Section 203 Compliance and Other Language Issues - The California Perspective

National Association of State Election Directors

August 25, 2017
Spanish Thrives in the U.S. Despite an English-Only Drive
Language Assistance
August 2017

Ofelia Medina, NALEO Educational Fund
NALEO Educational Fund is the nation’s leading 501(c) (3) non-profit, non-partisan organization that facilitates full Latino participation in the American political process, from citizenship to public service.
Determinations of 203 Coverage

• If LEP voting-age citizens from a language group either number at least 10,000 or make up 5% of the jurisdiction’s total voting-age citizens

AND

• The illiteracy rate of the group is higher than the national illiteracy rate

OR

• comprise more than five percent of all American Indians or Alaskan Native voting age citizens of a single language group residing on an Indian reservation
Current 203 Coverage

• 263 political subdivisions in 29 states

Spanish

• Mandated statewide in California, Florida, and Texas
• Also mandated in a total of 214 political subdivisions in 26 states
  (increase from the 212 political subdivisions covered in 23 states under the 2011 determinations)
Jurisdictions Covered under Section 203 of the Voting Rights Act

Number of Jurisdictions Covered by Section 203, by State, in December 2016 Determinations

Legend:
- ■: Statewide, all jurisdictions covered
- □: Partial coverage, some jurisdictions covered
- □: No coverage

Number in parentheses reflects change from 2011

Benefits

• Higher likelihood of being registered among Latinos residing in covered jurisdictions

• Increased in Latino registration and voting rates in covered jurisdictions

• Increased in presence of elected representatives of language minority communities in office
NEF’s Efforts

• We monitor compliance with Sections 203, 208, and 2 of the VRA.

• We monitor and actively oppose any federal proposals that would lessen language assistance requirements or hinder local and state governments in serving citizens not yet fully fluent in English.

• We analyze and update stakeholders on developments in law and regulations.

• We study, report on, and advocate the benefits of high quality provision of language assistance and of robust enforcement of language assistance requirements
Thank you.
Meeting the Needs of a Diversifying Electorate: Language Access in CA Elections, Past & Future

Deanna Kitamura, Voting Rights Project Director at Asian Americans Advancing Justice - Los Angeles

Jonathan Stein, AAAJ – Asian Law Caucus
## California Is the Future

<table>
<thead>
<tr>
<th></th>
<th>CA Latinos</th>
<th>CA Asian Americans</th>
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</thead>
<tbody>
<tr>
<td>Population</td>
<td>15.3 million</td>
<td>5.9 million</td>
</tr>
<tr>
<td>% of total state population</td>
<td>39%</td>
<td>15%</td>
</tr>
<tr>
<td>Limited English proficiency (w/i pop.)</td>
<td>34%</td>
<td>36%</td>
</tr>
<tr>
<td>Speak a language other than English at home (w/i pop.)</td>
<td>75%</td>
<td>76%</td>
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CA’s diversity + commitment to language access = more complex elections

Through shared effort and a spirit of collaboration, CA elections officials and voting rights advocates are rising to the challenge.
What Does the Law Require?

• Section 203 of the VRA
  – Fully bilingual election when language group reaches threshold size.

• California Elections Code
  – Serves more communities but offers much less.
  – Translated "facsimile" copy of ballot posted on wall of polling place for language groups reaching threshold size.
  – “Reasonable efforts” to recruit bilingual poll workers speaking language of groups reaching threshold size.
  – More on this later.
Extent of Language Access Coverage in California

• All but 2 counties are covered by federal law, state law, or both
• Section 203 coverage:
  – 27 counties
    • 26 for Spanish
    • 9 for at least 1 Asian language
    • 2 for Native American languages
• State Elections Code coverage:
  – 56 counties
2016 POLL MONITORING
576 volunteers
1,286 polling places
Provision of translated ballots is most significant language access provision of federal Voting Rights Act.

Compliance was strong.
State law offers the "facsimile ballot" at specified polling places.

Compliance was much weaker.

Missing translated ballots reached 40% in some large, diverse counties.
Recruitment of bilingual poll workers overall was very strong.
But recruitment of bilingual poll workers who spoke languages covered by state law was much weaker.
Best Practices

• Number of counties piloted best practices after working together with voting rights advocates:
  • Signage directing voters to translated ballots
  • Signage indicating the languages in which poll workers could help voters
  • Buttons/name tags for bilingual poll workers identifying their language skills
  • Facsimile ballots available in loose leaf format
  • Language in sample ballot informing voters they could bring an assister
In Summary

• Federal law compliance was solid.
• State law compliance needs improvement.
• Elections officials and advocates united to develop best practices.
• Counties that refused to work with us in advance dealt w/ us more on Elec Day.
State of California

- Section 203 Requirements
- State Law Language Requirements (CVRA)
- Local Language Requirements
- Pending Legislation
State of California

Translated Election Information

Election Information
Información Electoral
選挙情報
चुनाव जानकारी
선거정보
Impormasyon sa Halalan
ข้อมูลการเลือกตั้ง
Thông tin bầu cử
Language Accessibility Advisory Committee (LAAC)

Established in 2016 to advise the Secretary of State on issues related to language accessibility of elections and election materials.

The responsibilities of the committee include:

• Providing expertise on language accessibility issues.
• Promoting language accessibility initiatives.
• Responding to the Secretary of State’s questions regarding language
Language Accessibility Advisory Committee (LAAC)

The LAAC also provides recommendations identifying and prioritizing activities, programs, and policies to ensure every voter has equal access to the ballot.

Local LAAC's
Local elections officials are encouraged to develop local language advisory groups or Local LAACs.

The LAAC is currently surveying counties to see which have active advisory groups, and

The LAAC is also developing guidance for local officials to help with setting up and running a local LAAC.
County of Los Angeles

Languages

- Chinese
- Hindi
- Japanese
- Khmer/Cambodian
- Korean
- Spanish
- Tagalog/Filipino
- Thai
- Vietnamese

Race and Ethnicity:

- Hispanic or Latino: 5,060,772
- White, not Hispanic or Latino: 2,659,218
- Asian, not Hispanic or Latino: 1,403,728
- Black, not Hispanic or Latino: 835,538
- Native Hawaiian and other Pacific Islander, not Hispanic or Latino: 23,861
- Two or more races, not Hispanic or Latino: 207,141
Use of language assistance in Los Angeles
• 32% of Asian Americans

Use by ethnicity in Los Angeles
• 11% Filipino Americans
• 46% Chinese Americans
• 50% Korean Americans
Use of Data

NOTE: Please answer BOTH Question 8 about Hispanic origin and Question 9 about race. For this census, Hispanic origins are not races.

8. Is Person 1 of Hispanic, Latino, or Spanish origin?
   - No, not of Hispanic, Latino, or Spanish origin
   - Yes, Mexican, Mexican Am., Chicano
   - Yes, Puerto Rican
   - Yes, Cuban
   - Yes, another Hispanic, Latino, or Spanish origin — Print origin, for example, Argentinean, Colombian, Dominican, Nicaraguan, Salvadoran, Spaniard, and so on.

9. What is Person 1’s race? Mark [x] one or more boxes.
   - White
   - Black, African Am., or Negro
   - American Indian or Alaska Native — Print name of enrolled or principal tribe.
   - Asian Indian
   - Chinese
   - Filipino
   - Other Asian — Print race, for example, Hmong, Laotian, Thai, Pakistani, Cambodian, and so on.
   - Japanese
   - Korean
   - Vietnamese
   - Native Hawaiian
   - Guamanian or Chamorro
   - Samoan
   - Other Pacific Islander — Print race, for example, Fijian, Tongan, and so on.
   - Some other race — Print race.
New Technology & Community Input

• Getting Started
• Toggle Capability
Field Testing
New Technology & Community Input

• Working together to meet the demands of a diversifying electorate.
• Section 203 alone is not good enough in CA.
• There may be a point soon where it is not be good enough in your state as well.
• Translation vs. true language access and assistance.