

Language Access & The Voter's Choice Act A CHECKLIST FOR ELECTIONS OFFICIALS

The following is a summary of state law requirements related to language access for elections officials in Voter's Choice Act (VCA) counties. This checklist is not a comprehensive list of all VCA requirements. Please refer to the Elections Code to double check all requirements.

ELECTION ADMINISTRATION PLAN (EAP)

Community Involvement in the Development of the Draft EAP

Elections officials must:

- Hold a meeting with representatives, advocates, and stakeholders from all required language communities under Section 14201ⁱ and the federal Voting Rights Act of 1965 (VRA) to consult on EAP development, publicly noticed at least 10 days in advance.ⁱⁱ

Factors to Consider in Developing the EAP & Selecting Vote Center and Drop Box Locations

- Elections officials must consider the proximity to language minority communities, among other factors, when selecting the location of vote centers and drop boxes.ⁱⁱⁱ

Voter Education and Outreach Plan

- The Voter Education and Outreach Plan component of the EAP must include information about:
 - Media plans for language minority communities;^{iv}
 - Methods used to identify language minority communities;^v
 - A plan to educate all required language communities, including at least 1 bilingual workshop for each community;^{vi} and,
 - A plan for public service announcements (PSA), in media outlets serving each required language community, to inform the public and promote the toll-free voter hotline that is referenced below.^{vii}

Other Information

The EAP should also include information about:

- The toll-free, accessible voter hotline that operates 29 days before Election Day that is both accessible to voters with hearing disabilities and capable of providing assistance to voters speaking languages covered by Section 14201 and the federal VRA.^{viii}
- The number of bilingual poll workers and languages spoken by those bilingual poll workers.^{ix}

Translation of the EAP

- The draft EAP, amended draft EAP, and adopted final EAP must be translated into all languages in which the county is required to provide voting materials and assistance under Section 14201 and Section 203 of the federal VRA.^x
- Translated draft EAPs must be publicly noticed and elections office must accept public comments on the draft plan for at least 14 days.^{xi}



Best Practices for Elections Administration Plans (EAP)

Post ‘plain language’ summary documents of the EAP - Post key points or summaries from the EAP in plain language alongside the full EAP. This will make it easier for members of the public to digest and provide feedback.

Build transparency and accountability into the EAP process - Following each round of EAP feedback, provide members of the public with a document that directly responds to each comment by detailing 1) whether the feedback will or will not be incorporated and why and 2) what steps are being taken to implement (if applicable).

OUTREACH AND EDUCATION

Language Access Workshop

- Elections officials must hold at least one bilingual voter education workshop for each language in which the county must provide language assistance under Section 14201 and Section 203 of the federal VRA.^{xii}

Best Practices for Bilingual Language Voter Education Workshops

Partner with community-based organizations – Work closely with community-based organizations and groups to host language workshops. Instead of hosting these workshops at the elections office and at a time convenient for the elections office, work with community organizations to incorporate VCA education into existing programming or into existing community events held at locations community members know well.

Select strategic times and locations – If language workshops cannot be integrated into existing programming for leading community organizations, host workshops at locations that are familiar with language minority communities, such as community centers, places of worship, schools, etc. Also, try to host workshops during evening or weekend times so that families with childcare and work obligations can attend.

LANGUAGE ACCESS ADVISORY COMMITTEE (LAAC)

Language Access Advisory Committee (LAAC)

- At least 247 days before Election Day, the elections official must establish a LAAC comprised of representatives of language minority communities.^{xiii}
 - Counties with fewer than 50,000 registered voters may combine their LAAC with their Voting Accessibility Advisory Committee (VAAC).

REQUIREMENTS FOR VOTER INFORMATION GUIDE (VIG) OR VOTE BY MAIL (VBM) BALLOT PACKETS

Notices to be Delivered Either with VIG or VBM Ballot Packets

Elections officials must provide notice to voters, in all required languages covered under both Section 14201 and Section 203 of the federal VRA, of the following:

- All-mail elections are being conducted and each eligible voter will be mailed a VBM ballot.^{xiv}
- Voters can cast a VBM ballot in person at a vote center during the early vote period or on Election Day.^{xv}
- Voters can request an in-language VBM ballot or a facsimile ballot until 7 days before Election Day.^{xvi}
- Voters with disabilities can request the delivery of a ballot, capable of being marked privately and independently, (i.e. remote accessible vote by mail) until 7 days before Election Day.^{xvii}
- All ballot drop-off and vote center locations with hours and dates of operations.
- Information regarding each vote center's language services.^{xviii}

Postcards

Elections officials must:

- Provide a postage-paid postcard to voters that they can return to request a translated or accessible ballot.^{xix}

COUNTY WEBSITES

The following must be posted on the county's website:

- Notice of each vote center's language services, including the languages in which voters can receive in-person assistance.^{xx}
- Translated versions of the draft EAP, amended draft EAP, and adopted final EAP.^{xxi}
- At least 14 days before Election Day, information informing voters of the availability of facsimile ballots at vote centers. The information must be in English and in languages in which facsimile ballots are available.^{xxii}

BALLOT DROP BOXES

Ballot drop boxes and drop-off locations must include the following information in all languages required under Section 14201 and Section 203 of the federal VRA:

- Tampering with the drop box is a felony pursuant to Elections Code section 18500.
- The availability of a toll free voter hotline connecting the voter to either the county elections office or the Secretary of State's hotline.
- No postage is necessary when depositing the ballot into the drop box.
- A request that the county elections official be notified immediately if the drop box is full, not functioning, or has been damaged in any way.
- No ballots will be accepted after 8:00pm on Election Day, unless there are voters in line or the time for closing of the polls has been extended by court order.^{xxiii}

BEFORE ELECTION DAY

Voters and Preferred Languages^{xxiv}

Before 10-day vote centers open, county election officials must:

1. Determine if any voter has previously identified a language preference for one of the county's languages covered under Section 14201.
2. If yes, determine if the voter's precinct is required to have facsimile copies of the ballot in the voter's preferred languages pursuant to Section 14201.
3. If yes, proactively send the voter that facsimile ballot (by mail or email) by the time 10-day vote centers open.

RECRUITMENT AND TRAINING OF VOTE CENTER WORKERS

Vote Center Worker Recruitment and Assignment

- If the vote center is located in or adjacent to a precinct, census tract, or other defined geographical subsection with language requirement(s), then the vote center must be staffed by vote center workers who speak the language(s). If that is not possible then alternate methods of effective language assistance must be provided.^{xxv}
- Elections officials must also solicit public input regarding which vote center should have bilingual staff. If the vote center is identified as needing language assistance through the public input process, then the vote center must be staffed by vote center workers who speak the language(s). If not possible then alternate methods of effective language assistance must be provided.^{xxvi}

Best Practices for Poll Worker Recruitment

Use targeted recruitment strategies – A combination of approaches will help strengthen bilingual vote center 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 vote center worker program that reaches bilingual youth.
- Reach out to bilingual county employees through a county vote center worker program.
- Use ethnic media to promote the opportunity within desired language communities.
- Do outreach at cultural events, community centers, and places of worship.

Offer incentives so that bilingual vote center workers are placed in areas with the highest language need – Although there may be enough bilingual vote center workers to staff all vote centers located in areas with the highest concentrations of limited-English proficient voters, bilingual vote center workers may prefer to staff vote centers closest to where they live. Consider offering these bilingual vote center workers additional stipends if they must travel more than a certain time/distance (e.g. 15 miles or 30 minutes) to work at a vote center where there is a clear language need. Also, for each vote center, consider keeping a tally of the number of voters that request language services as well as the language. This will help determine areas most in need for language services for future elections.

Training of Vote Center Workers in Language Assistance

- Vote center workers must be trained on the purpose and proper handling of facsimile ballots and must be prepared to inform voters of the existence of facsimile ballots.^{xxvii}
- Vote center workers must provide a facsimile ballot to a voter who requests one. Voters should not have to look for facsimile ballots themselves.^{xxviii}

LANGUAGE ASSISTANCE REQUIREMENTS INSIDE VOTE CENTERS

Advertise Availability of Language Assistance

Elections officials must:

- Post information about the availability of language assistance in English and all languages covered under Section 12303 and Section 203 of the federal VRA, including:^{xxix}
 - Signage indicating the languages spoken by vote center workers, with the name of each language translated into the language itself.^{xxx}
 - Signage indicating the availability of facsimile ballots, translated into the languages of the facsimiles available.^{xxxi}

Provide Translated Materials

- Provide election materials translated in all languages required in the county under Section 14201 and Section 203 of the federal VRA.^{xxxii} This means that each vote center must have:
 - All Section 203 translated materials, including but not limited to ballots, required in the county.
 - Every facsimile ballot required anywhere in the county under Section 14201.



Best Practices for Facsimile Ballots

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

Create a centralized location for language access materials - Place a language table or kiosk at every vote center that contains all language access materials. This keeps things organized, increases visibility of the materials, including facsimile ballots and required signage, and enables vote center workers to follow a simple, consistent protocol across all sites. Indicate the designated location for this language access table or kiosk on the vote center layout map provided to vote center workers.

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.

Best Practices for Poll Worker Training & Vote Center Set Up

Actively introduce facsimile ballots during vote center worker training – Give vote center 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 vote center workers are required to follow. Make sure that the importance of these materials is emphasized during vote center worker training.

Create a comprehensive or flexible sign to advertise bilingual poll workers – Provide vote center workers with translated signage about the availability of bilingual vote center workers that includes all covered languages. Vote center 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 vote center workers can fill in their languages as appropriate.

Provide extra nametags or badges – Send additional translated nametags or badges in the full array of covered languages to vote centers to help make sure that all bilingual vote center workers are wearing something to indicate their language skills. Alternatively, provide blank nametags or badges accompanied by clear instructions so that bilingual vote center 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.

ⁱ All code sections refer to the California Elections Code, unless otherwise noted.

ⁱⁱ Cal. Elec. Code §4005(a)(10)(A); Cal. Elec. Code §4005(a)(10)(A)(i).

ⁱⁱⁱ Cal. Elec. Code §4005(a)(10)(B)(iv).

^{iv} Cal. Elec. Code §4005(a)(10)(i)(I).

^v Cal. Elec. Code §4005(a)(10)(i)(V).

^{vi} Cal. Elec. Code §4005(a)(10)(i)(VI)(ia).

^{vii} Cal. Elec. Code §4005(a)(10)(i)(IX).

^{viii} Cal. Elec. Code §4005(a)(10)(i)(vii).

^{ix} Cal. Elec. Code §4005(a)(10)(i)(vi)(IX).

^x Cal. Elec. Code §4005(a)(10)(E)(iii).

^{xi} Cal. Elec. Code §4005(a)(10)(A)-(D)(iii).

^{xii} Cal. Elec. Code §4005(a)(10)(i)(ia).

^{xiii} Cal. Elec. Code §4005(a)(9)(A).

^{xiv} Cal. Elec. Code §4005(a)(8)(B)(i)(I).

^{xv} Cal. Elec. Code §4005(a)(8)(b)(i)(II).

^{xvi} Cal. Elec. Code §4005(a)(8)(B)(i)(III).

^{xvii} Cal. Elec. Code §4005(a)(8)(B)(i)(IV).

^{xviii} Cal. Elec. Code §4005(a)(6)(B)(iii).

^{xix} Cal. Elec. Code §4005(a)(8)(B)(iii).

^{xx} Cal. Elec. Code §4005(a)(6)(B)(iii).

^{xxi} Cal. Elec. Code §4005(a)(10)(E)(iii).

^{xxii} Cal. Elec. Code §14201(d).

^{xxiii} Cal. Code Regs. tit. 2, § 20132

^{xxiv} Cal. Elec. Code §4005.6(a)-(b).

^{xxv} Cal. Elec. Code §4005(a)(6)(b)(i).

^{xxvi} Cal. Elec. Code §4005(a)(6)(B)(ii).

^{xxvii} Cal. Elec. Code §14201(c)(1)-(2).

^{xxviii} Cal. Elec. Code §14201(c)(1)-(2).

^{xxix} Cal. Elec. Code §4005(a)(6)(B).

^{xxx} Cal. Elec. Code §14200(g).

^{xxxi} Cal. Elec. Code §14201(c)(3).

^{xxxii} Cal. Elec. Code §4005(a)(6)(C).