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December 31, 2021

County Clerk/Registrar of Voters (CC/ROV) Memorandum #21221

TO: All County Clerks/Registrars of Voters

FROM: /s/ Steve Reyes
Chief Counsel

RE: Language Requirements: 14201, Language Minority Determinations

The Secretary of State, by January 1 of each year in which the Governor is elected, must determine the precincts where 3% or more of the voting-age residents are members of a "single language minority" and lack sufficient skills in English to vote without assistance. (Elections Code § 14201(f).)

For each specified precinct in their county, elections officials are required to:

- Translate a facsimile ballot and related instructions in the designated language(s).
- Post the translation(s) in a conspicuous location in the appropriate polling place.

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.

Additionally, Elections Code section 12303(c) requires county elections officials to make a good faith effort 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 federal Voting Rights Act (VRA).

Assembly Bill 918 (AB 918) (Ch. 845, Statutes of 2017), which amended Elections Code sections 14201 and 12303, was signed into law by Governor Brown and came into effect on January 1, 2018. With respect to Section 14201, AB 918 includes additional posting requirements for precincts that meet a 20% single language minority threshold. While that information is contained in the county-specific data that we are providing to you, for

your convenience, our office will analyze that data and provide it to each county in a separate memorandum.

For precincts where the single language minority group exceeds 20%:

- Two additional facsimile ballots must be made available to voters to take into the voting booth to use as a reference in casting their ballots privately.

These determinations are based upon information and data provided to the Secretary of State from the California Statewide Database (SWDB) at U.C. Berkeley. The SWDB relied upon a special tabulation provided by the Census Data Review Board to determine which precincts met the 3% threshold for single language minorities.

Due to stricter Census Privacy Disclosure Rules, counties may see a major reduction in languages that meet the 3% threshold. We strongly encourage counties to work with their community groups to determine if a need exists for any of the previously covered languages. Counties should consider the need of their communities before eliminating languages that were previously covered¹.

As part of this 3% threshold analysis, the Secretary of State has followed the previous practice of interpreting “single language minority,” as used in Section 14201, to encompass language minority groups expressly identified in the most recent 2021 Section 203 language access determinations (28 C.F.R. § 55).²

Supporting Documentation

Ballot Translations and Posting Requirements Summary by County: The formula-based and discretionary 14201 language requirements for all 58 counties are listed on the attached chart. Because the obligations set forth in Section 14201 are impacted by whether a county is covered by Section 203, for reference purposes we have also included current Section 203 coverage by county. These requirements will remain in place through December 31, 2025, until a new determination is required to be made, which will be no later than January 1, 2026.

Methodology: A summary of the methodology used to make the language determinations is attached.

Specific County Precinct Data: Individual precinct data listing information for both 14201 and non-14201 languages will be provided to each county via email.

¹ Previous language determinations, including CCROVs can be found at <https://www.sos.ca.gov/elections/voting-resources/language-requirements>.

² Section 203 of the Voting Rights Act defines “language minorities” and “language minority groups” as American Indian, Asian American, Alaskan Natives, or those of Spanish heritage. (52 U.S.C. § 10503(e)).

Additional Notes

For Chinese and Filipino minority language groups, the Ballot Translations and Posting Requirements Summary by County includes information identifying specific language data for each language group. For example, for Chinese we have provided data for Cantonese and Mandarin. For Filipino, we have provided data for Tagalog.

Consistent with current practices by many counties for Section 14201 compliance and following guidance provided by the U.S. Department of Justice for implementation of federal language assistance requirements (28 C.F.R. § 55.11), we have provided this information to permit counties to determine which language is appropriate to provide written translations and/or bilingual assistance.

The precinct level data (provided in the forthcoming Ballot Translations and Posting Requirements Summary by County documentation) that identifies both covered and non-covered languages may provide your county with information helpful in conducting outreach and/or deploying various resources to assist voters in exercising their right to vote.

Partnership

Our office is committed to working in partnership with counties to assist with implementation efforts. Further, we are committed to working with the Governor and Legislature and county Boards of Supervisors to provide resources to counties for implementation. We will also engage the statewide Language Accessibility Advisory Committee to provide additional assistance.

We also recommend counties partner with their local Language Accessibility Advisory Committee and community groups for additional assistance in determining specific needs and resources at the precinct level.

Voter's Choice Act counties will be contacted to discuss Section 14201 impacts.

Please feel free to contact Reina Miller with any questions by phone at (916) 695-1557 or by email at RMiller@sos.ca.gov.

Thank you.

Ballot Translations and Posting Requirements Summary by County
Based on 2020 General Election Precincts
Effective: January 1, 2022

KEY

Asterisked (*) language minority groups (Chinese and Filipino) include languages within that language group.
BOLD lanugages under column 14201, column (C), are new requirements.

County	Section 203 Covered Languages	14201 Covered Languages	Number of Precincts Meeting 14201 Coverage
Alameda	Chinese (includes Taiwanese)*		
	Hispanic		
	Filipino		
	Vietnamese		
Alpine		NONE	
Amador		NONE	
Butte		Spanish	30
Calaveras		NONE	
Colusa	Hispanic	NONE	
Contra Costa	Chinese (includes Taiwanese)*		
	Hispanic		
Del Norte		NONE	
El Dorado		NONE	
Fresno	Hispanic	NONE	
Glenn	Hispanic	NONE	
Humboldt		NONE	
Imperial	Hispanic	NONE	
Inyo		NONE	
Kern	Hispanic		
Kings	Hispanic		
Lake		NONE	
Lassen		Spanish	18
Los Angeles	Cambodian		
	Chinese (includes Taiwanese)*		5464 (Chinese-2713; Cantonese-1172; Mandarin-1579)
	Korean		
	Hispanic		
	Filipino*		90 (Tagalog-90)
	Vietnamese		
		Armenian	1018
		Farsi	10
		Japanese	230

County	Section 203 Covered Languages	14201 Covered Languages	Number of Precincts Meeting 14201 Coverage
		Khmer	109
		Russian	11
		Thai	7
Madera	Hispanic		
Marin		Chinese	13
		Spanish	192
		Vietnamese	3
Mariposa		NONE	
Mendocino		Spanish	181
Merced	Hispanic		
Modoc		NONE	
Mono		Spanish	5
Monterey	Hispanic		
		Korean	4
Napa	Hispanic		
Nevada		Spanish	10
Orange	Chinese (includes Taiwanese)*		48 (Chinese-41; Mandarin-7)
	Korean		
	Hispanic		
	Vietnamese		
		Japanese	2
Placer		Spanish	7
Plumas		NONE	
Riverside	Hispanic		
		Chinese	47 (Chinese-32; Mandarin-15)
Sacramento	Chinese (includes Taiwanese)*		
	Hispanic		
	Vietnamese		
San Benito	Hispanic	NONE	
San Bernardino	Hispanic		
		Chinese	26 (Chinese-25; Mandarin-1)
		Korean	2
San Diego	Chinese (includes Taiwanese)*		57 (Chinese-53; Mandarin-4)
	Hispanic		
	Filipino		
	Vietnamese		
		Korean	4
		Japanese	1

County	Section 203 Covered Languages	14201 Covered Languages	Number of Precincts Meeting 14201 Coverage
San Francisco	Chinese (includes Taiwanese)*		367 (Chinese-193; Cantonese-174)
	Hispanic		
		Vietnamese	
San Joaquin	Hispanic		
		Chinese	4
		Vietnamese	44
San Luis Obispo		Spanish	70
San Mateo	Chinese (includes Taiwanese)*		82 (Chinese-53; Cantonese-29)
	Filipino		
	Hispanic		
Santa Barbara	Hispanic		
		Chinese	9
Santa Clara	Chinese (includes Taiwanese)*		294 (Chinese-220; Cantonese-14; Mandarin-60)
	Hispanic		
	Filipino		
	Vietnamese		
Santa Cruz		Spanish	163
Shasta		NONE	
Sierra		NONE	
Siskiyou		Spanish	15
Solano		Spanish	131
Sonoma	Hispanic	NONE	
Stanislaus	Hispanic	NONE	
Sutter		Spanish	76
Tehama		Spanish	8
Trinity		NONE	
Tulare	Hispanic		
Tuolumne		NONE	
Ventura	Hispanic	NONE	
Yolo		NONE	
Yuba		Spanish	10

Methodology for Section 14201 Data Analysis & Determinations¹

This document outlines the methodology used to identify precincts covered by the language assistance requirements under California Elections Code section 14201(c).

California Elections Code Section 14201(c)

Elections Code section 14201(c) outlines state language access requirements for determining which precincts must provide facsimile ballots in non-English languages.

Under Section 14201(c), the Secretary of State must identify (1) the number of residents of voting age in each county and precinct who are (2) members of a single language minority, that (3) lack sufficient skills in English to vote without assistance. If that number equals 3 percent or more of the voting age residents of a particular county or precinct, “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.” (Cal. Elec. Code § 14201(c).)²

Data Availability

The Secretary of State contracted with the California Statewide Database (SWDB) to evaluate whether publicly available decennial census data or data from the Census Bureau’s American Community Survey (ACS) datasets were sufficient to meet the requirements of Section 14201.

The evaluation concluded that publicly available data from both the U.S. Census Bureau and the ACS had significant limitations that failed to adequately capture the criteria set forth under Section 14201. As such, to complete the assessment under Section 14201(c), SWDB requested a special tabulation³ from the U.S. Census Bureau.

¹ Assembly Bill 918 (AB 918), which amended Elections Code sections 14201 and 12303, was signed into law by Governor Brown and came into effect on January 1, 2018. With respect to Section 14201, AB 918 includes additional posting requirements for precincts that meet a 20% single language minority threshold. While that information is contained in the county-specific data that we are providing to you, for your convenience, our office will analyze that data and provide it to each county in a separate memorandum.

² Note that Section 14201(c) also provides an alternative method for triggering the facsimile ballot posting requirement by permitting interested citizens or organizations to provide the Secretary of State with information which provides the Secretary of State sufficient reason to believe a need for the furnishing of facsimile ballots in affected polling places exists.

³ Special tabulations are data sets that the Census compiles, by request, for projects for which the general, publicly available tabulations are not sufficient. Special tabulations are user-defined data requests that are assessed on a

In October of 2021, the U.S. Census Disclosure Review Board and the Census Bureau’s Chief Scientist authorized the Secretary of State’s special tabulation request with the following restrictions:

1. Data are included in the special tabulation only if they satisfy the 10,000-person rule as determined by the latest ACS Public Use Microdata Sample (PUMS) classification. In short, the U.S. Census Bureau, due to confidentiality requirements, only tabulated and reported languages that had 10,000 or more weighted counts⁴ nationally. If nationally a language had less than 10,000 (weighted) respondents, then the entire language was not released to the Secretary of State as part of this special tabulation.
2. Within a Public Use Microdata Area (PUMA), a minimum of 5 census tracts were required to have a non-zero count of at least 1 adult who speaks the language at home, without regard to limited English proficiency. PUMAs are statistical geographic areas that the U.S. Census Bureau uses to report data. Each PUMA contains at least 100,000 people and is comprised of other geographic areas such as counties and census tracts. To prevent the identification of individual survey respondents due to small numbers in the sample, the U.S. Census Bureau did not release languages to the Secretary of State that did not have at least one adult speaker in fewer than 5 census tracts within the PUMA. Census tracts are geographic units that contain between 2,500 and 10,000 people.
3. Each tract/language combination required 3 unweighted limited English proficient adults in 3 different households. Again, for confidentiality reasons, each respective language was only reported in this data set if a minimum of 3 (weighted) adult speakers with limited English proficiency were present in at least 3 different households for each tract.

The U.S. Census Bureau programmed this special tabulation starting with rule 1, followed by 2 and 3. The initial run had 120 languages in it, but after the other restrictions were applied, the number of reported languages dropped to 20. The final special tabulation data set was provided to the SWDB and Secretary of State on the census tract level – a geography smaller in size than a county, but typically, larger in size than a precinct.

case-by-case basis by U.S. Census Bureau staff and the Census Disclosure Review Board to ensure that confidentiality and privacy requirements are maintained.

⁴

The weight for a responding unit in a survey data set is an estimate of the number of units in the target population that the responding unit represents. In general, since population units may be sampled with different selection probabilities and since response rates and coverage rates may vary across subpopulations, different responding units represent different numbers of units in the population. The use of weights in survey analysis compensates for this differential representation, thus producing estimates that relate to the target population.

For more information on how the American Community Survey applies weights, please visit:

https://www.census.gov/content/dam/Census/library/publications/2010/acs/Chapter_11_RevisedDec2010.pdf.

Once this data set was received, SWDB aggregated the tract level data to each county's 2020 General Election precincts to create a statewide file. This was accomplished by performing a proportional allocation of the non-English language data by tract to the census block, using the proportion of voting age population in the census block (from the 2020 P.L. 94-171 table P4) to the voting age population in the tract. Because the special tabulation was reported by 2010 census tract, a conversion from 2010 census tract to 2020 census tract was first made (using files provided by the US Census Bureau), before allocating to the census block.

This estimated non-English language data by census block was then aggregated up to the registration precinct using SWDB conversion files of census blocks to registration precincts. Non-English language data for census blocks that were split between registration precincts were allocated proportionally. Some census blocks with allocated non-English language data were not present in the census block registration precinct conversion file, and for these census blocks, the conversion was made using a geographic conversion of census blocks to potentially multiple registration precincts. This conversion was based on geographic representation, where the previous conversion was based on direct assignment of registration precincts to census blocks. As this overlay could not reliably determine what percent of the census block was contained in which registration precinct, for those cases the full census block was assigned to each registration precinct in its geographic representation. The percentage of non-English language data assigned by this second type of conversion was typically less than one percent of the non-English language data.

Additionally, tract data were aggregated to the county level for county level results. The precinct level data are derived from allocating the tract level estimates to the precincts and then rounding the estimates to the nearest whole number. Voting age population counts are also allocated to precincts and rounded to the nearest whole number. For this reason, the totals derived from summing the tracts may vary from the totals derived from summing the precinct level estimates.

The resultant data set provides more precise information than was possible as part of previous determinations under Section 14201.

Single Language Minority

To further refine the special tabulation data to identify which particular languages are covered under Section 14201, we needed to identify which languages were connected to a "single language minority."

The Secretary of State has followed the previous practice of interpreting "single language minority," as used under Section 14201(c), to encompass language minority groups expressly identified in the most recent 2021 Section 203 language access determinations. (28 C.F.R. § 55.)

Significant and Substantial Need Determinations

Additionally, Section 14201(b) provides the Secretary of State with the authority to determine if facsimile ballots shall be printed in other languages and posted "if a significant and substantial need" is found. The determinations provided to counties identify which languages require the posting of facsimile ballots, based on the Secretary's Section 14201(b) authority. As part of our review, we considered whether a sufficient number of precincts within a county included limited English proficient populations compared to the total number of precincts in the county.