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February 8, 2023

Language Accessibility Advisory Committee (LAAC)

February 1, 2023, Meeting Minutes

1. The meeting was called to order at 2:01 p.m.

Daneka Huynh announced that Karen Diaz and Patricia Bini are no longer serving as members of the Language Accessibility Advisory Committee and that there are currently six vacancies.

Roll was called and no quorum was established.

The following participants were marked as present:

Committee Members

- Dean Logan
- Deanna Kitamura
- Jacqueline Coto
- Pedro Hernandez
- Ramal Lamar-EI

Secretary of State Staff

- NaKeshia Robinson
Information Technology
Supervisor II
- Adam Quintana
Policy & Planning Manager,
Voter's Choice Act
- Erric Garris
Deputy Secretary of State,
Legislative Affairs
- Ted Muhlhauser
Legislative Liaison
- Mike Somers
Election Security Manager
- Daneka Huynh
Language Access Coordinator
- Ruben Vasquez
Election Security Analyst
- Ryan Reece
VBM/Ballot Tracking Analyst
- Justin Hirai
Election Security Analyst

- Anakaren Monroy
Associate Governmental
Program Analyst

- Erika Bradley
Staff Services Analyst

2. LAAC Members' Updates

Dean Logan

- No updates.

Deanna Kitamura

- Their organization is finalizing the poll monitoring reports that they have been working on. Individual county reports should be completed this month. Once the compilation report of the 16 counties they were monitoring is completed and released, they will be sharing the report with the LAAC. They are also working on a potential language access bill.

Jacqueline Coto

- No updates.

Pedro Hernandez

- They are working on a potential language access bill. They are working with graduate students how to make language access determinations based on changes in California demographics.

Ramal Lamar-EI

- No updates.

3. SOS Updates

Office of Voting Systems Technology Assessment (OVSTA)

- NaKeshia Robinson provided a presentation on OVSTA's responsibilities and the testing process. The presentation can be found on the LAAC webpage here: <https://elections.cdn.sos.ca.gov/laac/ovsta-overview-presentation.pdf>
- Deanna asked if voting system vendor applicants are always private vendors or if they are ever counties. NaKeshia confirmed that a county can apply if they have developed their own voting system and would like to apply as a vendor applicant. Jurisdictions can also apply for pilot programs.

- Pedro thanked NaKasha for her presentation. He asked about [Elections Code section 19101](#) and how voting systems are accessible to voters as defined by [Elections Code section 14201](#). He is interested in understanding the procedures that that law requires for the certification of voting systems. NaKasha confirmed that 14201 languages are exercised during the functional phase of testing.
- Jacqueline asked how the voting equipment is delivered for testing and how or if the public is able to participate in the testing process. NaKasha confirmed that the actual hardware is shipped to their office and that is where everything is tested. NaKasha clarified that the process for testing is testing for certification and compliance with California Elections Code and the law. Public testing of the machines falls more along the lines of user acceptance testing and may be something that the local jurisdictions do as they are considering whether or not to purchase a particular system.
- Jacqueline asked if there is internal SOS staff to test the different 14201 languages before a system is certified. NaKasha responded that while sometimes they do use internal staff, they rely on their test consultants to provide testing and review of the 14201 languages.

Voters' Choice Act (VCA)

- Adam Quintana introduced as a manager in the Policy Planning and Implementation Office at the Secretary of State and his primary focus right now is working with VCA counties. He stated that they are holding monthly meetings with counties that are transitioning to the VCA or counties that have already transitioned to VCA and need to renew their EAPs.
- Adam stated that one of his goals is to share any county concerns that are applicable to the LAAC at the meetings. He stated that San Joaquin and Humboldt counties both are transitioning to VCA and have expressed concerns about the challenges in recruiting for their county LAACs.
- Adam discussed [CCROV #23015](#) that includes an EAP calendar with suggested dates for counties to be able to meet certain requirements. In addition to that, it advises counties that all EAPs, either new or renewed, must be completed by September 7, 2023.
- Deanna asked if there is a list on the SOS website that displays which counties will be renewing their EAPs. Adam responded that he is not certain if there is a list available on the website, but he will make the list available to those at the meeting and are interested.
- Deanna asked if there are any other counties besides San Joaquin and Humboldt that have publicly stated they will be transitioning to the VCA. Adam responded that there are five counties that will be making the transition for the 2024 election cycle, and that they are all meeting the requirements thus far.

- Deanna asked for contact information for San Joaquin County. Adam and Daneka confirmed they will provide her with that information.
- Jacqueline asked if Adam would be the main point of contact if any members have concerns regarding a county not meeting the VCA calendar or EAP requirements. Adam confirmed that he would be the primary contact and will be available and able to accept any questions or comments. He provided his contact information to the committee.
- Sara O'Brien, from San Mateo County, commented on the EAP and asked for clarity about the dates on the calendar and if they are suggested starting or suggesting ending dates. Adam responded that these are suggested dates for the completion of certain tasks. There are two sets of dates within the calendar for when counties should begin and end certain tasks and requirements. Sara asked for more clarity concerning timelines and Adam asked her to email him to discuss specific questions or concerns about the calendar.

Legislative Affairs

- Erric Garris reminded the LAAC that the legislative bill introduction deadline is on February 17, 2023. He encouraged members to make their proposals as soon as possible, and the SOS is still working on narrowing down the list of proposals the Secretary plans on sponsoring.
- Erric commented on proposed legislation the SOS is currently tracking, including [AB 243](#), which would define victims of child abduction and members of their household as eligible for the Safe at Home program or the address confidentiality program. In addition, the SOS would make the program application form available in languages described in [Civil Code section 1632](#), that include Spanish, Chinese, Tagalog, Vietnamese and Korean.
 - Val asked a question in the chat about Hawaiian or other Pacific Islander languages would be included under AB 243. Erric responded that it does not look like those languages are currently included in Civil Code section 1632. If this is something of interest, it can be discussed and possibly make suggestions to the bill's author to include those languages.
- Erric mentioned [AB 292](#), which would require primary presidential election ballots to have a space provided on a nonpartisan ballot for no party preference voters (NPP) to write their choice for a presidential candidate. The bill would additionally allow a voter to request a party's primary ballot via text message to the appropriate county elections official if the county has established a process for accepting such requests.
- Erric mentioned [SB 77](#), which would require county officials conducting signature verification checks to contact voters by text or email, in addition to the mailed notice that is currently mandated be sent to voters.

4. Bilingual Poll Workers Survey Review

- Daneka displayed the Bilingual Poll Workers Survey that was sent with CCROV #22266 to all counties in December. There was interest from LAAC members at the December meeting to review this document, and Daneka asked the members for any feedback or suggestions.
- Deanna asked to what extent SOS is open to additional questions beyond what is on the survey. Daneka responded that after collecting the feedback, the Secretary may decide to extend the survey, but the survey currently does follow the guidelines stated by law.
- Jacqueline provided some questions to potentially update the survey:
 - How are the poll workers recruited? What are the practices that different counties use for recruitment.?
 - How do the counties confirm the competency of bilingual poll workers in a specific language?
 - How do the counties make decisions on the staffing of bilingual poll workers across polling locations and different time shifts?
 - How are voters informed about the presence of bilingual poll workers at polling locations? She would like to know specifically what resources each county utilized: signage, stickers, lanyards, etc.
 - Do the counties conduct any monitoring of polls workers at voting locations to ensure compliance; and, if so, how do they do this?
 - Do the counties designate staff to monitor compliance concerning language services at polling places?
 - If a county has issues recruiting bilingual poll workers, what does the county believe the problem is and what steps are they taking to address it?
 - For VCA Counties: how many bilingual poll workers are staffed at each vote center during the early voting period?
- Jacqueline also asked if SOS could provide a uniform standard of signage at voting locations. Erric stated that this may be one of the issues they are looking at internally and he has had a similar discussion with the Secretary. Erric asked Jacqueline to contact him so that they can discuss further.
- Deanna commented that the survey should be redesigned to include questions about early voting and specific issues for VCA counties.
- Dean stated that there would be value in reformatting this for VCA counties or creating a separate section for VCA counties. There are unique aspects about VCA counties; not just recruitment in terms of the number of days and number of languages, but also in terms of allocating which languages at which locations

since all voters can go to any vote center location. He said it would be helpful to gather data on other alternative methods at voting locations for providing language services, such as the creation of a call center to provide information on the presence of bilingual poll workers at polling locations and vote centers.

- Dean agreed with previous comments about standardizing signage, especially in terms of size and types of signage, but cautioned they should be presented as guidelines or specifications, since counties operate differently, and it may create confusion among voters who receive their information from different sources.

5. Feedback on [Best Practices for Language Access](#) Document

- Daneka stated that this document was shared at the Voters with Specific Needs Committee at the New Law Conference. They reviewed the document as a group, and they approved the document with no recommendations for revision.
- Deanna asked if the SOS is going to be releasing further guidelines that the groups who initially created this document have added upon. Mike Somers stated that further meetings will need to be scheduled for further discussions with the relevant groups.
- Ramel commented that African languages should be considered and that he would like to provide to the LAAC some of the recommendations he has collected from speakers of African languages at a future meeting.

6. Other States' Language Access Programs

- Pedro and Deanna put together a presentation, and Pedro presented it to the LAAC. The presentation can be found on the LAAC webpage here: <https://elections.cdn.sos.ca.gov/laac/other-states-language-access.pdf>
- Pedro provided a summary of language access laws that apply to California, the challenges of the current framework, and the laws and practices followed by other states.
- Under the federal law of the Voting Rights Act (VRA), section 203, when a language group meets the threshold of 10,000 limited English proficient residents that are voting-aged in a county, all election materials must be translated into that language. This provision of the VRA is set to expire in 2032 unless it is reauthorized.
- Another federal law that applies to California is the Help America Vote Act (HAVA) that has requirements related to voting systems, technology, and languages required by VRA, section 203.

- California Elections Code section 14201 recognizes more languages to provide support and assistance that is based on a threshold of 3% or more of the state's voting age population of a language minority group that have limited English proficiency. Election officials must provide voting materials in these languages, including facsimile ballots.
- Pedro stated that recent US Census data has not been able to provide the adequate data needed to form further recommendations, creating challenges for California election officials. As a result, the Secretary made the decision to keep in place previous determinations.
- Pedro then provided an overview of language accessibility practices in other states and jurisdictions:
 - Michigan provides voter registration forms in ten languages beyond VRA section 203 languages. Now provides votable ballots in Arabic in some jurisdictions.
 - Oregon provides election materials in the top five languages of each county, and the SOS provides the State Voter Guide in those languages.
 - Colorado has a multilingual hotline for languages that have at least 2,000 adult citizens, and the state provides sample ballots in languages that have at least 2,000 adult citizens in a county.
 - Florida provides ballots in Creole.
 - Minnesota provides election materials in more languages than required by the VRA, section 203, such as Amharic, Oromo, Russian, and Somali.
 - New York City provides telephonic interpretation in over 100 languages and translates election materials into 10 designated citywide languages.
 - Pedro asked how should California lead from here? Suggestions included going beyond what language services are mandated by VRA, section 203 and possibly providing voteable ballots in section 14201 languages. Pedro commented that some voting machine vendors already operate in states that serve various minority language groups and that they may be prepared to provide California voters with these expanded services.
- Dean stated there is some inconsistency between state guidelines and county guidelines concerning election materials. Some counties may have additional languages that they must provide election materials in, and the state may not provide election materials in those same languages.
- Jacqueline stated that some people struggle to navigate the language barriers that exist when it comes to getting information about bilingual voting services, because many instructions are in English instead of the minority language.
- Ramel stated that there should be consideration for language communities that may have a large population spread out across the state, and who are not are

not concentrated in certain precincts/counties and therefore cannot meet the thresholds from the VRA, section 203 or the Elections Code 14201.

7. Outreach to No Party Preference Voters Ahead of the March 2024 Presidential Primary Election

- Dean stated that the presidential primary is a unique election in California because of the top 2 primary. It is the only election where party specific ballots are issued. March 2024 will be the first presidential primary since California has gone statewide vote-by-mail where ballots are automatically mailed out to all registered voters.
- The second largest group of voters in California based on party affiliation is actually voters who have no party affiliation, or no party preference (NPP) voters. They will automatically default to receive a non-partisan ballot with no presidential contests for the March 2024 Presidential Primary Election. There's a timeline for the parties to determine if they will allow NPP voters to crossover and vote in their primary. From a resource level, it may potentially mean the reissuing of many ballots to those NPP voters who declare after their initial NPP ballots are mailed that they wish to receive a party ballot to vote on a presidential contest.
- Dean wanted to bring awareness and begin thinking ahead because this is already complicated for all voters, and its even more complicated for our language voters.
- As mentioned earlier, AB 292 was authored by Assembly member Gail Pellerin, and it attempts to provide more flexibility and additional assistance to NPP voters. Dean is in touch with the author's office and knows that she will welcome any input from members of the LAAC.
- Dean suggested keeping this topic as an agenda item for the remainder of 2023 to continue this discussion. He also suggested the LAAC create some guidelines specific on how to conduct outreach to language voters and how to get this information to language specific communities.
- Pedro suggested the LAAC prepare a resource that provides information to language voters on how presidential primaries work and why NPP voters need to go through this process to receive a ballot with a presidential contest.
- Jacqueline asked about the history of this issue. Dean responded that presidential primary elections have always been challenging, because they are designed for the political parties and not for voters. These elections only occur every four years, so there is unfamiliarity for voters, and many may not understand why they do not have all the presidential candidates from all parties on their ballot. Voter education further work will have to be done to overcome these difficulties.

8. Committee Membership and Committee Chair/Co-Chairs

- Daneka announced that two members, Karen Diaz and Patricia Bini, are no longer serving on the LAAC. There are currently nine members, but the committee is required to have at least fifteen. The LAAC application has been updated to fill vacancies for the remainder of the 2022-2023 term, and the deadline for applications is February 17, 2023. Daneka suggested to members to share the application with anyone they know who might be interested in joining the committee.
- Erric introduced two new members of the legislative team, Erika Bradley and Anakaren Monroy.
- Daneka stated that a quorum will be required to vote on a committee chair or co-chairs, but a quorum cannot be produced without new members. She suggested that the LAAC create a rotation of temporary chairs or co-chairs in the meantime.
- Pedro volunteered to be the acting chair for the next LAAC meeting.

9. LAAC Meeting Schedule 2023

- Daneka presented the meeting dates for the year: April 5, June 7, August 2, October 4, and December 6. She asked the LAAC for an agreement on the time of the day to hold the meetings. General agreement is given for 2:00 p.m.

10. Public Comments and Future Agenda Items

- Public Comments:
 - No public comments were made.
- Future Agenda Items:
 - Presentation on African Languages (Ramal)
 - Outreach to No Party Preference Voters Ahead of the March 2024 Presidential Primary Election
 - Language Access Research and Recommendations (Pedro)
 - Bilingual Poll Workers Survey

11. Adjournment at 3:39 p.m.

Next meeting is scheduled on Wednesday, April 5, 2023, at 2:00 p.m.