members even in the absence of injury to itself. *Id.* at 342.

An organization can also establish organizational standing “in its own right when the organization itself suffers injuries as a result of a defendant’s allegedly unlawful conduct.” *Disability Rts. Pennsylvania v. Pennsylvania Dep’t of Hum. Servs.*, No. 1:19-CV-737, 2020 WL 1491186, at *4 (M.D. Pa. Mar. 27, 2020) (citing *Pa. Prison Soc’y v. Cortes*, 508 F.3d 156, 163 (3d Cir. 2007)). If an organization diverted resources to respond to the allegedly unlawful action, or if the challenged action resulted in a tangible frustration of the organization’s mission, that organization has standing to bring suit. *See Havens Realty Corp. v. Coleman*, 455 U.S. 363, 378-79 (1982). Organizational standing “does not depend on the standing of the organization’s members.” *OCA-Greater Houston v. Texas*, 867 F.3d 604, 610 (5th Cir. 2017).

As set forth more fully in the attached declaration, CASA has standing both on behalf of its members and on its own behalf. First, many of CASA’s members were educated in Puerto Rico, speak Spanish, have limited English proficiency, and are eligible to vote in York County, but are unable to vote effectively in English-only

elections. Walther-Rodriguez Decl. at ¶ 9. Because of Defendants' failure to provide Spanish language materials and assistance, CASA's members will not be able to exercise their right to vote effectively in a predominantly English-only election. *Id.*

Additionally, as a result of Defendants' failure to ensure the provision of Spanish-language materials and assistance to Spanish-speaking Puerto Ricans, including in the 2022 Pennsylvania general election, CASA is diverting its limited resources from other projects to provide Spanish-language assistance to Spanish-language voters in York County. *Id.* at ¶¶ 7-8. After hearing from many members that they experienced issues voting in York County, CASA conducted outreach to its members, engaged in one-on-one conversations, and provided staff with a dedicated online link to report language access issues at the polls. *Id.* at ¶ 6. Through that outreach effort, CASA learned that Puerto Rican Spanish-speakers in York County were experiencing significant barriers to accessing the polls. *Id.* Since discovering the extent of York County's English-only practices, CASA has dedicated a portion of its limited staff time and resources to advocating for and providing Spanish-language voting services to Spanish-dominant voters harmed by Defendants' failure to provide Spanish-language election materials and assistance. *Id.* at ¶ 7. For example, CASA has done additional voter education campaigns, participated in stakeholder meetings in which it educated stakeholders on the

County’s language access duties, and committed to assisting with poll worker trainings to educate poll workers on language access resources that voters have a right to access on Election Day. *Id.* CASA offered to help the Defendants improve language access by identifying ways York County could recruit bilingual poll workers and employees. *Id.* In the event Defendants’ conduct is allowed to continue, CASA will be required to divert even more resources and staff time. *Id.* at ¶ 8. As such, Plaintiff has organizational standing.

B. Plaintiff Meets the Preliminary Injunction Standard and is Entitled to the Narrow Relief Requested.

i. Plaintiff is likely to succeed on the merits.

York County’s current election scheme violates Section 4(e) of the VRA. Section 4(e) has been “interpreted broadly. . . to prohibit both the explicit conditioning of the right to vote on the ability to speak English, and the conduct of English-only elections.” *Berks II*, 277 F. Supp. 2d at 579 (citations omitted). This “right to vote encompasses the right to an *effective* vote.” *Arroyo*, 372 F. Supp. at 767 (internal quotation marks omitted) (emphasis added). An effective vote includes “not only the right to physically enter a polling place and fill out a ballot but also the right to comprehend and understand what is on the ballot.” *Madera v. Detzner*, 325 F. Supp. 3d 1269, 1279 (N.D. Fla. 2018) (collecting cases). “If voters cannot understand English-only ballot language . . . as well as printed advertisements of polling place locations and sample ballots, their right to vote effectively is

diminished.” *Berks II*, 277 F. Supp. 2d at 579 (citation omitted). It is therefore “simply fundamental that voting instructions and ballots, in addition to any other material which forms part of the official communication to registered voters prior to an election, *must be in Spanish as well as English*, if the vote of Spanish-speaking citizens is not to be seriously impaired.” *Torres v. Sachs*, 381 F. Supp. 309, 312 (S.D.N.Y. 1974) (emphasis added). It follows that to vote effectively, bilingual poll workers and other election assistance providers are required. *Id.* (“Simple logic also requires that the assistance given to . . . voters at the polls on election day by trained representatives . . . be in a language they understand, in order that their vote will be more than a mere physical act void of any meaningful choice.”).

There is no numerical threshold to trigger Section 4(e)’s requirements, and courts refuse to read any such requirements into Section 4(e)’s plain language. *Madera*, 325 F. Supp. 3d at 1279, 1281; *see also United States v. Berks Cnty.*, 250 F. Supp. 2d 525, 537 (E.D. Pa. 2003) (“*Berks I*”) (rejecting defendants’ argument that this expansive interpretation “could lead to the eventual result that ballots and voting materials be provided in every voting precinct in the county with even a single limited-English proficient voter of Puerto Rican descent, educated in Spanish in an American-flag school in Puerto Rico”). As such, courts have repeatedly held that jurisdictions which are home to Spanish-speaking Puerto Ricans who are eligible to vote but fail to provide Spanish-language ballots, Spanish-language registration and

other election materials, and bilingual poll workers to assist those Puerto Ricans who cannot effectively vote in English are in violation of Section 4(e). *See Berks II*, 277 F. Supp. 2d at 579-80 (“Defendants’ failure to provide Spanish-language oral and written assistance for [its] large Puerto Rican population denies this group their right to effectively register a political choice, in violation of Section 4(e).”); *Kusper II*, 490 F.2d at 580. Accordingly, when, as here, an election is imminent, a preliminary injunction ordering that such materials and assistance be provided is necessary and appropriate to protect Puerto Ricans’ right to vote. *See e.g., Madera*, 325 F. Supp. 3d at 1284 (entering preliminary injunction); *see also Berks I*, 250 F. Supp. 2d 525 (same); *Arroyo*, 372 F. Supp. at 767-68 (same); *Puerto Rican Org. for Political Action v. Kusper*, 350 F. Supp. 606, 611-612 (N.D. Ill. 1972) (“*Kusper I*”) (same), *aff’d*, *Kusper II*, 490 F.2d 575.

Here, the evidence establishes that Defendants are violating Section 4(e). First, Plaintiff CASA has established its members fit the category of individuals qualifying for Section 4(e) protection. The evidence shows (1) a substantial Puerto Rican population in York County—over 14,000 citizens in the county are of Puerto Rican descent; (2) that many Puerto Ricans living in Pennsylvania speak English less than very well and 750 people surveyed in York County either do not speak

English or do not speak English well;⁵ and (3) that many of these individuals were educated in Puerto Rico where the official language is Spanish. *See* Section I.B, *supra*; *see also* Walther-Rodriguez Decl. ¶ 9. Second, Plaintiff has demonstrated that Defendants conduct many English-only practices in their administration of elections. York County refuses to provide county-wide Spanish-language sample ballots, voter guides, or other election materials despite appeals from Plaintiff. Further, Defendants do not provide bilingual poll workers, nor is there a bilingual staff person available to answer phones at the York County BOE.

ii. Plaintiff will suffer irreparable harm without immediate injunctive relief.

Without a preliminary injunction, Plaintiff will suffer irreparable injury. “[I]rreparable injury is presumed when ‘[a] restriction on the fundamental right to vote’ is at issue.” *Madera*, 325 F. Supp. 3d at 1282 (quoting *Obama for Am. v. Husted*, 697 F.3d 423, 436 (6th Cir. 2012)); *see also League of Women Voters of N. Carolina v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014) (“Courts routinely deem restrictions on fundamental voting rights irreparable injury.” (citations omitted)). “[O]nce the election occurs, there can be no do-over and no redress.” *League of Women Voters of N. Carolina*, 769 F.3d at 247.

⁵ As noted in Section I.B, *supra*, the number of Puerto Ricans who *can* speak English does not mean that all these individuals can read English, and accordingly, many more Puerto Ricans may not be able to vote effectively in English.

Here, without injunctive relief, Plaintiff CASA's members will continue to suffer illegal English-only barriers to the ballot box in the upcoming election; these barriers constitute irreparable injury. Further, Plaintiff CASA, whose mission includes the empowerment of Latino voters, will incur irreparable injury as it diverts resources to assist members who are entitled to Spanish-language voting materials and services during the run-up to the November 2022 election. In addition, without injunctive relief, Plaintiff will incur irreparable injury as it will divert resources during the run-up to the November 2022 election to its members who are entitled to Spanish-language materials and assistance. *See Action NC v. Strach*, 216 F. Supp. 3d 597, 642-43 (M.D.N.C. 2016) (even if organizations are later reimbursed for expenditures, they cannot regain the opportunity to use their resources for other efforts prior to the election). Therefore, Plaintiff has established it will suffer imminent irreparable harm without a preliminary injunction.

iii. A preliminary injunction will serve the public interest.

Plaintiff's requested relief is in the public interest. "By definition, the public interest favors permitting as many qualified voters to vote as possible." *League of Women Voters of N. Carolina*, 769 F.3d at 247 (quotation, ellipsis, brackets omitted). Further, "local officials serve the public interest when they conform their conduct to federal law's requirements [and] [t]his is especially so when the law is so clear in its requirements." *Madera*, 325 F. Supp. 3d at 1283. Therefore, injunctive relief

requiring Defendants to “conduct elections in compliance with the Voting Rights Act so that all citizens may participate equally in the electoral process” undoubtedly serves the public interest. *Berks II*, 277 F. Supp. 2d at 582.

iv. The balance of hardships favors Plaintiff.

Finally, the balance of hardships clearly weighs in favor of Plaintiff. If the court refuses to grant Plaintiff relief, Plaintiff CASA’s members “will lose their right to a meaningful vote.” *Madera*, 325 F. Supp. 3d. at 1282. Plaintiff recognizes that the timeline for Defendants’ compliance is short, and for this reason demands a narrow category of remedial measures that are both feasible and proper: the provision of Spanish-language sample ballots at all precincts in York County; the Spanish-language communications on the York County BOE website, social media, and direct mailing; and training of poll workers and BOE staff in accessing language or translation hotlines. Although the reforms requested “may result in some administrative expenses to Defendants, such expenses are likely to be minimal and are far outweighed by the fundamental right at issue.” *Berks I*, 250 F. Supp. 2d at 541. In fact, many of the translations are already available—*see, e.g.*, 18 precincts already providing Spanish-language ballots—meaning Defendants will not incur inordinate translation expenses in providing Spanish-language sample ballots. Therefore, any additional effort it would take to produce voting materials in bilingual

format and to hire bilingual poll workers does not outweigh the fundamental right to vote.

Plaintiff thus satisfies all four prongs of the preliminary injunction standard, and its injunction should be granted. Additionally, the equitable considerations—irreparable harm, the public interest, and the balance of hardships—all clearly favor injunctive relief. Plaintiff’s requested relief is set forth in the proposed order accompanying this motion.

C. An Order Directing Defendants to Comply will Provide Effective Relief Because Defendants are the Proper Entities to Enjoin.

Defendants are the proper entity to enjoin in order to ensure Plaintiffs’ rights under Section 4(e). The “[PA] Election Code vests county boards of elections with discretion to conduct elections.” *Bookvar*, 493 F. Supp. 3d at 351 (citation omitted). Defendants comprise the York County BOE. Therefore, Defendants are given discretion in conducting elections in York County. Accordingly, an injunction against Defendants will provide the relief Plaintiff seeks.

The York County BOE’s failure to provide Spanish-language materials and assistance effectively conditions the right to vote on the ability to read and understand English, and because Plaintiff’s members cannot fully read and understand English, York County is effectively depriving them of their right to vote. This is a clear violation of Section 4(e).

IV. CONCLUSION

For the reasons stated herein, Plaintiff's motion should be granted, and the Court should issue a preliminary injunction requiring York County to comply with Section 4(e) of the Voting Rights Act before the November 8, 2022 election.

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Dated: October 20, 2022

Respectfully submitted,

/s/ Julia Chapman

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Neil Steiner (*PHV* admission forthcoming)

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Counsel for Plaintiff

Certification Pursuant to Local Rule 7.8

I hereby certify and affirm that the foregoing Memorandum in Support of Plaintiff's Motion for a Preliminary Injunction is 4,341 words and therefore complies with Local Rule 7.8.

/s/ Julia Chapman
Julia Chapman

Date: 10/20/2022

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