

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

MIKE TOYUKAK, et al.

Plaintiffs,

vs.

MEAD TREADWELL, et al.,

Defendants.

Case No. 3:13-cv-00137-SLG

ORDER RE INTERIM REMEDIES

Having reviewed the State of Alaska's Proposal in Response to Court's Order of September 3, 2014, filed September 5, 2014 (Docket 224), and Plaintiffs' Proposed Remedies (November 2014 Election), filed September 10, 2014 (Docket 225), IT IS ORDERED that:

1. To the extent certain tasks relate to the upcoming 2014 General Election and whether or not specifically addressed in this Order, the Division of Elections ("Division") shall perform each of the tasks set forth in the Division's 2014 Language Assistance Program Tasks list, which was admitted as an exhibit at trial as Exhibit CC, in the three census areas at issue in this litigation.
2. For all oral and written translations required by this Order, for both the Dillingham and the Wade-Hampton census areas, the Division shall retain one or more Yup'ik language experts to review the translation and confirm that it is in a dialect that will be understood in that census area. If the dialectical differences for a particular translation from Central Yup'ik are minor (e.g., a few

words or phrases), those differences may be noted through a footnote that identifies the dialect and the differences. The translation for the Limited English Proficient (“LEP”) voters in the communities in the Yukon-Koyukuk census area shall be into Gwich’in.

3. On or before **September 26, 2014**, the Division shall distribute a pre-election announcement to be read by outreach workers in Yup’ik or Gwich’in, as applicable, over the VHF radio stating the voter registration deadlines and the availability of the outreach worker to assist in the completion of voter registration applications.
4. On or before **September 26, 2014**, the Division shall rewrite the language assistance instructions in the Official Election Pamphlet to explain more clearly that LEP voters may ask their outreach workers for pre-election help in translating the pamphlet.
5. On or before **September 26, 2014**, the Division shall change the Certificate of Outreach form so that outreach workers are asked to report the number of hours spent assisting voters in pre-election outreach efforts and the number of voters the outreach worker assisted.
6. On or before **September 26, 2014**, the Division shall prepare a revised cover letter to accompany the election materials sent to tribal councils in the three census areas that directly encourages each council to inform tribal members that it has the materials available for tribal members to review.
7. On or before **October 3, 2014**, the Division shall draft, translate, and record a new public service announcement for local radio stations in the three census

areas at issue in this litigation to notify voters (1) that outreach worker(s) are available to provide language assistance before the election and (2) that bilingual poll workers will be available to assist voters on Election Day. This public service announcement shall also instruct voters that they can call the Yup'ik assistance hotline for general language assistance and identify the name, location, and telephone number of their local in-person outreach worker(s).

8. On or before **October 3, 2014**, the Division shall draft and translate a written version of a public service announcement that contains the same information described in paragraph 7 above, for outreach workers to broadcast over VHF in their communities.
9. On or before **October 3, 2014**, the Division shall also distribute the following translated pre-election announcements to be read by outreach workers over the VHF radio that include the following information:
 - a. absentee ballot application deadlines and the availability of the outreach worker to assist in the completion of absentee ballot applications;
 - b. early voting information including the dates, times, and locations;
 - c. the date, time, and location for the General Election, and other requirements for voting including voter identification;
 - d. the subject matter to be included on the General Election ballot (e.g., what offices are to be filled, bond measures, identification of the subject of each ballot question);

- e. the availability of language assistance before Election Day and on Election Day, including the name of the person(s) and dates and locations when it will be provided; and
 - f. the dates, times, and locations for community meetings to discuss the election information and the name of the person(s) to contact if voters have any questions about the meetings.
10. On or before **October 3, 2014**, the Division shall include in the outreach worker packets for the 2014 General Election in the three census areas *five copies* of a pre-election poster advertising the availability of pre-election language assistance in Yup'ik or Gwich'in, as applicable, with instructions that they post them in public locations such as the school, tribal council office, community store, etc. The posters shall be translated into Yup'ik or Gwich'in, as applicable, and shall state the following:
- a. You can receive help voting or with any voting-related activity in your Native language;
 - b. The person(s) available to help you is [blank for the name(s) and telephone number(s) to be filled in by the outreach worker];
 - c. Help will be provided in your Native language before the election on [blank for the time and date to be filled in by the outreach worker] at [blank for the location to be filled in by the outreach worker];
 - d. Help will be provided in your Native language during early voting, which begins on October 20, 2014. Contact [blank for the name(s) and

telephone number(s) to be filled in by the outreach worker] for more information; and

- e. Help will be provided to you at the polling place in your Native language during the General Election, which is scheduled for November 4, 2014 and will be held at [blank for the location to be filled in by the outreach worker] from 7:00 a.m. to 8:00 p.m.

11. On or before **October 3, 2014**, for each of the LEP communities in the applicable census areas, the Division shall include in Election Day packets buttons for poll workers saying “Can I help?” translated into Yup’ik or Gwich’in, as applicable, and Election Day posters translated into Yup’ik and Gwich’in announcing the availability of language assistance.

12. The Election Day posters shall state the following, in English and also translated into the applicable language:

- a. You can receive help voting or with any voting-related activity in your Native language;
- b. The person(s) available to help you are [blank for the names to be filled in by the outreach worker]; and
- c. You also have the right to receive help voting from any person of your choice.

13. In each of the three census areas, the Division shall provide each poll worker with at least *two copies* of the Election Day poster described above, with instructions that the poll workers are to post them in conspicuous places inside the polling place where they can be seen by voters before they vote.

14. On or before **October 10, 2014**, the Division shall make available on its website the written Central Yup'ik translations of election materials that the Division already routinely posts as individual audio files on the website, as well as written Yup'ik translations of those same election materials that are (1) in a Yup'ik dialect that is understandable in the Dillingham census area; and (2) in a Yup'ik dialect that is understandable in the Wade-Hampton census area.
15. On or before **October 10, 2014**, the Division shall send to each of the outreach workers in the three census areas (in addition to the audio translations of ballot measure neutral summaries, pro/con statements, and candidate statements) written translations of the following so as to assist the outreach workers in providing oral translations to LEP voters:
 - a. Sample ballots including ballot questions;
 - b. Neutral summaries of each ballot question prepared by the State;
 - c. Statements of cost associated with ballot questions;
 - d. Summary of bond measures;
 - e. Pro and con statements for ballot questions and bond measures;
 - f. Candidate statements (federal and state offices and judicial candidates);
 - g. A copy of the Official Election Pamphlet;¹ and

¹ To the extent the Division maintains it is unable to translate the entire Official Election Pamphlet for the 2014 General Election, it shall make all reasonable efforts to translate as much as possible in accordance with this Order, and shall be prepared to detail in its November 28, 2014 report to the Court the reasons why, despite all reasonable efforts, it was unable to translate the entire pamphlet for the General Election.

- h. A cover letter and updated instruction packet to the outreach workers that emphasizes to each outreach worker that she/he is expected to be available to assist voters to understand all voting information and that encourages workers to call the Division with any questions about performing these tasks.
16. On or before **October 10, 2014**, the Division shall provide all translations required by this Order to the Plaintiffs' attorneys for their feedback, and the Division shall strive to incorporate any such feedback to the maximum extent feasible.
17. The Division shall make a concerted effort to provide at least one local outreach worker and one in-person poll worker in each of the covered communities in the three census areas for the 2014 General Election and shall file a preliminary report with the Court on its efforts to do so that addresses each of the covered communities by **October 10, 2014**.
18. The Division shall increase to no fewer than thirty the number of hours for which outreach workers may be paid in the 2014 General Election.
19. On or before **October 10, 2014**, the Division shall update the outreach worker instructions and list of duties so that the workers are fully informed of their language assistance responsibilities, including all of the duties identified in this Order, such as the translation of the Official Election Pamphlet.
20. On or before **October 24, 2014**, the Division shall provide a minimum of two teleconference training sessions of at least 30 minutes each for each outreach worker in the three census areas. If an outreach worker is unable to attend both

training sessions, then the Division shall provide one-on-one training to that outreach worker. The training shall be mandatory for all outreach workers and shall include:

- a. Instructions to provide the same information available to English-speaking voters in the Official Election Pamphlet, including how to use the written translations to provide complete, accurate, and uniform translations in the covered language and dialect;
- b. Instructions on how to translate procedural voting materials (forms and instructions); and
- c. Instructions on conducting community outreach meetings before the election to discuss the ballot and voting procedures.

21. On or before **November 28, 2014**, the Division shall file a comprehensive report to the Court detailing its compliance with this Order.

DATED this 22nd day of September, 2014 at Anchorage, Alaska.

/s/ Sharon L. Gleason
United States District Judge