

California Elections & Language Access A CHECKLIST FOR ELECTIONS OFFICIALS

The following is a summary of state law requirements related to language access for elections officials. Please refer to the Elections Code to double check all requirements.

GENERAL

Bilingual Poll Workers

- Elections officials must make “reasonable efforts” to recruit bilingual poll workers for languages that exceed the three percent threshold under Section 12303(c).ⁱ
- Recruitment efforts should be conducted through the cooperation of:
 - Interested citizens;
 - Organizations;
 - Voluntarily donated public service notices in the media such as newspapers, radio, television, particularly those media that serve non-English-speaking citizens.ⁱⁱ

Poll Worker Training

Elections officials must train poll workers regarding:

- The purpose and proper handling of facsimile ballots;
- Informing voters of the existence of the facsimile ballots, as appropriate;ⁱⁱⁱ
- Voters’ right to bring up to two individuals they choose to assist them in casting their ballot, as long as the individuals assisting the voter are not the voter’s employer, agent of their employer, or union representative.^{iv}

Information for Voters

Elections officials must provide instructions to Vote-by-Mail (VBM) voters on how to request a facsimile ballot, in all languages that the county is required to provide facsimile ballots, via the:^v

- County voter information guide
- County elections website

Elections officials must inform voters that they may bring up to two individuals to the polls to assist them if they are unable to mark their ballot. This information must be provided in all languages required under Section 14201 and Section 203 of the federal Voting Rights Act of 1965 (VRA), via the:^{vi}

- County voter information guide
- County elections website

14 DAYS BEFORE ELECTION DAY

County Website Requirements

By E-14, the following information must be listed on the county elections website:

- All voting sites in the county;
- All languages of the facsimile ballots available at each voting site;
- Explanatory language about the list of voting sites and facsimile ballots in all Section 14201 languages.^{vii}

Note: The county voter information guide must include text (translated into all languages in which the county provides facsimile ballots) referring voters with language needs to the URL or area of the elections website that contains the above information.^{viii}

Bilingual Poll Workers

By E-14, elections officials must:

- Prepare and make available a list of all the:
 - Precincts which will have multilingual poll workers
 - Language(s) the poll workers speak.^{ix}



Best Practices for Recruiting Bilingual Poll Workers

Use targeted recruitment strategies – A combination of approaches will help strengthen bilingual poll worker recruitment efforts. Many counties have found success using some or all of these tactics:

- Offer an additional stipend for language skills.
- Partner with faith-based networks and other community organizations that work with specific language communities.
- Create a high school poll worker program that reaches bilingual youth.
- Reach out to bilingual county employees through a county poll worker program.
- Use ethnic media to promote the opportunity within desired language communities.
- Do outreach at cultural events, community centers, and places of worship.

10 DAYS BEFORE ELECTION DAY

Serving Vote-by-Mail (VBM) Voters

By E-10, elections officials must:

- Enable a VBM voter to request a facsimile copy of their ballot in their preferred language (via regular mail or email), if the voter lives in a precinct covered by Section 14201 for that language. The voter must be able to make that request by telephone, mail, online, or when requesting a vote by mail ballot from the county (no later than E-7).
- Have facsimile ballots prepared by E-10.
- On E-10 or before, process all requests for facsimile ballots made by E-10.

Elections officials may:

- Distribute facsimile ballots more widely or earlier than required.

ELECTION DAY

Facsimile Ballots

For the languages and precincts meeting the 3% threshold in Section 14201, elections officials must:

- Provide one facsimile ballot that is conspicuously posted in the voting location;
- Provide one facsimile ballot in loose leaf that a voter can take into the voting booth to vote with privacy.
- In precincts where the language group exceeds 20 percent of voting-age residents, two additional facsimile ballots must be available for voters in a loose leaf format.
- Ensure that if a voter requests a facsimile ballot, poll workers provide it instead of making voters find it themselves.

Best Practices for Facsimile Ballots

Provide additional facsimile ballots – Issue more than two facsimile ballots per voting site, so that if a voter accidentally takes a loose leaf copy home with them (which is common), there are additional copies available.

Create a centralized location for language access materials – Place a language table or kiosk at every voting site that contains all language access materials. This keeps things organized, increases visibility of the materials, including facsimile ballots and required signage, and enables poll workers to follow a simple, consistent protocol across all sites.

Ensure appropriate labeling – If facsimile ballots are bound in a binder or booklet, the outside cover and/or spine should be appropriately labeled in-language so that it's clear what is inside.

Alternative facsimile ballot format – Some counties create a 'composite' facsimile ballot, i.e. a booklet containing translations of every race and ballot measure from every ballot type in the county. They find it easier from a material and training perspective to provide these at every voting site, rather than targeting only specific precincts for translation and provision of facsimile ballots. However, this requires the voter to look up each individual item from their ballot instead of referencing a facsimile that's a direct replica of their votable ballot. The effectiveness of this form of translation assistance is unclear at this time.

Translated Ballots vs. Facsimile Ballots

- If translated votable ballots are required in a particular language under Section 203 of the federal VRA, then counties are not required to provide facsimile ballots in that language.
- Counties may replace facsimile ballots with translated votable ballots. If they do so, they are freed of several requirements under Section 14201.

Signs

- A sign informing voters of the existence of facsimile ballots must be posted in a voting location, if that voting location offers facsimile ballots. The sign must be in English and in the language(s) the facsimile ballots are available in.^x

- A sign indicating the languages other than English that are spoken by the poll workers present, if any, must be posted. The name of each language spoken by poll workers must be listed in the language itself, not in English. No sign is necessary if the poll workers only speak English.^{xi}

Bilingual Poll Workers

At each voting site, a bilingual poll worker must:

- Identify the language(s) they speak using the text of that language on a button, sticker, lanyard, name tag, or other mechanism.^{xii}

Best Practices for Poll Worker Training & Vote Center Set Up

Introduce facsimile ballots during training – Give poll workers the chance to familiarize themselves with a facsimile ballot during training so that they understand exactly what it is, what it looks like, and how it is useful. This reduces confusion on Election Day when they are setting up and serving limited-English proficient voters.

Create a ‘language access’ checklist – Incorporate language access materials such as translated signage and facsimile ballots into any Election Day setup checklists or procedures that poll workers are required to follow. Make sure that the importance of these materials is emphasized during poll worker training.

Provide extra nametags or badges – Send additional translated nametags or badges in the full array of covered languages to voting sites to help make sure that all bilingual poll workers are wearing something to indicate their language skills. Alternatively, provide blank nametags or badges so that bilingual poll workers can fill in their own languages as needed. Buttons, ribbons, and lanyards often work better than stick-on nametags, which can peel off over the course of the day and are easier to lose track of when a poll worker removes a sweater or jacket.

Create a comprehensive or flexible sign to advertise bilingual poll workers – Provide poll workers with translated signage about the availability of bilingual poll workers that includes all covered languages. Poll workers can use tape to cover up the language depending on who is actually present. Alternatively, provide them with a sign that has blanks on it so that the present bilingual poll workers can fill in their languages as appropriate.

ⁱ Cal. Elec. Code § 12303(c)(1); all code sections refer to the California Elections Code, unless otherwise noted.

ⁱⁱ Cal. Elec. Code § 12303(c)(1).

ⁱⁱⁱ Cal. Elec. Code § 14201(c)(1).

^{iv} Cal. Elec. Code § 14282(a).

^v Cal Elec. Code § 13400(a).

^{vi} Cal. Elec. Code § 14282(b).

^{vii} Cal. Elec. Code § 14201(d).

^{viii} Cal. Elec. Code § 14201(e)

^{ix} Cal. Elec. Code § 12303(d).

^x Cal. Elec. Code § 14201(c)(3).

^{xi} Cal. Elec. Code § 14200(g).

^{xii} Cal. Elec. Code § 12303(c)(3).