Need for Language Assistance During Elections

Language is a significant barrier to the ability of many to vote

<table>
<thead>
<tr>
<th></th>
<th>CA Latinos</th>
<th>CA Asian Americans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Speak a language other than English at home</td>
<td>75%</td>
<td>76%</td>
</tr>
<tr>
<td>Limited English proficient</td>
<td>34%</td>
<td>36%</td>
</tr>
</tbody>
</table>
Language Assistance During Elections Under Federal Law

• §203 of the VRA
  – Written and oral assistance when language group reaches threshold size and has high rate of English illiteracy
  – Analysis every 5 years (Dec 2016)

• §208 of the VRA
  – Voters who are unable to read/write have a right to bring helper of choice
Language Assistance Under Section 203 (Federal Law)

Election officials must provide:
• translations of written materials that are generally provided to voters (including the mailing of election materials to voters who request assistance)
• oral assistance at poll sites
• pre-election publicity of the language assistance
Language Assistance During Elections Under California Law

• Elections Code §14201
  – Posted translated “facsimile” copy of ballot w/instructions for language groups reaching threshold size
  – No requirement to mail to voters
  – Analysis every Jan. of a gubernatorial election (Dec 2013)

• Elections Code §12303
  – Oral assistance
  – Analysis every Jan. of a gubernatorial election (Dec 2013)
Language Access Coverage in California

• All but 2 counties are covered by one 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:
  – 50 counties
Importance of Language Assistance in Asian American Communities

- 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
AAAJ-CA’s Work in 2016

1. Community Education/Outreach
2. Meetings with Registrar of Voters
3. Advocacy for Best Practices
4. Poll Monitoring
### Where We Worked

<table>
<thead>
<tr>
<th>Rank</th>
<th>County</th>
<th>Pop.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Los Angeles County</td>
<td>10,170,292</td>
</tr>
<tr>
<td>2</td>
<td>San Diego County</td>
<td>3,299,521</td>
</tr>
<tr>
<td>3</td>
<td>Orange County</td>
<td>3,169,776</td>
</tr>
<tr>
<td>4</td>
<td>Riverside County</td>
<td>2,361,026</td>
</tr>
<tr>
<td>5</td>
<td>San Bernardino County</td>
<td>2,128,133</td>
</tr>
<tr>
<td>6</td>
<td>Santa Clara County</td>
<td>1,918,044</td>
</tr>
<tr>
<td>7</td>
<td>Alameda County</td>
<td>1,638,215</td>
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<tr>
<td>8</td>
<td>Sacramento County</td>
<td>1,501,335</td>
</tr>
<tr>
<td>9</td>
<td>Contra Costa County</td>
<td>1,126,745</td>
</tr>
<tr>
<td>10</td>
<td>Fresno County</td>
<td>974,861</td>
</tr>
<tr>
<td>11</td>
<td>Kern County</td>
<td>882,176</td>
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<tr>
<td>12</td>
<td>San Francisco County</td>
<td>864,816</td>
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<tr>
<td>13</td>
<td>Ventura County</td>
<td>850,536</td>
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<tr>
<td>14</td>
<td>San Mateo County</td>
<td>765,135</td>
</tr>
<tr>
<td>15</td>
<td>San Joaquin County</td>
<td>726,106</td>
</tr>
<tr>
<td>16</td>
<td>Stanislaus County</td>
<td>538,388</td>
</tr>
<tr>
<td>17</td>
<td>Sonoma County</td>
<td>502,146</td>
</tr>
<tr>
<td>18</td>
<td>Tulare County</td>
<td>459,863</td>
</tr>
<tr>
<td>19</td>
<td>Santa Barbara County</td>
<td>444,769</td>
</tr>
<tr>
<td>20</td>
<td>Solano County</td>
<td>436,092</td>
</tr>
</tbody>
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**2016**

- 26 counties
- 34.9 million people
- 89% of California
Community Education and Outreach

Partnered with 20 community-based organizations (CBOs), each serving one or more minority language community in counties of focus.

1. Distributed Know Your Voting Rights (KYVR) materials created by Advancing Justice in 13 languages.
2. Hosted KYVR trainings and first-time voter workshops.
3. Connected CBOs and community leaders with county elections offices.
4. Recruited volunteers for poll monitoring.
Meetings with ROVs

- Inquired into language access practices, including:
  - Compliance with federal & state law requirements
  - Use of best practices

- Legal requirements: Corrected and nudged as needed.

- Best practices: Collected innovative ideas from counties & advocated for their wider use.
Best Practices Advocacy

• Counties have considerable discretion when meeting federal & state law requirements. Practices vary.

• Advancing Justice created suite of best practices w/ NALEO. Shared with every county.

• Hosted two webinars w/ NALEO.

• Acted as hub of wheel, sharing example docs across counties and regions.
Limited Poll Monitoring – June ‘16
The Yolo Turnaround

Yolo County in June 2016 primary:

- 13 of 16 polling places missing facsimiles.
- Facsimiles in need of improvement.

Action taken: Initiated relationship w/ ROV Salinas, shared info about legal requirements and best practices. Partnered through change management.

Yolo County in November 2016 general:

- Top performer: 3 out of 71 facsimiles missing (4.2%)
- Facsimiles improved.
- Two best practices implemented.
Jesse Salinas
Assessor/Clerk-Recorder/Registrar of Voters
Yolo County
向選民提交的議案
提案

暫停立法院議員職權，立法改憲正案

授權各議院以三分之二表決暫停議員職權。

並規定議員在暫停期間放棄薪俸和福利。

禁止暫停職權的議員行使權利。

懲罰、懲戒或撤職，或使用任何議會資源。

規定可在指定日期或議員所屬議院的三分之二表決终止暫停職權。

在多數年份對州支出並無影響。州政府在一些年份可能會減少支出。

赞成

反對
Youth Development and Community Outreach

- 7 staff members
- Work focused in:
  - Kern, Fresno, Merced, Stanislaus, San Joaquin, Sacramento, Sutter, Santa Clara, and Alameda Counties
- 25 high school chapters
- 8 collegiate chapters
Transformation in 2016

- Distributing KYR materials in English/Punjabi
- Hosted educational workshops with AAAJ in Fresno, Merced, and Sutter Counties
- Recruited 35 poll monitors in 4 counties
A Community Under Siege

it's NOT YOUR COUNTRY.
A Community Developing Power

Hmong, Punjabi language classes planned for Central High
Much Work to Do

- Hindi
- Punjabi
Sneak Peak: Advancing Justice’s Poll Monitoring Results
November 2016

Final report coming April 2017
576 volunteers
1,286 polling places
25 counties
Compliance with most significant language access requirement in Section 203 of the federal Voting Rights Act -- **provision of translated ballots** -- was very strong.

Less success in consistently providing **translated copies of supplementary materials** voters may need to vote.

(State Voter Guide, County Sample Ballot, and Voter Bill of Rights)
CA elections officials struggled to meet the primary requirement in the state law: provision of a translated copy of the ballot (aka “facsimile ballot”) at specified polling places.

In some large, diverse counties, 40+% of facsimile ballots were missing.

Some poll workers had difficulty identifying and posting a facsimile when asked, admitting in some cases they did not know what the facsimile ballot was.
Recruitment of BPW overall was very strong.

Recruitment of BPW who spoke languages covered by state law was weak.

**Bilingual Poll Workers (BPW)**

- Polling places visited: 1,011
- Polling places lacking BPW: 83

**BPW Speaking State Law Languages**

- Targeted # of poll workers under Section 12303(c): 799
- Sec. 12303(c) bilingual poll workers missing: 496

Recruitment of BPW overall was very strong.
Best Practices

- Bilingual poll workers are inconsistently identified for voters who need them.
- Signage that would alert voters to presence of facsimile ballots not used in uniform way.
California May Have a Previously Unrecognized Voter ID Problem

• **41 polling places** visited had some kind of Voter ID problem (3.2%).
• One county had Voter ID problems at 10% of polling places. Several others were almost 5%.

Motives vary, but do not matter:

• Intent to disenfranchise. (?)
• Mistaken but good faith belief they are safe-guarding the integrity of election.
• Convenience/efficiency in finding voters on roster.
• Difficult to spell/understand name.
In Summary

- Federal law compliance was solid.
- State law compliance needs improvement and was much worse than federal law compliance.
- Truth is: state law’s language access requirements must be improved to adequately serve LEP voters.
Opportunities for Improvement
In State Law’s Requirements

Consider the facsimile ballot:

1. State law does not require any information be provided to voters in advance of ED about what facsimile ballots are and where to find them.
2. State law does not require translated signage in polling places to guide voters to facsimiles.
3. State law does not require poll worker training about facsimiles.
4. Even if facsimile is found, voter has to vote on English ballot while standing at wall or kiosk. Private vote denied.
5. Facsimiles unavailable to vote-by-mail voters.
To ensure California’s democracy expands as the state’s size and diversity grow:

- Voters should get information about facsimiles in advance.
- Facsimile ballots’ value to in-person voters should be improved.
- Facsimile ballots should be available to vote-by-mail voters.
- Bilingual poll workers should be more clearly identified for the voters who need them.
- Bilingual poll workers speaking languages covered by the state law should be recruited more effectively.
AB 918 (Bonta)
aka the “CA Voting for All Act”
Huge thank you to our poll monitor volunteers and our partner organizations.