How to Use California’s New Language Access Requirements

Jonathan Stein
Asian Americans Advancing Justice – Asian Law Caucus
## The Future Is Now

<table>
<thead>
<tr>
<th></th>
<th>CA Latinos</th>
<th>CA Asian Americans</th>
</tr>
</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>
</tr>
</tbody>
</table>
## Expansion of Language Coverage

<table>
<thead>
<tr>
<th>Holdover languages</th>
<th>New languages</th>
<th>Languages no longer covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Spanish</td>
<td>Ilocano</td>
</tr>
<tr>
<td>2</td>
<td>Chinese</td>
<td>Punjabi</td>
</tr>
<tr>
<td>3</td>
<td>Filipino/Tagalog</td>
<td>Hmong</td>
</tr>
<tr>
<td>4</td>
<td>Cambodian/Khmer</td>
<td>Armenian</td>
</tr>
<tr>
<td>5</td>
<td>Korean</td>
<td>Farsi</td>
</tr>
<tr>
<td>6</td>
<td>Vietnamese</td>
<td>Arabic</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>Syriac</td>
</tr>
<tr>
<td>Language / Category</td>
<td>Old</td>
<td>New</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td><strong>All Languages Statewide</strong></td>
<td>8,412</td>
<td>6,837</td>
</tr>
<tr>
<td><strong>Holdover Languages</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spanish</td>
<td>5,077</td>
<td>3,293</td>
</tr>
<tr>
<td>Filipino/Tagalog</td>
<td>1,825</td>
<td>1,016</td>
</tr>
<tr>
<td>Vietnamese</td>
<td>288</td>
<td>397</td>
</tr>
<tr>
<td>Korean</td>
<td>258</td>
<td>366</td>
</tr>
<tr>
<td>Chinese</td>
<td>629</td>
<td>312</td>
</tr>
<tr>
<td>Khmer</td>
<td>128</td>
<td>77</td>
</tr>
<tr>
<td><strong>New Languages</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Armenian</td>
<td>0</td>
<td>2,139</td>
</tr>
<tr>
<td>Farsi</td>
<td>0</td>
<td>1,388</td>
</tr>
<tr>
<td>Punjabi</td>
<td>0</td>
<td>768</td>
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<tr>
<td>Hmong</td>
<td>0</td>
<td>373</td>
</tr>
<tr>
<td>Arabic</td>
<td>0</td>
<td>180</td>
</tr>
<tr>
<td>Syriac</td>
<td>0</td>
<td>55</td>
</tr>
<tr>
<td>Illocano</td>
<td>0</td>
<td>54</td>
</tr>
<tr>
<td><strong>Eliminated Languages</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hindi</td>
<td>1,140</td>
<td>0</td>
</tr>
<tr>
<td>Japanese</td>
<td>207</td>
<td>0</td>
</tr>
</tbody>
</table>
Counties Offering Substantial New Language Assistance
Counties with substantial new req’s

- Fresno County:
  - Spanish
  - Chinese
  - Khmer
  - Hmong
  - Korean
  - Punjabi
  - Filipino
  - Vietnamese

- Kern County:
  - Spanish
  - Punjabi
  - Filipino
Counties with substantial new req’s:

- **Sacramento County:**
  - Spanish
  - Chinese
  - Vietnamese
  - Filipino
  - Korean
  - Punjabi
  - Hmong

- **San Joaquin County:**
  - Spanish
  - Chinese
  - Vietnamese
  - Khmer
  - Punjabi
  - Filipino
Counties with substantial new req’s

- Stanislaus County:
  - Spanish
  - Khmer
  - Punjabi
  - Syriac

- Merced County:
  - Spanish
  - Punjabi
  - Hmong
  - Chinese
Communities Receiving Language Assistance for the First Time
First-time language assistance - 2018

- Punjabi speakers:
  - Alameda County
  - Fresno County
  - Kern County
  - Madera County
  - Merced County
  - Sacramento County
  - San Joaquin County
  - Stanislaus County
  - Sutter County

- Hmong speakers:
  - Butte County
  - Fresno County
  - Merced County
  - Sacramento County
  - Yuba County
First-time language assistance - 2018

• Ilocano speakers:
  – Kern County
  – San Joaquin County
  – Tulare County

• Syriac speakers:
  – Stanislaus County
First-time language assistance

- Farsi speakers:
  - Los Angeles County
  - Orange County

- Arabic speakers:
  - San Diego County

- Armenian speakers:
  - Los Angeles County
Secretary of State CC/ROV #17148, Dec. 29, 2017

How Can You Use These New Tools?
• Call your county elections office. Ask for someone who handles language access issues.

• Ask where in the county translated “facsimile” ballots will be available on Election Day.
  • Required to post online E-14, but will know sooner

• Do voter registration and GOTV armed with this information.
How can you use these new tools?

• Inform voters in relevant neighborhoods they may find a “facsimile” ballot at their polling place on ED.
  • They should look for signs, or simply ask.

• If they are VBM, they may be able to request a “facsimile” ballot be sent to them via mail or email.
  • Carry that phone number with you!
  • Request a “facsimile” ballot yourself to show new or infrequent voters
Toolkit Under Development
Meeting the Needs of California’s Diversifying Electorate:
An Implementation Toolkit for New Language Access Requirements in State Law

1. The Importance of Language Access in California’s Elections
2. Basics of Federal and State Requirements for Language Access in Elections
   - Federal Law
   - State Law
3. State Requirements for Language Access in Elections
   - Prior to AB 918
   - After AB 918
4. Section 14201 Language Determinations
   - Language Determinations Prior to 2018
   - Language Determinations Starting in 2018
   - Data on Number of Languages and Precincts Covered
5. Opportunities for Collaboration
State Requirements for Language Access in Elections

Prior to AB 918

Facade ballots: In precincts where a LEP language minority community exceeds a 3% threshold, a facsimile ballot in the community’s language needs to be conspicuously posted in the polling place.

Bilingual poll workers: Elections officials need to make “reasonable efforts” to recruit bilingual poll workers speaking 3% languages. Also, at least 14 days before an election, elections officials need to make available a list of the precincts to which bilingual poll workers are assigned.

Tip: These provisions remain unchanged following the passage of AB 918.

After AB 918

AB 918 (Bonta) was passed in 2017. It makes California the nationwide leader in ensuring that no eligible voter experiences a barrier to voting because of their language skills.

Prior to Election Day re facsimile ballots:

- At least 14 days before an election, the county elections website must list all polling places, including the languages of the facsimile ballots available at each. Text surrounding/explaining the list must be in English and any 3% language. (Sec. 14201(d).)
- The county voter information guide must refer LEP voters to this information on the county elections website. The text in the voter information guide must be in
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