

Language Access

Learning from Beyond California

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Overview of Presentation

1. Brief Summary of Language Access laws that apply to California.
2. Challenges of current framework, taking stock.
3. Laws and practices from other states.

Current Framework

Federal (1975)

Sec. 203 of VRA - (10K, County, LEP VAP)

- When a language group reaches the threshold, essentially all election materials must be translated.
- Section 203 defines “language minority” to only include speakers of Spanish, Asian languages, Alaskan Native languages, and Native American languages.
- In California, these languages include Chinese (including Taiwanese), Filipino/Tagalog, Korean, Vietnamese, and Spanish.
- **To expire in 2032.**

HAVA - Voting systems, technology related to these languages

State Framework

Section 14201 (last updated in 2017)

- 3% or more of the voting-age population are members of a “single language minority” and lack sufficient skills in English to vote without assistance.
- By case law, “single language minority” is defined using the federal law definition. Does not apply to Amharic, Armenian, Arabic, Somali, etc.
- Provides for facsimile ballots to be posted and made available. These are reference ballots, and not actual ballots.
- Covers 29 languages in specific counties or precincts across the state.

CEC §12303, Counties must make reasonable effort to recruit bilingual poll workers.

CEC §13307, Counties must translate candidate statements into Spanish if the candidate requests it.

CEC §19101, Voting system must be accessible to voters as defined by CEC §14201.

CEC §2600, Establishment of state Language Accessibility Advisory Committee.

State Framework

Limits of Precinct Approach

- As of 2021, the underlying population data California used to make language access determinations at the precinct level for coverage under state law for many communities is no longer made available by the Census.
- In the December 31, 2021 CCROV #21221, the SoS noted, “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.”

14201 Covered Languages
NONE
NONE
Spanish
NONE
NONE
NONE
NONE
NONE

From CCROV #21221

Other States & Jurisdictions

Bold: Non-203 Language

State of Michigan

Currently, offers voter registration forms in 10 languages: **Arabic**, **Bengali**, Spanish, Chinese, **Dari**, **Amharic**, **Pashto**, **Somali**, **French**, Korean, Vietnamese, Russian.

In 2022, Michigan begins to offer in-language votable ballots in **Arabic** in two cities.

- Began with a language access task force
- 2020: Facsimile ballots in Arabic, with registration and absentee applications.



ARABIC LANGUAGE BALLOTS NOW AVAILABLE

Arabic language ballots are available for voters in **Dearborn** and **Hamtramck** for the Nov. 8 general election and all future elections.

An Arabic language absentee ballot application is available at **Michigan.gov/VoterInfo**

For more information, please contact your clerk's office.

For personalized voter info visit:

Michigan.gov/VOTE

Oregon

HB 3021 (signed in 2021)

Requires Secretary of State to create and make publicly available list of five most common languages spoken by at least 100 individuals, other than English, by residents of state and of each county. Determination to be based on the “best available data”.

SoS to provide State Voter Guide in those languages.

Currently offers voter registration Spanish, Chinese, Vietnamese, **Somali** and **Russian**.

Colorado

HB21-1011, Multilingual Ballot Access for Voters (2021)

SoS to establish multilingual hotline for languages in the state of at least 2,000 adult citizens.

Provides for sample ballots for counties for languages spoken by at least 2,000 adult citizens, or 2.5% of a county.

Florida

Florida - Miami-Dade Ordinance 99-160 (2000)

Provides for ballots to be published in **Creole** where a significant number of Haitian-Americans reside.

Minnesota

Minnesota Secretary of State releases a collection of election materials in **Amharic**, Chinese, Hmong, Khmer, Lao, **Oromo**, **Russian**, **Somali**, Spanish, and Vietnamese. Offers registration forms in these languages.

Bold: Non-203 Language

New York City

New York City passes Local Law 30 (LL30), which requires telephonic interpretation in at least 100 languages, translation of their most commonly distributed documents into the 10 designated citywide languages, and posted signage about the availability of free interpretation services, among other requirements. Applies to elections.

Voter guides are offered in Spanish, Chinese, **Russian**, Bengali, **Haitian**, Korean, **Arabic**, Urdu, **French**, and **Polish**.

Ballots and other materials are offered in English, **Bengali**, Chinese, Korean, and Spanish.

How should California lead?

Go beyond Sec 203?

California is the largest and most diverse state in the nation, and will continue to be so.

Voteable Ballots?

Some counties have begun to offer votable ballots in 14201 languages.

Ready?

Election system vendors that operate in many of these jurisdictions are currently in use in CA.