



## **Language Access Best Practices**

*For counties with language access requirements under both federal law (Section 203 of the Voting Rights Act) and state law (California Elections Code Sections 14201 and 12303)*

### **Federal Law**

The requirement in Section 203 of the federal Voting Rights Act that voting materials be translated into languages other than English applies to “any registration or voting notices, forms, instructions, assistance, or other materials.”<sup>1</sup> The Department of Justice has taken an expansive view of Section 203, stating that it requires the translation of “all election information,” from “details about voter registration through the actual casting of the ballot, and the questions that regularly come up in the polling place.”<sup>2</sup> The Supreme Court has held that the Voting Rights Act uses a “broad interpretation to the right to vote” and that Congress intended to “give the Act the broadest possible scope.”<sup>3</sup>

The all-encompassing language in the Act and the wide-ranging interpretation given it by both the Department of Justice and the courts suggests that county elections officials should move past simply translating election materials into Section 203 languages to a new paradigm in which they see themselves responsible for offering fully multi-lingual elections that are equally accessible for all language communities.<sup>4</sup> The best practices here can help make that a reality.

We recommend regularly assessing the success of your language assistance programs and strategies in order to identify any gaps in services provided.

*Engage minority language communities year-round:*

- Designate a different language coordinator for each Section 203 language for which the county is covered. Make sure each language coordinator comes from the language community with which he or she is tasked with interfacing/representing. The language coordinators should be responsible for recruitment and training of bilingual poll workers, translation quality, and voter education and outreach. Try to hire language coordinators who are leaders within their language communities, to ensure they will be trusted and credible voices.
- Maintain a year-round language advisory committee that provides input on translations, community outreach plans, and bilingual poll worker recruitment and placement. Include members from all Section 203 language communities. Maintain regular committee communication with increased communication/meetings during years with major elections.
- Operate year-round voter hotlines in each of the county’s Section 203 languages. These can simply redirect to the desks of the relevant language coordinators. Include numbers for the voter hotlines in all outreach materials.

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<sup>1</sup> 52 U.S.C. § 10503.

<sup>2</sup> Section 203 of the Voting Rights Act, Minority Language Citizens, The United States Department of Justice (last visited May 20, 2016).

<sup>3</sup> *Allen v. State Bd. Of Elections*, 393 U.S. 544, 565, 567 (1969).

<sup>4</sup> Information about which languages a county is covered for under Section 203 is issued by the U.S. Department of Justice.

*Translate all materials and ensure those translations are reflective of community input:*

- Translate all materials. For example, regarding provisional ballots: translate provisional ballots, instructions pertaining to provisional ballots, provisional ballot envelopes, and provisional ballot receipts.
- Use community members (preferably the language advisory committee) and/or bilingual staff to review translated materials to ensure accuracy and cultural credibility before they are finalized.
- Work with local ethnic media and community leaders to determine whether candidates names, when presented in languages that do not use the Roman alphabet (Chinese, Hindi, Japanese, Khmer, Korean, and Thai), should be presented in the Roman alphabet or transliterated. Allow candidates to transliterate their own names if they so desire.
- Translate the elections office website and all online forms into all covered languages. Prominently display how to apply for translated materials on the website; make it one of the first things users notice on the translated versions of the website.

*Help LEP voters access polling places, materials, and assistance:*

- Translate polling place welcome and directional signage into all Section 203 languages.
- Place on a sample ballot filler page content informing voters that they may bring up to two individuals with them to the polls in order to assist them in voting, as long as those individuals are not representatives of the voter's employer or union. Advancing Justice-Asian Law Caucus can provide this text in 10 languages.
- Implement an Election Day voter hotline or video conferencing technology like Skype to serve LEP voters at polling places not staffed by a poll worker who can provide in-language assistance.

*Make the availability of language services more widely known to limited English proficient (LEP) voters:*

- Have bilingual poll workers wear badges that identify the languages they speak. Use pin-on or lanyard badges instead of peel-and-stick badges that often come off after a few hours.
- Post or locate on the main table a "language assistance sign" that identifies the languages spoken by the poll workers present. Translate the language of that sign into the relevant languages. (Examples available upon request.) Signs are necessary because badges are not always sufficient; a bilingual poll worker wearing a badge identifying him/herself as a speaker of a particular language may not be staffed at the polling place's main table when a voter in need of language assistance walks in.
- Incorporate into the polling place lookup tool on the county elections website information on whether a voter's polling place will have bilingual poll workers. Translate this content.

*Increase the availability of bilingual poll workers:*

- Leverage existing partnerships and develop new ones to increase the bilingual poll worker pool. In particular, focus bilingual poll worker recruitment on high schools in diverse areas, a strategy

that has worked well in several counties. Other opportunities for outreach/recruitment include: other government agencies or departments, identity-based college student groups, churches and places of worship serving a particular ethnic community, adult education programs for individuals learning English as a second language, senior centers serving a particular ethnic community, community centers, and ethnic chambers of commerce.

- Initiate a county poll worker program that allows county employees to be paid their normal wage while serving as poll workers.
- Translate poll worker recruitment materials (i.e. flyers, applications, etc.) into all relevant languages, in both online and paper formats. (Examples available upon request.)
- Publicize in all poll worker recruitment that lawful permanent residents (LPRs) may now serve as poll workers.
- If possible, maintain a bilingual poll worker reserve pool.

*Train poll workers to ensure they respect the rights of and are prepared to serve LEP voters:*

- When training poll workers, state clearly what the county's Section 203 languages are and what the county's state law languages (aka "3% languages") are. Explain that everything must be translated into the Section 203 languages and facsimile ballots must be provided in the 3% languages. Explain what facsimile ballots are, why they are important, and when to direct voters to them. (Example available upon request.)
- Include training content on cultural sensitivity and how to interact with voters of varying needs without making assumptions. (Example available upon request.)
- Train poll workers on the fact that voters may bring up to two individuals with them to the polls in order to assist in voting, as long as those individuals are not representatives of the voter's employer or union.
- When training, include training content specifically for bilingual poll workers, educating them about their unique role and about how to offer language assistance to voters in a respectful and sensitive way. Provide some or all of that supplementary training content in the non-English language, so bilingual poll workers become familiar with election vocabulary in that language. (Examples available upon request.)
- Provide a glossary of translated election terms to bilingual poll workers as part of their training materials. Script out and translate responses to common questions. (Example available upon request.)
- Train poll workers to expect poll observers/monitors. Provide guidelines on what poll observers/monitors can and cannot do when visiting a polling place. (Example available upon request.)
- Make explicit that poll workers should not ask for identification from voters, except when presented with first-time voters who did not provide state-issued identification when registering to vote. Explain the wide range of documents voters in this position can provide to meet their identification requirement.

## State Law

State law language access requirements are simpler and more limited than those in federal law. When three percent of a precinct’s residents of voting age are members of a single language minority and lack sufficient skills in English to vote without assistance, state law requires the county elections office to: post a facsimile ballot and related instructions in that language in the precinct’s polling place (Cal. Elec. Code § 14201) and make “reasonable efforts” to recruit poll workers that speak that language to staff the polling place (Cal. Elec. Code § 12303).<sup>5</sup>

These requirements are often insufficient to provide limited English-proficient (LEP) voters the language services they need to cast an effective ballot, usually because LEP voters are not aware that language assistance is or should be available. The best practices below include cost-effective ways to increase the visibility and usefulness of state law language access requirements.

### *Increase awareness of facsimile ballots:*

- In addition to posting facsimile ballots on the wall of a polling place, keep copies of the facsimile ballots at the polling place’s main table and provide them to voters when appropriate. Alternatively, use a poster board that carries facsimile ballots in document sleeves, with several copies of the ballot in each language, enabling voters to take a copy of the facsimile ballot to the voting booth/machine.
- Post a sign at each voting booth/machine reading, “Do you want to see a sample ballot in [language name]? Ask a poll worker for assistance.” Translate the language of that sign into all state law languages (aka 3% languages). (Example available upon request.)
- Place a translated message on a sample ballot filler page about the availability of facsimile ballots and the availability of bilingual poll workers. Example: “Your polling place may have copies of the ballot in [insert language]. Additionally, your polling place may have poll workers ready to assist you who speak [insert language].” Advancing Justice-Asian Law Caucus can provide this text in 10 languages.
- Incorporate into the polling place lookup tool on the county elections website information on whether a voter’s polling place will have facsimile ballots. Translate this content.

### *Ensure poll worker training materials capture requirements for state languages:*

- Include information in poll worker training materials that summarize state law language assistance requirements and why they are important. This should include a list of the 3% languages for the county and poll worker responsibilities in serving LEP voters.
- Train poll workers to direct voters in need to the facsimile ballots available at the polling place.
- Explain to poll workers that voters who speak the 3% languages do not have translated sample ballots with which to prepare, so they often bring friends or family to help them cast their vote.

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<sup>5</sup> Determinations as to which precincts hit this three-percent threshold are provided to counties by the California Secretary of State.



Explain that this is permitted by law as long as the assisting individuals do not represent the voter's employer or union.

*Increase the availability of bilingual poll workers speaking state law languages:*

- Integrate recruitment of bilingual poll workers speaking the county's 3% languages into recruitment of bilingual poll workers speaking the Section 203 languages.
- Include representatives from the communities speaking the 3% languages into any language advisory committee and use these representatives to assist in recruitment.