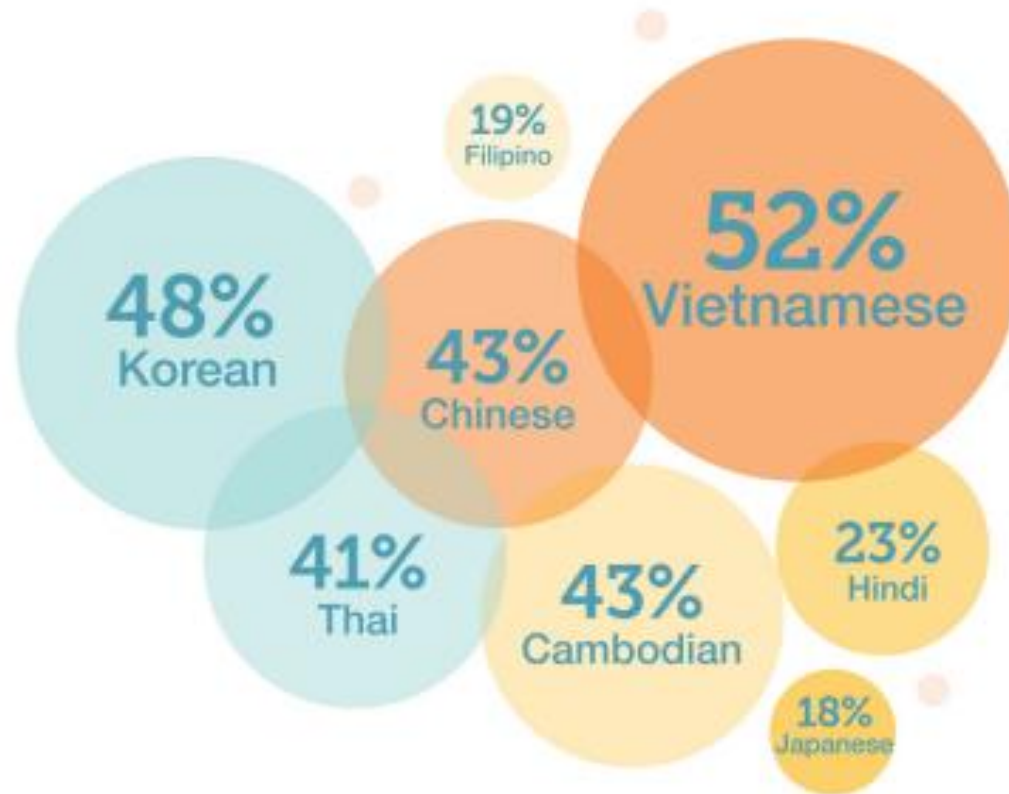# New Language Access Requirements under state law

Deanna Kitamura
Asian Americans Advancing Justice – LA

Importance of Language Assistance

	CA Latinos	CA Asian Americans
Population	15.3 million	5.9 million
% of total state population	39%	15%
Limited English proficiency (w/i pop.)	34%	36%
Speak a language other than English at home (w/i pop.)	75%	76%

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Limited English Proficiency Rates in the Asian American Community
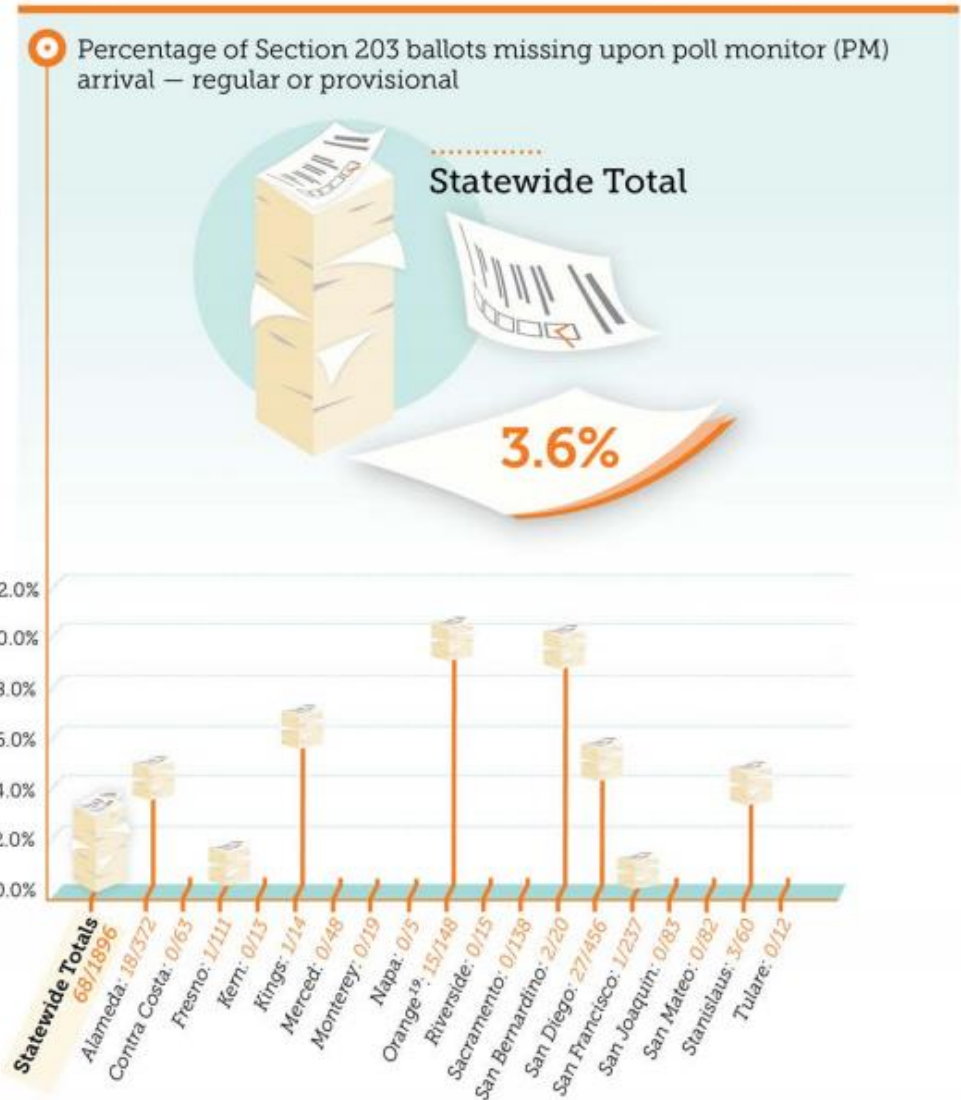

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Importance of Language Assistance in Asian American Communities

- Use of language assistance in Los Angeles
  - 32% of Asian Americans

- Use by ethnicity in Los Angeles
  - 11% Filipino Americans
  - 46% Chinese Americans
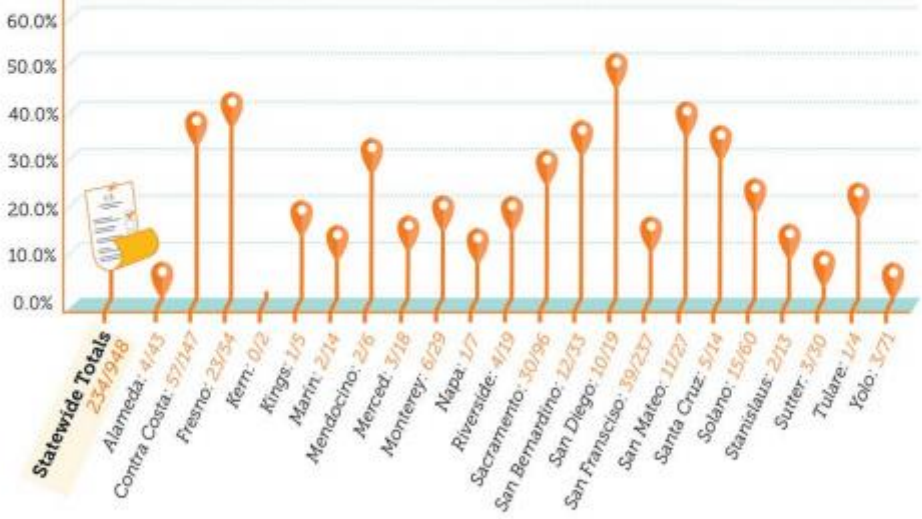 - 50% Korean Americans

Compliance with most significant language access requirement in Section 203 of the federal Voting Rights Act -- **provision of translated ballots** -- was very strong.

Percentage of Section 203 ballots missing upon poll monitor (PM) arrival — regular or provisional

Statewide Total

3.6%

12.0%
10.0%
8.0%
6.0%
4.0%
2.0%
0.0%

Statewide Totals 68/1896
Alameda: 18/372
Contra Costa: 0/63
Fresno: 1/111
Kern: 0/13
Kings: 1/14
Merced: 0/48
Monterey: 0/19
Napa: 0/5
Orange.19: 15/148
Riverside: 0/15
Sacramento: 0/138
San Bernardino: 2/20
San Diego: 27/456
San Francisco: 1/237
San Joaquin: 0/83
San Mateo: 0/82
Stanislaus: 3/60
Tulare: 0/12

19. While some paper copies of Section 203 ballots were missing in Orange County, translated Section 203 ballots were consistently available in electronic format.

Percentage of facsimile ballots missing upon PM arrival

Statewide Total

24.7%

60.0%
50.0%
40.0%
30.0%
20.0%
10.0%
0.0%

Statewide Totals 234/948
Alameda: 4/43
Contra Costa: 57/147
Fresno: 23/54
Kern: 0/2
Kings: 1/5
Marin: 2/14
Mendocino: 2/6
Merced: 3/18
Monterey: 6/29
Napa: 1/7
Riverside: 4/19
Sacramento: 30/96
San Bernardino: 12/33
San Diego: 10/19
San Franscisco: 39/237
San Mateo: 11/27
Santa Cruz: 5/14
Solano: 15/60
Stanislaus: 2/13
Sutter: 3/30
Tulare: 1/4
Yolo: 3/71

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.

State Law Language Access Requirements

First: What Are Facsimile Ballots?

- Translated sample ballots, used as a reference tool
- Cannot be voted on

Prior to Election Day – Facsimile Ballots

- At least 14 days before an election, the election official's website will list all polling places, including the languages of the facsimile ballots available at each, if any.

    - Text explaining the list will be in English and state covered languages.

- The county voter information guide will refer LEP voters to this information on the website.

    - The text in the voter information guide will be in English and state covered languages

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Prior to Election Day – Vote-by-Mail

- A vote-by-mail voter may request a facsimile ballot be sent to him/her if the voter lives in a covered precinct.
    - The request may be submitted by phone, mail, online, or when requesting a vote-by-mail ballot.
    - Facsimile may be sent to voter via mail or email.
    - Requested facsimile ballots must be prepared no later than 10 days before Election Day.
    - Any request submitted within the week before Election Day can be rejected.

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Prior to Election Day – Bilingual PW

- Counties must make "reasonable efforts" to recruit bilingual poll workers to staff covered polling places.

- Poll workers must be trained on the purpose and proper handling of facsimile ballots.

Prior to Election Day – Other

- County elections website and voter information guide must inform LEP voters they can bring an assister to help them vote.
  - Must be in all English, all Section 203 languages, and state covered languages.

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- Facsimile ballots at polling places:

  - One facsimile "conspicuously" posted.

  - One must be available for voters to take into the voting booth to be used as a reference, a/k/a in some loose leaf format.

  - Where the language minority group exceeds 20%, two more facsimiles must be available in loose leaf format.

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On Election Day – Facsimile Ballots

- A sign must be posted near index of registration informing voters of presence of facsimile ballots.

    – Sign must be in English and state covered languages.

- If a voter requests a facsimile that is available, poll worker must provide.

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On Election Day – Bilingual Poll Workers

- Bilingual poll workers must wear something that identifies their language skills (e.g. name tag, button, etc.).

- Sign must be posted indicating the languages other than English that are spoken by the poll workers present, if any.

VCA Counties

- AB 918 requirements for polling places also apply in Vote Centers.
- For voters who have <u>previously indicated</u> a language preference, county must proactively send a facsimile in the preferred language <u>if</u> it is a facsimile the county is already required to prepare by Section 14201.
  - Can be sent by mail or email.
  - Must be received before Vote Centers open.
  - No requirement to actively seek out new or updated language preference information.

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