

Voting Rights Act of 1965 (Section 203 as Amended)

§10503. Bilingual election requirements

(a) Congressional findings and declaration of policy

The Congress finds that, through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process. Among other factors, the denial of the right to vote of such minority group citizens is ordinarily directly related to the unequal educational opportunities afforded them resulting in high illiteracy and low voting participation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting these practices, and by prescribing other remedial devices.

(b) Bilingual voting materials requirement

(1) Generally

Before August 6, 2032, no covered State or political subdivision shall provide voting materials only in the English language.

(2) Covered States and political subdivisions

(A) Generally

A State or political subdivision is a covered State or political subdivision for the purposes of this subsection if the Director of the Census determines, based on the 2010 American Community Survey census data and subsequent American Community Survey data in 5-year increments, or comparable census data, that-

- (i)(I) more than 5 percent of the citizens of voting age of such State or political subdivision are members of a single language minority and are limited-English proficient;
 - (II) more than 10,000 of the citizens of voting age of such political subdivision are members of a single language minority and are limited-English proficient; or
 - (III) in the case of a political subdivision that contains all or any part of an Indian reservation, more than 5 percent of the American Indian or Alaska Native citizens of voting age within the Indian reservation are members of a single language minority and are limited-English proficient; and
- (ii) the illiteracy rate of the citizens in the language minority as a group is higher than the national illiteracy rate.

(B) Exception

The prohibitions of this subsection do not apply in any political subdivision that has less than 5 percent voting age limited-English proficient citizens of each language minority which comprises over 5 percent of the statewide limited-English proficient population of voting age citizens, unless the political subdivision is a covered political subdivision independently from its State.

(3) Definitions

As used in this section-

(A) the term "voting materials" means registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots;

(B) the term "limited-English proficient" means unable to speak or understand English adequately enough to participate in the electoral process;

(C) the term "Indian reservation" means any area that is an American Indian or Alaska Native area, as defined by the Census Bureau for the purposes of the 1990 decennial census;

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(D) the term "citizens" means citizens of the United States; and

(E) the term "illiteracy" means the failure to complete the 5th primary grade.

(4) Special rule

The determinations of the Director of the Census under this subsection shall be effective upon publication in the Federal Register and shall not be subject to review in any court.

(c) Requirement of voting notices, forms, instructions, assistance, or other materials and ballots in minority language

Whenever any State or political subdivision subject to the prohibition of subsection (b) of this section provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language: *Provided*, That where the language of the applicable minority group is oral or unwritten or in the case of Alaskan natives and American Indians, if the predominant language is historically unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting.

(d) Action for declaratory judgment permitting English-only materials

Any State or political subdivision subject to the prohibition of subsection (b) of this section, which seeks to provide English-only registration or voting materials or information, including ballots, may file an action against the United States in the United States District Court for a declaratory judgment permitting such provision. The court shall grant the requested relief if it determines that the illiteracy rate of the applicable language minority group within the State or political subdivision is equal to or less than the national illiteracy rate.

(e) Definitions

For purposes of this section, the term "language minorities" or "language minority group" means persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage.

(Pub. L. 89–110, title II, §203, as added Pub. L. 94–73, title III, §301, Aug. 6, 1975, 89 Stat. 402 ; amended Pub. L. 97–205, §§2(d), 4, June 29, 1982, 96 Stat. 134 ; Pub. L. 102–344, §2, Aug. 26, 1992, 106 Stat. 921 ; Pub. L. 109–246, §§7, 8, July 27, 2006, 120 Stat. 581 .)

CODIFICATION

Section was formerly classified to [section 1973aa–1a of Title 42](#), The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2006-Subsec. (b)(1). Pub. L. 109–246, §7, substituted "2032" for "2007".

Subsec. (b)(2)(A). Pub. L. 109–246, §8, substituted "the 2010 American Community Survey census data and subsequent American Community Survey data in 5-year increments, or comparable census data" for "census data" in introductory provisions.

1992-Subsec. (b). Pub. L. 102–344 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "Prior to August 6, 1992, no State or political subdivision shall provide registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language if the Director of the Census determines (i) that more than 5 percent of the citizens of voting age of such State or political subdivision are members of a single language minority and (ii) that the illiteracy rate of such persons as a group is higher than the national illiteracy rate: *Provided*, That the prohibitions of this subsection shall not apply in any political subdivision which has less

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than five percent voting age citizens of each language minority which comprises over five percent of the statewide population of voting age citizens. For purposes of this subsection, illiteracy means the failure to complete the fifth primary grade. The determinations of the Director of the Census under this subsection shall be effective upon publication in the Federal Register and shall not be subject to review in any court."

1982-Subsec. (b). Pub. L. 97-205, §4, substituted "Prior to August 6, 1992" for "Prior to August 6, 1985".

Subsec. (c). Pub. L. 97-205, §2(d), inserted "and American Indians" after "Alaskan natives".

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-205 effective June 29, 1982, see section 6 of Pub. L. 97-205, set out as a note under [section 10301 of this title](#).

EXTENSION TO AUGUST 6, 1992, OF PROHIBITION ON USE OF VOTING INSTRUCTIONS, ASSISTANCE, OR OTHER MATERIALS OR INFORMATION IN ENGLISH ONLY; LIMITATIONS BASED ON 1980 CENSUS AND SUBSEQUENT CENSUS DATA

Pub. L. 97-205, §4, June 29, 1982, 96 Stat. 134 , provided in part that: "[T]he extension made by this section [amending subsec. (b) of this section] shall apply only to determinations made by the Director of the Census under clause (i) of section 203(b) [subsec. (b)(i) of this section] for members of a single language minority who do not speak or understand English adequately enough to participate in the electoral process when such a determination can be made by the Director of the Census based on the 1980 and subsequent census data."

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 110921596–1557–01]

Voting Rights Act Amendments of 2006, Determinations Under Section 203

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of determination.

SUMMARY: As required by Section 203 of the Voting Rights Act of 1965, as amended, this notice publishes the Bureau of the Census (Census Bureau) Director’s determinations as to which political subdivisions are subject to the minority language assistance provisions of the Act. As of this date, those jurisdictions that are listed as covered by Section 203 have a legal obligation to provide the minority language assistance prescribed by the Act.

DATES: *Effective Date:* This notice is effective on October 13, 2011.

FOR FURTHER INFORMATION CONTACT: For information regarding this notice, please contact Ms. Catherine M. McCully, Chief, Census Redistricting Data Office, Bureau of the Census, United States Department of Commerce, Room DIR 8H019, 4600 Silver Hill Rd, Washington DC 20233, by telephone at 301–763–4039, or visit the Redistricting Data Office Internet site at <http://www.census.gov/rdo/>.

For information regarding the applicable provisions of the Act, please contact T. Christian Herren, Jr., Chief, Voting Section, Civil Rights Division, United States Department of Justice, Room 7254–NWB, 950 Pennsylvania Avenue, NW., Washington, DC 20530, by telephone at (800) 253–3931 or visit the Voting Section Internet site at <http://www.justice.gov/crt/about/vot/>.

SUPPLEMENTARY INFORMATION: In July 2006, Congress amended the Voting Rights Act of 1965, Title 42, United States Code (U.S.C.), 1973 *et seq.* (See Pub. L. 109–246, 120 Stat. 577 (2006)).

Among other changes, the sunset date for minority language assistance provisions set forth in Section 203 of the Act was extended to August 5, 2032.

Section 203 mandates that a state or political subdivision must provide language assistance to voters if more than five (5) percent of voting age citizens are members of a single-language minority group and do not “speak or understand English adequately enough to participate in the electoral process” and if the rate of those citizens who have not completed the fifth grade is higher than the national rate of voting age citizens who have not completed the fifth grade. When a state is covered for a particular language minority group, an exception is made for any political subdivision in which less than five (5) percent of the voting age citizens are members of the minority group and are limited in English proficiency, unless the political subdivision is covered independently. A political subdivision is also covered if more than 10,000 of the voting age citizens are members of a single-language minority group, do not “speak or understand English adequately enough to participate in the electoral process,” and the rate of those citizens who have not completed the fifth grade is higher than the national rate of voting age citizens who have not completed the fifth grade.

Finally, if more than five (5) percent of the American Indian or Alaska Native voting age citizens residing within an American Indian Reservations (and off-reservation trust lands) are members of a single language minority group, do not “speak or understand English adequately enough to participate in the electoral process,” and the rate of those citizens who have not completed the fifth grade is higher than the national rate of voting age citizens who have not completed the fifth grade, any political subdivision, such as a county, which contains all or any part of that Indian reservation, is covered by the minority language assistance provision set forth in Section 203. An American Indian

Reservation is defined as any area that is an American Indian or Alaska Native area identified for purposes of the decennial census. For the 2010 Census, these areas were identified by the federally recognized tribal governments, Bureau of Indian Affairs, and state governments. The Census Bureau worked with American Indian tribes and Alaska Natives to identify statistical areas, such as Oklahoma Tribal Statistical Areas (OTSA), State Designated Tribal Statistical Areas (SDTSA), and Alaska Native Village Statistical Areas (ANVSA).

Pursuant to Section 203, the Census Bureau Director has the responsibility to determine which states and political subdivisions are subject to the minority language assistance provisions of Section 203. The state and political subdivisions obligated to comply with the requirements are listed in the attachment to this Notice.

Section 203 also provides that the “determinations of the Director of the Census under this subsection shall be effective upon publication in the **Federal Register** and shall not be subject to review in any court.” Therefore, as of this date, those jurisdictions that are listed as covered by Section 203 have legal obligation to provide the minority language assistance prescribed in Section 203 of the Act. In the cases, where a state is covered, those counties or county equivalents not displayed in the attachment are exempt from the obligation. Those jurisdictions subject to Section 203 of the Act previously, but not included on the list below, are no longer obligated to comply with Section 203. The previous determinations under Section 4(f)(4) of the Voting Rights Act remain in effect and are unaffected by this determination. (See Title 28, Code of Federal Regulations, part 55, Appendix (2010)).

Dated: October 5, 2011.

Robert M. Groves,
Director, Bureau of the Census.

COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2010

State and political subdivision	Language minority group
Alaska:	
Aleutians East Borough	Asian (Filipino).
Aleutians East Borough	Hispanic.
Aleutians West Census Area	Asian (Filipino).
Bethel Census Area	Alaska Native (Inupiat).
Bethel Census Area	Alaska Native (Yup’ik).
Dillingham Census Area	Alaska Native (Yup’ik).
Nome Census Area	Alaska Native (Inupiat).
Nome Census Area	Alaska Native (Yup’ik).
North Slope Borough	Alaska Native Tribe—Tribe not Specified.
North Slope Borough	Alaska Native (Inupiat).

COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2010—Continued

State and political subdivision	Language minority group
Northwest Arctic Borough	Alaska Native (Inupiat).
Wade Hampton Census Area	Alaska Native (Inupiat).
Wade Hampton Census Area	Alaska Native (Yup'ik).
Yukon-Koyukuk Census Area	Alaska Native (Alaskan Athabaskan).
Arizona:	
Apache County	American Indian (Navajo).
Apache County	American Indian (Pueblo).
Coconino County	American Indian (Hopi).
Coconino County	American Indian (Navajo).
Coconino County	American Indian (Yuma).
Maricopa County	American Indian (Tohono O'Odham).
Maricopa County	Hispanic.
Mohave County	American Indian (Yuma).
Navajo County	American Indian (Hopi).
Navajo County	American Indian (Navajo).
Pima County	American Indian (Tohono O'Odham).
Pima County	American Indian (Yaqui).
Pima County	Hispanic.
Pinal County	American Indian (Tohono O'Odham).
Santa Cruz County	Hispanic.
Yavapai County	American Indian (Yuma).
Yuma County	American Indian (Yuma).
Yuma County	Hispanic.
California:	
State Coverage	Hispanic.
Alameda County	Asian (Chinese).
Alameda County	Asian (Filipino).
Alameda County	Hispanic.
Alameda County	Asian (Vietnamese).
Colusa County	Hispanic.
Contra Costa County	Hispanic.
Fresno County	Hispanic.
Glenn County	Hispanic.
Imperial County	Hispanic.
Kern County	Hispanic.
Kings County	Hispanic.
Los Angeles County	Asian (Asian Indian).
Los Angeles County	Asian (Chinese).
Los Angeles County	Asian (Filipino).
Los Angeles County	Hispanic.
Los Angeles County	Asian (Japanese).
Los Angeles County	Asian (Korean).
Los Angeles County	Asian (Other Asian—Not specified).
Los Angeles County	Asian (Vietnamese).
Madera County	Hispanic.
Merced County	Hispanic.
Monterey County	Hispanic.
Napa County	Hispanic.
Orange County	Asian (Chinese).
Orange County	Hispanic.
Orange County	Asian (Korean).
Orange County	Asian (Vietnamese).
Riverside County	Hispanic.
Sacramento County	Asian (Chinese).
Sacramento County	Hispanic.
San Benito County	Hispanic.
San Bernardino County	Hispanic.
San Diego County	Asian (Chinese).
San Diego County	Asian (Filipino).
San Diego County	Hispanic.
San Diego County	Asian (Vietnamese).
San Francisco County	Asian (Chinese).
San Francisco County	Hispanic.
San Joaquin County	Hispanic.
San Mateo County	Asian (Chinese).
San Mateo County	Hispanic.
Santa Barbara County	Hispanic.
Santa Clara County	Asian (Chinese).
Santa Clara County	Asian (Filipino).
Santa Clara County	Hispanic.
Santa Clara County	Asian (Vietnamese).
Stanislaus County	Hispanic.

COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2010—Continued

State and political subdivision	Language minority group
Tulare County	Hispanic.
Ventura County	Hispanic.
Colorado:	
Costilla County	Hispanic.
Denver County	Hispanic.
Rio Grande County	Hispanic.
Connecticut:	
Bridgeport town	Hispanic.
East Hartford town	Hispanic.
Hartford town	Hispanic.
Meriden town	Hispanic.
New Britain town	Hispanic.
New Haven town	Hispanic.
New London town	Hispanic.
Waterbury town	Hispanic.
Windham town	Hispanic.
Florida:	
State Coverage	Hispanic.
Broward County	Hispanic.
Hardee County	Hispanic.
Hendry County	Hispanic.
Hillsborough County	Hispanic.
Lee County	Hispanic.
Miami-Dade County	Hispanic.
Orange County	Hispanic.
Osceola County	Hispanic.
Palm Beach County	Hispanic.
Polk County	Hispanic.
Hawaii:	
Honolulu County	Asian (Chinese).
Honolulu County	Asian (Filipino).
Honolulu County	Asian (Japanese).
Maui County	Asian (Filipino).
Illinois:	
Cook County	Asian (Asian Indian).
Cook County	Asian (Chinese).
Cook County	Hispanic.
DuPage County	Hispanic.
Kane County	Hispanic.
Lake County	Hispanic.
Kansas:	
Finney County	Hispanic.
Ford County	Hispanic.
Grant County	Hispanic.
Seward County	Hispanic.
Maryland:	
Montgomery County	Hispanic.
Massachusetts:	
Boston city	Hispanic.
Chelsea city	Hispanic.
Fitchburg city	Hispanic.
Holyoke city	Hispanic.
Lawrence city	Hispanic.
Lowell city	Hispanic.
Lynn city	Hispanic.
Quincy city	Asian (Chinese).
Revere city	Hispanic.
Southbridge town	Hispanic.
Springfield city	Hispanic.
Worcester city	Hispanic.
Michigan:	
Clyde township ¹	Hispanic.
Hamtramck city	Asian (Bangladeshi).
Hartford city	Hispanic.
Mississippi:	
Attala County	American Indian (Choctaw).
Jackson County	American Indian (Choctaw).
Jones County	American Indian (Choctaw).
Kemper County	American Indian (Choctaw).
Leake County	American Indian (Choctaw).
Neshoba County	American Indian (Choctaw).
Newton County	American Indian (Choctaw).

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State of California

ELECTIONS CODE

Section 14201

14201. (a) (1) The precinct board shall post, in a conspicuous location in the polling place, at least one facsimile copy of the ballot with the ballot measures and ballot instructions printed in Spanish. Facsimile ballots shall also be printed in other languages and posted in the same manner if a significant and substantial need is found by the elections official.

(2) In those counties which are required under the provisions of the federal Voting Rights Act of 1965, as extended by Public Law 94-73, to furnish ballots in other than the English language, the posting of the facsimile ballot in that particular language shall not be required.

(3) This subdivision shall remain in effect until the Secretary of State makes the determinations and findings required by this section.

(b) In counties where the Secretary of State has determined that it is appropriate, each precinct board shall post, in a conspicuous location in the polling place, at least one facsimile copy of the ballot with the ballot measures and ballot instructions printed in Spanish. If the Secretary of State determines that it is appropriate to post the election materials in Spanish in only certain precincts in the county, the material shall be posted in the polling places situated in those precincts. Facsimile ballots shall also be printed in other languages and posted in the same manner if a significant and substantial need is found by the Secretary of State.

(c) In determining whether it is appropriate to post the election materials in Spanish or other languages, the Secretary of State shall determine the number of residents of voting age in each county and precinct who are members of a single language minority, and who lack sufficient skills in English to vote without assistance. If the number of these residents equals 3 percent or more of the voting age residents of a particular county or precinct, or in the event that interested citizens or organizations provide the Secretary of State with information which gives the Secretary of State sufficient reason to believe a need for the furnishing of facsimile ballots, the Secretary of State shall find a need to post at least one facsimile copy of the ballot with the ballot measures and ballot instructions printed in Spanish or other applicable language in the affected polling places.

(d) The Secretary of State shall make the determinations and findings set forth in subdivisions (b) and (c) by January 1 of each year in which the Governor is elected.

(e) In those precincts where ballots printed in a language other than English are available for use by the voters at the polls, the posting of a facsimile ballot in that particular language shall not be required.

(f) It is the intent of the Legislature that non-English-speaking citizens, like all other citizens, should be encouraged to vote. Therefore, appropriate efforts should be made on a statewide basis to minimize obstacles to voting by citizens who lack sufficient skill in English to vote without assistance.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

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If a county is already required to provide translations in a particular language under the VRA, they are not required to also post a facsimile ballot and instructions at the polling place in that language.

Elections Code section 12303(c) requires county elections officials to make good faith efforts to recruit bilingual poll workers for any precinct in which 3% or more of the voting-age residents are members of a single language minority. This poll worker recruitment applies even in cases where the entire county is covered for a particular language under the VRA.

In the counties that have precincts that have met the 3% threshold for Asian Indian, county elections officials should work with community groups to determine the appropriate language(s) for poll worker recruitment in those precincts.

Voter Information Guides and Voter Bill of Rights posters are available upon request in all nine languages covered under the VRA.

If you have any questions, please feel free to contact me at (916) 651-3734. Thank you.

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Ballot Translations and Posting Requirements (Based on 2012 General Election Precincts & 2010 U.S. Census)

County	Spanish	Chinese	Tagalog	Japanese	Khmer	Korean	Thai	Vietnamese	Asian Indian***
Alameda	*	*	*	5	4	41		*	247
Alpine				**					
Amador	52								
Butte	277								
Calaveras	71								
Colusa	*								
Contra Costa	*	283	193	12		10		3	35
Del Norte	20								
El Dorado	333		9						
Fresno	*	4		14	7				186
Glenn	*								
Humboldt	122								
Imperial	*								
Inyo	59								
Kern	*		58						41
Kings	*		19						
Lake	106								
Lassen	54								
Los Angeles	*	*	*	*	*	*	*	*	*
Madera	*								
Marin	259	4				17		1	
Mariposa	10								
Mendocino	315	19							
Merced	*								34
Modoc	22								
Mono	13								
Monterey	*	2	44			6		2	
Napa	*	1	13						
Nevada	108								
Orange	*	*	84	34	2	*		*	9
Placer	205		26						
Plumas	58								
Riverside	*	40	104			11		2	
Sacramento	*	*	132	43		14		154	48
San Benito	*								
San Bernardino	*	66	36		4	49		15	
San Diego	*	*	*	8	11	22		*	6
San Francisco	*	*	135	24		20		37	
San Joaquin	*	53	409		92			74	58
San Luis Obispo	294		3						
San Mateo	*	*	162	13					2
Santa Barbara	*		29						
Santa Clara	*	*	*	54	1	68		*	197
Santa Cruz	359	11	10						
Shasta	80								
Sierra	21								
Siskiyou	33								
Solano	472	11	235						
Sonoma	839								
Stanislaus	*				7				33
Sutter	321								233
Tehama	78								
Trinity				**					
Tulare	*		81						
Tuolumne	75								
Ventura	*	19	39						5
Yolo	307	116	4						6
Yuba	114								

KEY:

Numbers in columns indicate the number of precincts where a facsimile sample ballot and related instructions must be posted in this language under California Elections Code section 14201.

*Under the federal Voting Rights Act (VRA), all elections materials must be provided in this language countywide, so the requirement under California Elections Code section 14201 does not apply.

**Under the federal VRA and the California Elections Code, there is no requirement to provide or post any elections materials in any language other than English.

***The posting requirement for Asian Indian shall be in Hindi.