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Ninth Circuit Rules, 14-1, Citizen Petitions Need Not Be Translated

September 19, 2006 - On a 14-1 vote, the Ninth Circuit Court of Appeals decided in the case of Padilla V. Lever (case number 03-56259) that recall petitions and in other cases, initiatives and referenda do not need to be translated into a minority language in order to comply with Section 203 of the Voting Rights Act. This provision of the Voting Rights Act, "does not apply to such recall petitions because they are not provided by the State or its subdivision", wrote Judge Canby for the majority.

"The full Court of Appeal's opinion emphatically rejected the argument that privately circulated initiative, referendum, and recall petitions must be translated into Spanish under the VRA," said Fred Woocher, an attorney with Strumwasser and Woocher, who argued the case on behalf of LandWatch and other plaintiffs. "There is obviously no longer any basis for the County to claim otherwise. Furthermore, there is no legal basis for the County to delay moving forward with the elections on the qualified petitions – one an initiative to amend the county General Plan and one a referendum overturning approval of Rancho San Juan."

"This is a victory for all Monterey County voters – Latino and non-Latino alike," said Alexander Urciuoli, Spokesman for Citizens for Responsible Growth (CFRG), a Salinas based grassroots organization devoted to sound land-use policy and fiscal responsibility. "We are delighted with the 9th Circuit's resounding decision. It's time to stop wasting the taxpayers' time and money. It's time to let voters decide the future of Rancho San Juan. It's time to let voters decide what constitutes responsible growth in rural Monterey County."

"Supervisors wasted hundreds of thousands of dollars refusing to listen to Monterey County voters who demanded their right to vote on these two measures. The Board should stop its opposition now. They should immediately schedule a special election on these measures as required by law," stated Michael DeLapa, president of the LandWatch Board of Directors.