



Dēmos

Language Access and Voting Rights

An Overview of Federal, State,
and Local Policies

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Acknowledgments

Special thanks to Rosalind Gold, Deanna Kitamura, Susana Lorenzo-Giguere, Terry Ao Minnis, Allison Neswood, and Anar Parikh for reviewing earlier drafts of this report. Any errors or omissions are, of course, attributable exclusively to Dēmos.

About Dēmos

Dēmos is a non-profit public policy organization working to build a just, inclusive, multiracial democracy and economy. We work hand in hand to build power with and for Black and brown communities, forging strategic alliances with grassroots and state-based organizations.

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Introduction

Nearly two and a half centuries into our experiment of “government of the people, by the people, for the people,” we have learned much about what supports a healthy democracy. We know that expanding the ability of all eligible citizens to vote is the central pillar. That means ensuring that all eligible voters can cast a vote, that all lawful votes are counted, and that every voter has access to accurate information.¹

The right to vote has been called the “crown jewel” of American liberties, the right from which all other rights ultimately flow.² Yet, for American citizens who are not highly proficient in English, the right to vote can be elusive. Barriers to voting based on language skills, which have come in the form of literacy tests and English-only ballots, have a long history in the United States. Combined with persistent inequities in public education that have created obstacles to English-language acquisition, more recent barriers imposed by states and localities have left many voters with inadequate access to the ballot – and even disenfranchisement.

The Voting Rights Act of 1965 (VRA) and other federal laws designed to protect voters of color from discrimination have helped remove many of the obstacles facing limited-English-proficient voters.³ Literacy tests have been outlawed nationwide. Discrimination against members of “language minority groups” was explicitly prohibited by the 1975 amendments to the VRA. And federally mandated assistance – such as interpreter services and translated ballots and election materials – in areas of the country with large language-minority populations has been a hallmark of the VRA for decades.

Nonetheless, federal mandates under the VRA have resulted in only a patchwork of services nationwide. Some language assistance is required in many of the nation’s largest states and cities, as well as in less populated areas that contain high percentages of immigrants from Asia or Latin America or significant populations of Native American voters. Yet, thousands of limited-English-proficient voters throughout the country have been left with little or no assistance either because they fall outside the VRA’s definition of “language minority” or because their numbers, while large and growing, fail to satisfy the VRA’s mathematical formulas for triggering coverage.

These gaps in coverage have led several states and localities to reinforce and to expand VRA-mandated language assistance in a variety of ways. Some jurisdictions have made election materials outside of the official ballot, such as outreach literature, voter registration forms, and sample ballots more widely available to language groups not covered by federal requirements. Others have lowered the thresholds for language assistance to numbers or percentages below the federal triggers, thus expanding the number of voters receiving assistance. And some jurisdictions have broadened the scope of local coverage to include language groups that fall outside the formal definition of “language minority” under the VRA. Depending on local demographics and advocacy, states and localities have voluntarily extended electoral assistance to speakers of languages such as Arabic, Armenian, Farsi, French, Haitian Creole, Polish, Russian, Somali, and Ukrainian.

But expanded access for limited-English-proficient voters has not come without problems or controversy. Underinvestment, even among supportive jurisdictions, is commonplace: Shortcomings in implementation and compliance – including ballot errors, mistranslations, and a lack of interpreters – arise frequently, whether in VRA-mandated jurisdictions or in areas with expanded coverage. Backlash against the provision of bilingual or multilingual ballots is also not unusual; criticism from many voters and public officials is often vocal and severe, even openly nativist or racist. And opponents of any language assistance – whether federal, state, or local – continue to argue that English is the dominant language in the United States and that providing help in a language other than English causes disunity and creates disincentives to voters becoming more proficient in English. This opposition is often reflected in public policies, including laws that make English the official language of government.

This report examines both existing language access gaps and solutions to expand access for limited-English-proficient voters, under the federal VRA and under state and local policies that build on federal coverage. First, the report examines language needs on a national level, presenting census data on language usage, English proficiency, and political participation. Next, the report provides an overview of the federal VRA and its language assistance and enforcement provisions. These federal laws include Section 2, the VRA’s general antidiscrimination provision that protects language minority groups from discrimination; Section 203, which creates the broad network of language assistance available in many parts of the country; and Section 208, the VRA’s provision guaranteeing the right to personal,

nongovernmental assistors for disabled and illiterate voters, including limited-English-proficient voters.

Next, the report discusses key weaknesses in the federal VRA and analyzes how state and local policies have attempted to build upon and expand federal coverage. State and local policies can be categorized in several ways – by form, scope of language coverage, types of assistance, level of government, and geography. The report does not attempt to provide a comprehensive review of all types of state and local language assistance; instead, it focuses on key examples and case studies that reflect larger trends that are occurring in many parts of the country. The report concludes by discussing best practices and providing recommendations for improving state and local coverage. Among the key recommendations are the codification of formal language access policies, the allocation of sufficient resources and funding for language assistance, the creation of clear mechanisms for implementation and enforcement by both governmental and private actors, and the development of strong and transparent measures that facilitate community input and evaluation.

I. The Scope of Language Usage and Needs

The depth of America's diversity is reflected in the hundreds of languages and dialects spoken throughout the country. According to data compiled from the Census Bureau's American Community Survey, in 2019 approximately three out of every four Americans spoke only English at home. However, 67.8 million Americans spoke a language other than English at home – a nearly threefold increase from the number in 1980.⁴ Among the largest groups, Spanish speakers numbered approximately 41.8 million in 2019, Chinese speakers numbered nearly 3.5 million, French (including Creole dialects) speakers numbered nearly 2.1 million, Tagalog (Filipino) speakers numbered nearly 1.8 million, Vietnamese speakers numbered nearly 1.6 million, and Arabic speakers numbered nearly 1.3 million. Much of the growth in these language groups was due to migration to the U.S., but speakers of Native American languages also saw growth over recent decades without immigration flows.

The geographic distribution of individuals speaking languages other than English also varies. In southwestern states such as California, Nevada, New Mexico, and Texas, as well as in eastern states such as Florida, New Jersey, and New York, at least 30 percent of the population spoke languages other than English in 2019. For instance, in California, 44.5 percent of the population spoke a language other than English, while in Texas, 35.6 percent spoke a non-English language. Large metropolitan areas also have high numbers of non-English speakers. For example, the metropolitan areas for New York City and Los Angeles each contained more than 6 million non-English speakers. As was the case with the Los Angeles metropolitan area, over half of the populations in Florida's Miami-Fort Lauderdale-West Palm Beach metropolitan area (55 percent) and California's San Jose-Sunnyvale-Santa Clara metropolitan area (54 percent) spoke a language other than English.

Major pockets of language groups can also be found in concentrated areas throughout the United States. Maine, for example, has historically had the highest concentration of French speakers in the country, drawn from French immigrants, Acadians, and Canadian migrants from Quebec and New Brunswick. Numerous towns and municipalities in northern

Maine still have populations where more than half of the residents speak some dialect of French. As a consequence, Maine has required sample ballot instructions to be printed in French for several years.⁵

Proficiency in English is a key marker of actual language needs, since the abilities of speakers of non-English languages can range from having little or no proficiency in English to being fully bilingual. The federal government measures English proficiency by self-rated responses to Census Bureau survey questions, which can range from “very well” (62 percent of non-English-language speakers in 2019) to “well” (19 percent) to “not well” (13 percent) to “not at all” (6 percent). The federal government’s “limited-English-proficient” (LEP) classification captures the percentage of the population that speaks English less than “very well.” In 2019, nearly four out of every 10 non-English language speakers were classified as LEP, which is equal to roughly 26 million people in the United States.

The LEP percentages are even higher among some of the largest language groups. For example, among speakers of many Asian and Pacific Island languages, one-half or more of the speakers spoke English less than “very well”; these include speakers of Chinese (52.0 percent), Korean (51.0 percent), and Vietnamese (56.9 percent). Even among other language groups, the percentages of LEP individuals are sizable: Arabic (35.0 percent); Russian, Polish, and other Slavic languages (38.1 percent); Spanish (38.6 percent).

LEP individuals can also face significant obstacles in gaining fluency in English. Adult English-as-a-Second-Language (ESL) classes in many parts of the country can have waiting lists that go back several years; resources for ESL are often seriously limited, and the defunding of programs is not uncommon.⁶ Even the federal government has recognized that English-language acquisition can be especially challenging, particularly for older individuals. For example, federal law creates special exceptions for older immigrants who seek American citizenship through naturalization; if they are age-eligible and have resided in the U.S. for a sufficient number of years, applicants can have their citizenship tests conducted in their native language with the aid of an interpreter.⁷

While immigration has fueled much of the recent growth in LEP populations, large numbers of LEP individuals in the U.S. are in fact native-born. Among the Spanish-speaking population, 16.0 percent of those born in the United States were limited-English-proficient. The percentages of the native-born citizens who are LEP are comparable for other language groups: Chinese (16.3 percent), Korean (15.4 percent),

Vietnamese (17.0 percent), Tagalog (12.1 percent), and Arabic (12.0 percent). Although there can be many reasons for LEP status – having been educated outside the U.S. in a non-English language is typical – the large numbers of U.S.-born individuals who are also LEP makes clear that deficiencies and inequities in the American educational system are significant factors as well. These inequities include educational segregation, funding disparities, and even the physical and mental abuse of language minority students in segregated settings such as Indian boarding schools. Congress has repeatedly recognized these inequities in its amendments and reauthorizations of the VRA.

Survey research on political behavior further suggests that LEP status contributes to gaps in electoral participation, including voter registration and voting. For example, in the 2020 presidential election, Asian Americans nationally registered to vote at a rate of 64.5 percent and reported voting at a rate of 60.1 percent; Latinos nationally registered to vote at a rate of 61.1 percent and reported voting at a rate of 53.7 percent. These figures were considerably lower than the national rates of 72.7 percent for voter registration and 66.8 percent for reported voting.⁸ Although turnout gaps cannot be attributed solely to limited English proficiency, differences of 10 percent or more have persisted over several election cycles, and, given the high percentages of LEPs in the Asian American and Latino populations, there is at least a strong hypothesis that gaps in English-language ability are among the root problems.⁹ Moreover, multiple studies have shown that these gaps can be closed by increasing access through language assistance policies.¹⁰

VOTE CENTER APPROXIMATELY 100 FEET

ELECTIONEERING IS NOT PERMITTED WITHIN 100 FEET OF THE VOTE CENTER

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이내에서의 선거운동은
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NO SE PERMITE HACER
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II. Language Minorities and the Federal Voting Rights Act

From its earliest iteration, the VRA has contained provisions that acknowledge the barriers that arise because of limitations in English language ability. For instance, in creating section 4(e) of the VRA, Congress recognized that Puerto Rican voters faced discrimination in the U.S. mainland because of English-only elections. Despite being American citizens at birth, many Puerto Ricans received their primary educations in “American flag” schools in which Spanish was the predominant language of instruction. English-only elections could thus deny a Puerto Rican the right to vote “because of his inability to read, write, understand, or interpret any matter in the English language.”¹¹ Accordingly, Congress mandated Spanish-language assistance in areas where Puerto Ricans educated in the Commonwealth would otherwise have their voting rights abridged. (See *insert on Puerto Ricans and Section 4(e) of the VRA*.)

Nevertheless, the original wording of the VRA, which prohibited discrimination on the basis of race or color, generated uncertainties in coverage for non-Black minority communities. In particular, it was unclear whether Latinos, who might be categorized as white under the federal Census Bureau classifications of the time, were actually covered by the VRA, despite evidence of extensive anti-Latino discrimination in the Southwest and other parts of the U.S. The 1975 amendments to the VRA resolved any ambiguities by adding a protected “language minority” category to the existing categories of race and color.¹²

Congressional findings in support of the 1975 amendments recognized that “voting discrimination against citizens of language minorities is pervasive and national in scope. Such minority citizens are from environments in which the dominant language is other than English. In addition, they have been denied equal educational opportunities by State and local governments, resulting in severe disabilities and continuing illiteracy in the English language.”¹³ Congress also found that “where State and local officials conduct elections only in English, language minority citizens are excluded from participating in the electoral process. In many areas of the country, this exclusion is aggravated by acts of physical, economic, and political intimidation.” Congress thus declared

that “it is necessary to eliminate such discrimination by prohibiting English-only elections, and by prescribing other remedial devices.”

Because of the extensive records of past and ongoing discrimination against particular minority populations, the “language minority” category was defined to include only “persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage.” And Congress has chosen to maintain the definition across multiple amendments and reauthorizations, despite advocacy to include groups such as Arab Americans and Haitian Creole speakers who have faced comparable discrimination and language barriers in voting.¹⁴

Although they are often intertwined, the VRA’s “language minority” category is also analytically distinct from a classification based on “limited-English-proficiency.” The language minority definition is both overinclusive and underinclusive of LEP status: Not all Asian American, Latino, and Native American voters are limited-English-proficient, and many LEP voters who face language-based barriers speak languages that are not Spanish, of Asian origin, or indigenous. As a result of the VRA’s narrow definition of “language minorities,” the vast majority of non-English languages that are spoken in the U.S. are categorically excluded from group-based coverage under the VRA.

A. Language Minority Protections: Section 2 and Section 203

Multiple sections in the VRA employ the language minority group category:

Section 2. Section 2 is a general antidiscrimination provision of the VRA, and, as amended, it prohibits various forms of discrimination in voting, including both intentional discrimination and practices that have a racially disparate impact.¹⁵ For instance, in *United States v. City of Boston*, among the Section 2 violations alleged by the U.S. Department of Justice were (1) election officials’ and poll workers’ disrespectful treatment of LEP Latino and Asian American voters, (2) the refusal to permit Latino and Asian American voters to be assisted by a person of their choice, (3) the improper influencing, coercing, or ignoring of ballot choices of LEP Latino and Asian American voters, and (4) refusing or failing to provide provisional ballots to LEP Latino and Asian American voters.¹⁶ A settlement agreement guaranteed equal access to the language minority voters by ending several unlawful practices, extending

language assistance in the city to multiple groups, and creating systems for a community-based advisory body and federal monitoring.¹⁷

Section 2 has also been used to extend language-related remedies to groups who are not formally covered by the language minority categories but encounter discrimination based on race or color. For example, in 1999 the city of Hamtramck, Michigan, engaged in racially discriminatory practices by requiring Arab Americans and “dark-skinned” Asian American voters to take a citizenship oath as a condition of voting, based on complaints of ineligibility by challengers under Michigan law; white voters, whose citizenship went unchallenged, were not required to take an oath.¹⁸ Among the remedies required for the Section 2 violations were the posting of official notices in Arabic and Bengali at polling sites to safeguard non-discriminatory elections, the publication of notices in Arabic and Bengali newspapers, and the appointment of bilingual Arabic-speaking and Bengali-speaking election inspectors.¹⁹

Section 203. First enacted in 1975, Section 203 of the VRA creates federal mandates for interpreter services and translations of voting materials for language minority groups in a wide range of states and localities.²⁰ Although Section 203 is considered a temporary structural remedy for past and present discrimination, and must be periodically reauthorized by Congress, it has become the strongest federal vehicle for guaranteeing language access to LEP voters who fall within the definition of “language minority.” Section 203 was most recently addressed in the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006²¹ and was reauthorized for an additional 25 years, remaining in effect until August 2032.

If a state or a political subdivision – typically a county, but sometimes a smaller jurisdiction such as a city or town – is covered by Section 203, “[t]he requirements of the law are straightforward: all election information that is available in English must also be available in the minority language so that all citizens will have an effective opportunity to register, learn the details of the elections, and cast a free and effective ballot.”²² Typically, this includes oral interpretation provided by bilingual poll workers and, if a non-English language has a written tradition and form, written translations of all voting materials, including notices, voter registration forms, sample ballots, voter information pamphlets, and – most importantly – the official votable ballot. The mandates apply to all levels of elections administered by a jurisdiction – federal, state, and local – and include, where direct democracy mechanisms are in place, translations of voting materials such as the text of ballot initiatives and referenda.



Puerto Rican Voters and Section 4(e) of the Voting Rights Act

Since its original enactment, the federal Voting Rights Act has recognized that Puerto Rican voters often face discrimination because of English-only voting procedures and processes. Voters who were born in Puerto Rico are American citizens by birth, but they may nevertheless be limited-English-proficient because their primary and secondary education was conducted predominantly in Spanish.

Section 4(e) of the Voting Rights Act states in part that “No person who demonstrates that he has successfully completed the sixth primary grade in . . . any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote . . . because of his inability to read, write, understand, or interpret any matter in the English language”¹

Section 4(e) has been used to prohibit English-only elections in areas with significant Puerto Rican populations in the U.S. mainland. For example, in *Rivera Madera v. Detzner*,² plaintiffs filed a federal lawsuit under section 4(e) to protect the rights of Puerto Rican voters in Florida. Although Spanish-language assistance was required in 27 Florida counties, the plaintiffs identified substantial Puerto Rican populations in 32 additional counties that did not offer translations or other forms of Spanish-language assistance. After the federal court issued a preliminary injunction requiring compliance with federal law, the plaintiffs entered into a settlement agreement with 31 of the 32 Florida counties to provide Spanish-language ballots, election materials, and assistance.

1. 52 United States Code § 10303(e)(2).

2. *Rivera Madera v. Detzner*, No. 1:18-cv-152 (N.D. Fla. 2018).

B. Coverage Formulas for Section 203

Section 203 has three separate formulas that focus on a language minority group's size and abilities to determine coverage for language assistance. Coverage does not contain any gradations or qualifiers: If covered, a jurisdiction must be fully compliant with the mandates; if not covered, there are no mandates.

Five Percent Benchmark. The original formula for Section 203 coverage focuses on satisfying a percentage-based minimum of voting-eligible language minorities. A state or a political subdivision²³ is covered if:

- more than 5 percent of the voting age citizens are members of a single language minority group,
- they do not “speak or understand English adequately enough to participate in the electoral process,” and
- the rate of those citizens who have not completed the fifth grade is higher than the national rate of voting-age citizens who have not completed the fifth grade.

The test for whether language minorities do not “speak or understand English adequately enough” is the one used for determining federal LEP status – i.e., speaking English less than “very well.” The less-than-fifth-grade educational requirement is a measure of a language group's relative level of literacy and is often called the “illiteracy rate” prong.

The Voting Rights Language Assistance Act of 1992²⁴ created two additional coverage formulas: (1) a numerical benchmark of 10,000 voting-age citizens that can act as a substitute for the 5 percent trigger and (2) a special American Indian-Alaskan Native (AIAN) formula that covers jurisdictions which contain all or part of an American Indian Area, such as a tribal reservation.

10,000 Numerical Benchmark. A political subdivision – but not a state – is covered by Section 203 if:

- more than 10,000 of the voting-age citizens are members of a single language-minority group

and the parallel requirements for LEP status and higher illiteracy rate are satisfied.

AIAN Benchmark. A political subdivision that contains all or part of an American Indian Area (as delineated in the decennial census) is covered by Section 203 if:

- more than 5 percent of American Indian or Alaska Native voting-age citizens within an American Indian Area are members of a single language-minority group

and the parallel requirements for LEP status and higher illiteracy rate are satisfied.

The 10,000 benchmark was added in the 1992 amendments to recognize that sizable numbers of language-minority voters might still fail to meet the 5 percent benchmark in highly populous counties. Congress maintained the 10,000 benchmark in its 2006 reauthorization, though advocates have proposed lowering the figure to numbers such as 7,500 or 5,000.²⁵

Since 2006, determinations of Section 203 coverage have been produced by the Census Bureau every five years using American Community Survey data, with the most recent determinations published in December 2021. In those determinations, 73 separate language-minority groups were eligible for consideration, including Spanish speakers, 51 American Indian or Alaska Native language groups, and 21 Asian language groups. The states of California, Florida, and Texas were covered for Spanish in 2021. An additional 331 political subdivisions (245 counties and 86 smaller subdivisions) were covered for Spanish or various Asian or indigenous languages.²⁶ The 2021 determinations created an increase of more than 22 percent in the number of language-minority voting-age citizens from five years earlier, as well as a nearly 26 percent increase in the number of covered jurisdictions (263 to 331).

More than 20.3 million Latinos, 3.6 million Asian Americans, and 230,000 American Indian and Alaska Native voting-age citizens resided in the 331 covered jurisdictions.²⁷ And some of the nation's most populous counties were covered for multiple languages. For instance, Los Angeles County is required to provide language assistance in Spanish, Cambodian, Chinese (including Taiwanese), Filipino, Korean, and Vietnamese; Queens County in New York must provide language assistance for Spanish, Asian Indian (including Sikh), Bangladeshi, Chinese (including Taiwanese), and Korean.²⁸

At the same time, many small towns in rural areas and in more remote portions of the country have been covered for one or more languages. For instance, because of the 5 percent benchmark, Alaska's Kodiak Island Borough, with a total population of approximately 13,000, must provide language assistance in Yup'ik, an indigenous Alaskan language, as well as in Filipino, reflecting a citizen population with immigrant roots that has resided in the Borough because of its fishing and cannery industries.

C. Limitations, Compliance Problems, and Effects on Participation

Notwithstanding the large number of jurisdictions with federally mandated language assistance, thousands of LEP voters across the United States remain uncovered because of difficulty satisfying Section 203's population thresholds. According to one report, several language groups narrowly missed Section 203 coverage in the 2021 determinations: 105 language minority groups in 30 states had relevant populations of between 7,500 and 9,999 or between 3.9 and 4.99 percent.²⁹ For example, in Arizona's Pinal County, Latino LEP voting-age citizens numbered 9,865, which was fewer than 150 citizens short of meeting the 10,000 benchmark, while in Virginia's Fairfax County, Korean LEP voting-age citizens numbered 9,934, which was fewer than 70 citizens short of meeting the numerical benchmark. Similarly, in Chevak, Alaska, Inupiat speakers constituted 4.8 percent of the relevant population, falling just short of satisfying the percentage-based benchmark.

Although Section 203 has been in place for five decades, many covered jurisdictions – particularly those that are covered for the first time – have suffered from inadequate compliance and weak implementation of the law, which can pose serious problems for many language-minority voters. Common issues have included providing faulty interpreter services; failing to recruit sufficient numbers of bilingual poll workers; publishing little or no signage or notices in a covered language; and offering incomplete written translations or mistranslations (such as candidate names) on a range of election materials, including ballots, sample ballots, and voter information pamphlets.³⁰ And for some language-minority groups, particularly Native Americans who speak indigenous languages without written traditions, there can be a host of problems that arise because local officials focus on written documents rather than oral interpreters.

The U.S. Department of Justice has a long history of filing lawsuits and obtaining settlements to ensure compliance with Section 203. Remedies

have included federal monitoring of future elections, creating community-based committees to assist with outreach and future compliance, and, in some instances, extending coverage to language groups that currently fall short of a benchmark but are likely to be covered under Section 203 in future elections.³¹



Native Americans and Indigenous Language Access

Since the 1975 amendments to the federal Voting Rights Act, Native American populations have been covered under the language-minority category of “American Indians and Alaska Natives” (AIAN). Section 203 of the VRA provides a specific benchmark formula for coverage of AIAN languages that looks at the population characteristics of tribal lands. If the population of a tribe’s lands meets the benchmark formula, then any state political subdivision that contains any portion of those tribal lands is subject to Section 203’s requirements. The tribal lands benchmark is designed to ensure that AIAN populations do not lose out on language assistance because the borders of their reservations span multiple jurisdictions.

But Native Americans often face unique challenges when it comes to receiving adequate language assistance.³ Part of the problem is that Section 203 only requires covered jurisdictions to provide “oral instructions, assistance, or information” when it comes to “historically unwritten” AIAN languages. As a result of

3. The Native American Rights Fund. *Obstacles at Every Turn: Barriers to Political Participation Faced by Native American Voters*. The Native American Rights Fund (Boulder, CO: 2020). https://vote.narf.org/wp-content/uploads/2020/06/obstacles_at_every_turn.pdf.

Native Americans and Indigenous Language Access (Continued)

this exception, many jurisdictions that are covered for AIAN languages do not provide written materials in those languages, even where the language currently has a written form and where translated materials would aid in the provision of effective language assistance to AIAN voters. In addition, providing assistance in AIAN languages that are primarily oral often requires a greater number of interpreters at polling places and different strategies – such as radio ads, recordings, and community outreach workers – to distribute oral instructions and information about elections.

Another set of problems can arise because of the complicated nature of translating many indigenous languages, including multiple dialects, vocabulary gaps relative to English, and local cultural differences. These problems can be especially acute in translating complex direct democracy measures, such as ballot initiatives that contain extensive legislative language.

The need for state and local requirements that supplement Section 203 can become particularly pressing for AIAN voters because many jurisdictions have lost (and sometimes regained) Section 203 coverage over time. Native American populations are often smaller in absolute size and are covered because of Section 203's percentage test. But if relative percentages for Native American decline, they can lose coverage even if the actual numbers of LEP voters increase.

For example, under the 2021 determinations, Coconino County, Arizona, is currently required to provide language assistance in Hopi, Navajo, and Paiute. But federal mandates for language groups in Coconino County have been inconsistent over multiple cycles. In 2016, only Navajo was mandated; in 2011, Hopi, Navajo, and Yuma (Quechan) were mandated; and in 2001, Navajo and Pueblo were mandated. Notwithstanding federal requirements, the county has maintained Paiute and Hopi language assistance in selected polling areas over the years, in addition to the consistently mandated Navajo coverage. But without additional state mandates, there are no guarantees that Coconino County or similarly situated counties in Arizona and other states will maintain language assistance when the federal determinations shift or coverage is dropped.

Notwithstanding compliance issues, research on voting in covered jurisdictions has shown that Section 203 coverage has positive effects on the political participation of language-minority groups.³² For instance, in one recent study of voters in nearly 1,500 jurisdictions nationwide, the authors analyzed data from covered and non-covered jurisdictions and concluded that coverage under the VRA led to significant increases in Latino voter registration and Asian American voter turnout.³³ Analyses of Native American voting behavior have revealed similar outcomes. For example, Navajo voter turnout increased by 26 percent between presidential election cycles after Apache County, Arizona, entered into a consent decree with the federal government to address the lack of language assistance in the county.³⁴ Other research has shown that language-minority representation in government has also improved because of language assistance. For example, one study found that language assistance had positive effects on Latino representation on school boards, even if the coverage was not over multiple cycles.³⁵ The study also found that federal oversight in the form of election monitoring significantly increased the extent of Latino representation.

D. Individual Assistors and Section 208 of the Voting Rights Act

Another important provision of the federal VRA – one that has not been cabined by the definition of “language minority” or delimited by mathematical tests – is Section 208, which was included in the 1982 amendments to add protections for individuals needing voting assistance because of disability or illiteracy. Section 208 states:

*Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter’s choice, other than the voter’s employer or agent of that employer or officer or agent of the voter’s union.*³⁶

In enacting section 208, Congress found that voters requiring assistance can be especially vulnerable because “members of such groups run the risk that they will be discriminated against at the polls and that their right to vote in state and federal elections will not be protected.”³⁷ Employers and union representatives are specifically excluded to prevent work-related or financial coercion that might arise in the voting process.

Although initially focused on disabled and illiterate voters, Section 208 has been used to protect voters who are LEP and need assistance in reading and writing English. Unlike Section 203, however, Section 208 applies nationwide, does not require periodic reauthorization, and is not confined to voters covered by the “language minority” categories of the VRA or to formulas based on group size and qualification. A voter can choose their own assistor, including a family member, friend, or neighbor, and the assistor need not be a registered voter or a United States citizen.

In allowing voters to bring an individual assistor of their choice, Congress recognized that voters “may feel apprehensive about casting a ballot in the presence of, or may be misled by, someone other than a person of their own choice,” and that leaving the choice to the voter is “the only way to assure meaningful voting assistance and to avoid possible intimidation or manipulation of the voter.”³⁸ Congress did not, however, establish legal standards for assistor competency or for assessing the accuracy and effectiveness of the assistance. Nor does Section 208 impose significant burdens or obligations on local government; compliance typically requires little more than educating officials and poll workers on allowing assistors into the voting booth and not limiting or interfering with the voter-assistor relationship. But proper education and training is critical to protecting a voter’s right to assistance under Section 208, particularly in areas where hostility to assistors has been documented.

Section 208 has been an important tool for improving access for LEP voters across the country, particularly where Section 203 mandates are not in place. And it has been used effectively to prohibit state or local laws that have attempted to suppress voting by limiting assistance to disabled and LEP voters. In 2018, for example, in *Organization of Chinese Americans of Greater Houston v. Texas*, a federal district court issued a permanent injunction prohibiting sections of the Texas Election Code from taking effect because, among other things, the law required assistors to be registered voters and to reside in the same county as the voter and also limited assistance only to marking or reading a ballot. After the 2020 elections, the Texas Legislature tried to replicate the limitations – and added even more restrictions. The court reissued an injunction, preventing the new sections from going into effect.³⁹ Until recently, Georgia also had a similarly restrictive state law applicable to state and local elections, which required assistors to be registered voters in the same precinct as the voter. A lawsuit filed in 2018 resulted in a settlement that permanently enjoined enforcement of the restrictive law.⁴⁰

The combination of Section 2, Section 203, and Section 208 of the VRA has thus created a constellation of antidiscrimination protections and language assistance that covers the entire country – but still falls far short of ideal. Thousands of voters in areas throughout the country live in jurisdictions where they cannot satisfy the Section 203 benchmarks, and even more LEP voters are ineligible to receive *any* federally mandated assistance because they speak languages that are outside the formal definition of “language minority.” Congress has repeatedly declined to reduce the benchmark requirements or to modify the definition of language minority groups. Although the efforts have been piecemeal, the work of many states and local governments to fill the gaps in language assistance has led to improved access for LEP voters.



III. State and Local Language Assistance Policies

The state and local policies that have expanded language access in voting reflect the growth of immigrant and indigenous communities over time, as well as evolving norms to augment the role of government in supporting the political participation of historically marginalized voters and accommodating language needs. The next part of this report offers examples of state and local jurisdictions that have expanded language assistance beyond federal requirements and categorizes the types of non-federal language access policies enacted across the country.

A. Language Assistance at the State and Local Level

As non-English-speaking populations have grown through migration across state lines and through immigration into the U.S., some states have opted to address language needs through formal mechanisms. Minnesota, for example, has only recently been eligible for Section 203 mandates and only for two language groups under the most recent determinations: Hmong in Ramsey County and Native Americans in Houston County. Neither language group was covered in Minnesota prior to 2021.

Nevertheless, Minnesota has been a center of migration into the U.S., and numerous immigrant and refugee communities from Asia, Africa, and Europe form significant populations within the state. Accordingly, state-level assistance has been available in Minnesota for several years. In the early 2000s, the state legislature passed legislation empowering the secretary of state to make determinations of language needs and to provide informational voter materials in non-English languages.⁴¹ The informational language assistance most recently offered by the secretary of state includes materials in Spanish, Hmong, Somali, Vietnamese, Russian, Chinese, Lao, Oromo, Khmer (Cambodian), and Amharic.

In 2023, the Minnesota Legislature added stronger mandates, including the deployment of translated materials and ballots in “language minority districts,” which are to be designated prior to each election by

examining census tracts to determine the percentage of residents who are members of a language minority and lack sufficient English skills to vote without assistance – when 3 percent or more of the population in the census tract speak English less than very well.⁴² Moreover, the Minnesota law creates additional mandates when a 20 percent threshold is met, requiring bilingual interpreters and additional translated materials in precincts. Spanish, Hmong, and Somali are covered statewide in Minnesota, and designated districts cover additional languages such as Arabic, Chinese German, Karen, Khmer, Russian, and Vietnamese.⁴³

The growth of immigrant communities with increasing numbers and political influence has also resulted in expanding language-assistance measures at local levels of government. Typically, local enclaves of language groups – often growing in both size and political influence – are able to generate targeted legislation. For instance, during the 1990s and 2000s, a number of smaller Southern California cities with high concentrations of single-language groups voluntarily provided translated election materials. These cities included Beverly Hills (Farsi), Glendale (Armenian), Long Beach (Cambodian), and West Hollywood (Russian).⁴⁴ Los Angeles County has since assumed responsibility for these languages under either Section 203 or state law, but the patterns are ones that still appear in many parts of the country.

A more recent example is DeKalb County, Georgia, with a total population of more than 760,000 and approximately 19 percent non-English-language speakers, and where there are no coverage requirements under the 2021 determinations for Section 203. (In the State of Georgia, only Gwinnett County is covered under Section 203 for Spanish.) However, there are significant and growing numbers of Latino and Asian American LEP voters in DeKalb County, which has spurred community-based groups to advocate for county-level language assistance.

In 2020, with the support of more than 30 voting rights groups, the DeKalb County Voter Registration & Elections (VRE) office voluntarily opted to translate voter materials (sample ballots and “evergreen” materials that were stable across elections) into two languages, Spanish and Korean. Working in partnership with two community-based organizations, Asian Americans Advancing Justice-Atlanta and GALEO (formerly known as the Georgia Association of Latino Elected Officials), the VRE developed translated sample ballots and supporting materials, as well as oral assistance services through a community hotline.⁴⁵

In 2022, the DeKalb County Board of Commissioners moved to codify the VRE's voluntary language assistance programs through the Voting Opportunity and Translation Equity (VOTE) resolution, which urged the DeKalb County Board of Registration and Elections (BRE) to adopt translation measures to go beyond the requirements of the federal VRA.⁴⁶ Subsequently, the BRE staff assessed language needs in the county, and reports concluded that after English, the most commonly spoken languages in DeKalb County were Spanish, Amharic, French, Chinese, Yoruba, Bengali, and Vietnamese. In early 2024, the BRE went on to create a multistage plan, where the county would continue to provide translations in Spanish and Korean, and additional languages would be added in stages – with Amharic first added in 2024. While some of the languages are considered to be within “language minority” status under the VRA, a number of the languages, such as Amharic, French, and Yoruba, fall outside the VRA definition.

B. Categories of State and Local Laws

State and local laws that address language assistance in voting and elections can be characterized, divided, and subdivided in multiple ways. These dimensions include:

- **Levels of Government:** Does the policy exist at the state, county, city, town, or tribal level?
- **Forms of Policies:** Does a policy come in the form of state statutes or local ordinances, or via election officials' guidelines or informal rules?
- **Officials Responsible:** Does responsibility for compliance and enforcement fall on chief election officers, state attorneys general or county attorneys, or some combination of actors?
- **Required vs. Discretionary Action:** Are the primary mechanisms for language assistance required or left to the discretion of election officials and their subordinates, or are there combinations of mandates and discretionary elements?
- **Definitions of Qualifying Groups:** Do policies rely on the federal definition of language-minority group, employ other definitions for coverage, or specify an array of groups?
- **Degrees of Assistance:** If policies expand coverage, do they provide full assistance or just subsets of assistance, such as only registration materials or only sample ballots?
- **Implementation:** How extensively does a policy implement language assistance in terms of key variables such as recruitment

of bilingual poll workers, postings and notices, translations of materials, use of voting machines, and ballot design?⁴⁷

- **Community Engagement:** How much does a policy engage in community outreach and input with affected language groups, including creating mechanisms such as community advisory committees, in order to evaluate existing language needs and to develop responses to emerging needs?
- **Updating and Revision:** Does a policy offer mechanisms for regular updating of covered languages by election officials, or are the languages locked into statutes or ordinances that must be amended or reauthorized?

Sample: San Francisco's multilingual resources

16 General Information

38-EN-N24-CP16

Multilingual Resources

We provide all official ballots, informational materials, and help in English, Chinese, Spanish, and Filipino. We also provide reference ballots in Burmese, Japanese, Korean, Thai, and Vietnamese at all in-person voting sites as well as through the mail. Upon request, we can provide interpretive services in hundreds of other languages.

To change the language in which you receive election materials, visit sfelections.gov/language or call (415) 554-4375. To see a list of language resources at your polling place, visit sfelections.gov/voteatyourpollingplace.

我們可以協助您！

如果您想收到中文版的選舉資料，請在選務處網站 sfelections.gov/language 更新您的語言偏好或致電(415) 554-4367。

¡Le podemos ayudar!

Si desea recibir materiales electorales en español además del inglés, actualice su preferencia de idioma en sfelections.gov/language o llame al (415) 554-4366.

Matutulungan namin kayo!

Kung gusto ninyo ng mga materyales sa wikang Filipino, bukod sa Ingles, i-update ang inyong kagustuhan na wika sa sfelections.gov/language o tumawag sa (415) 554-4310.

ကျွန်ုပ်တို့ သင့်ကို ကူညီနိုင်ပါသည်။

(ရွေးကောက်ပွဲဌာန) Department of Elections သည် မဲစာရွက်ပြားမိတ္တူကို (ရည်ညွှန်းချက်) မြန်မာဘာသာဖြင့် ပေးပါသည်။ မိတ္တူမဲစာရွက်ပြားများသည် မြန်မာဘာသာဖြင့် ပြန်ဆိုထားသော တရားဝင်မဲစာရွက်ပြားနှင့် တစ်ထောင့်တည်း တူသော မိတ္တူများ ဖြစ်ပါသည်။

သင်မဲပေးရန် သတ်မှတ်ချက်နှင့်ပြည့်မီသော ပြိုင်ပွဲများပါရှိသည့် မဲစာရွက်ပြားမိတ္တူတစ်စောင်ကို ကြည့်ရန် sfelections.gov/myvotinglocation သို့ သွားပါ။

မဲစာရွက်ပြားမိတ္တူတစ်စောင်ကို စာတိုက်မှရရှိရေးအတွက် sfelections.gov/language တွင် တောင်းဆိုပါ။ သို့မဟုတ် (415) 554-4375 ကို ဖုန်းဆက်ပါ။

မဲပေးသည့်နေရာအချို့တွင်၊ ဤဌာနသည် မြန်မာဘာသာဖြင့် မိတ္တူမဲစာရွက်ပြားများ ပေးပါသည်။ ဘာသာစကား အရင်းအမြစ် အမျိုးအစားများနှင့်အတူ ဆန်ဖရန်စစ္စကို မဲပေးသည့် နေရာအားလုံး၏ စာရင်းကို ကြည့်ဖို့ - sfelections.gov/voteatyourpollingplace ကို သွားပါ။

ရွေးကောက်ပွဲနေ့တွင် မဲရုံများ မနက် ၇ နာရီမှ ည ၈ နာရီအထိ ဖွင့်ပါသည်။

မဲပေးသူမည်သူမဆိုသည် (မဲပေးသူ၏ အလုပ်ရှင်၊ မဲပေးသူ၏ အလုပ်ရှင်၏ကိုယ်စားလှယ်၊ သို့မဟုတ် မဲပေးသူက အဖွဲ့ဝင်ဖြစ်သည့် သမဂ္ဂ၏ အရာရှိ သို့မဟုတ် ကိုယ်စားလှယ်မှလွဲ၍) လူနှစ်ဦးအထိကို ၎င်း၏မဲစာရွက်ပြားတွင် အမှတ်အသားပြုရာ၌ ကူညီရန် မဲပေးသူက တောင်းဆိုနိုင်ပါသည်။ မဲပေးသူသည် မဲရုံလုပ်ငန်းများထဲမှလည်း ထိုကဲ့သို့သောအကူအညီ တောင်းဆိုနိုင်ပါသည်။

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Table 1. State Language Assistance Statutes And Policies Expanding Coverage Of Federal Vra (§ 203)

State	Citation/Date of Enactment	Language Coverage & Benchmarks	Written Materials	Oral Assistance	Languages Coverage	Notes
California	California Elections Code §§ 12303, 14201 (1994)	Percentage (3%/20%), Based on Voting-Age Residents; Additional SoS Discretion	Sample Ballots	Bilingual Poll Workers or Hotline	Variable by County/ Precinct	Section 14201 interpreted by state court to mandate federal VRA language minorities, but Secretary of State can exercise discretion to expand language coverage
Colorado	Colorado Revised Statutes § 1-5-905 (2021)	Percentage (2.5%) Numerical (2,000), Based on Voting-Age Citizens (CVAP)	Sample Ballots/Ballots on Request	Hotline	Variable by County	
Connecticut	Connecticut General Statutes §§ 9-368l et seq. (2023)	Percentage (2%) Numerical (4,000), Based on Voting-Age Citizens (CVAP)	Ballots and Voter Materials	Interpreters	Variable by Municipality	State VRA
Maine	Maine Revised Statutes, Title 21-A, Ch. 9, § 603 (1997)	Statute-Designated Language	Sample Ballot Instructions	N/A	French	
Michigan	Secretary of State Policy – Language Access Task Force (2020)	SoS Discretion	Website Informational	Hotline	Refer to SoS Website	Via Department of State’s Language Access Task Force;
Minnesota	Minnesota Statutes § 204B.295 (2023)	Percentage (3%/20%), Based on Total LEP Population	Sample Ballots/ Instructions	Interpreters	Variable by Designated District	Secretary of State Discretion + Statutory Mandates
New Jersey	N.J. Revised Statutes § 19:23-22.4 (1965/1974)	Spanish-Language Percentage (10%), Based on Number of Registered Voters	Sample Ballots	N/A	Spanish	Predates Section 203 Enactment
New York	New York Election Law § 17–208 (2021)	Percentage (2%) Numerical (4,000), Based on Federal Language Minority Definition	Ballots and Voter Materials	Interpreters	Variable by County	State VRA
Oregon	Oregon Revised Statutes § 251.167 (2021)	Rankings (Top 5 for State and Each County), Based on Resident Population	Ballots and Voter Materials	Interpreters	Top 5 for State and Counties as Determined by Secretary of State	

Table 2. Selected City/ County Language Assistance Statutes And Policies Expanding Coverage Of Federal Vra (§ 203)

City/County	Source	Benchmarks	Written Materials	Oral Assistance	Languages Coverage	Notes (including Section 203 Coverage as of 2021)
Chicago, IL	Board of Elections Policy	Board-Designated Languages	Ballots/Voter Materials	Interpreters (Spanish, Chinese, Hindi, Korean, Tagalog, Polish)	Variable by Medium (Electronic – 12 Languages; Paper by Mail – 7 Languages)	Section 203 Coverage for Spanish, Asian Indian, and Chinese
Cook County, IL	Voting Opportunity and Translation Equity (VOTE) Ordinance, Ordinance No. 19-5620	Ordinance-Designated Languages, with 3-year Updating	Ballots/Voter Materials	Interpreters	Arabic, Chinese, Gujarati, Hindi, Korean, Polish, Russian, Spanish, Tagalog, Ukrainian, Urdu	Section 203 Coverage for Spanish, Asian Indian, and Chinese
Dearborn, MI	Local Resolution	Percentage (5%) or Numerical (10,000), Based on Resident Population	Ballots/Voter Materials	Interpreters	Arabic	No Section 203 Coverage
DeKalb County, GA	Voting Opportunity and Translation Equity (VOTE) Resolution	Resolution-Designated Languages	Ballots	Interpreters	Amharic, Bengali, Chinese, French, Spanish, Vietnamese, Yoruba	No Section 203 Coverage
District of Columbia	DC Law 15-167 (Language Access Act of 2004)	Lesser of Either Percentage (3%) or Numerical (500), Based on Resident Population Served	Voter Materials	Interpreters	Amharic, Chinese, French, Korean, Spanish, Vietnamese	No Section 203 Coverage; Language Access Act of 2004 Covers Multiple DC Agencies, including DC Board of Elections
Hamtramck, MI	Local Resolution	Percentage (5%) or Numerical (10,000), Based on Resident Population	Ballots/Voter Materials	Interpreters	Arabic	Section 203 Coverage for Bangladeshi
Miami-Dade County, FL	Miami-Dade Ordinance § 12-16 (Ord. No 99-160)	Ordinance-Designated Language	Ballots	Interpreters	Haitian Creole	Section 203 Coverage for Spanish
New York, NY	NYC Charter sec. 76	Mathematical Needs-Based Formula (Factors include Number of LEP Speakers, Polling Locations, Voter Turnout)	Voter Materials	Interpreters	Arabic, Bengali, Chinese (Cantonese, Mandarin), French, Haitian Creole, Italian, Korean, Polish, Russian, Urdu, Yiddish	Coverage Outside of Section 203; varies by Borough/County (Spanish, Chinese, Asian Indian, Korean); implemented by NYC Civic Engagement Commission
San Diego County, CA	County of San Diego Board Policy A-139: Language Access (2020)	Numerical Trigger (5,000 County Residents Who Speak Non-English Language)	Facsimile Ballots		Farsi, Somali	General language access policy requiring translation of “vital” documents by county agencies

Because of the many variations and nuances in state and local language access policies, a breakdown of laws does not lend itself to easy summary or to reduction within a single table. But, to make an analysis of state and local laws more manageable, here is a basic breakdown of language assistance laws and policies across the country:⁴⁸

1. *Laws and Policies Complying or Consistent with the Federal Voting Rights Act*
2. *Laws and Policies Expanding Federal Standards Using Remedial Models (Section 203)*
3. *Laws and Policies Expanding Federal Standards Using Participatory Models of Language Access*⁴⁹

Laws that require state and local government to comply with the federal Voting Rights Act are important, but they do not add any requirements to what is already mandated by federal statute or regulation. Compliance models may also contain aspirational elements that may, in theory, expand forms of language assistance or broaden language-group eligibility but do not impose formal requirements on state or local government.

Laws that do expand the federal VRA standards by imposing new requirements on state or local government can be divided into two broad categories: (1) laws that rely on the basic Section 203 model but change the mathematical eligibility for LEP voters in some way or (2) laws that expand coverage and seek to broaden political participation by LEP voters. Some laws at the state level augment language access by employing alternative definitions of language-minority groups, which may include metrics such as a ranking the top languages or by specifying different groups based on demographics and language needs. Other laws expand assistance for LEP voters by simply lowering benchmarks; however, they can remain tied to remedying discrimination and may start with the federal definition of language-minority groups, which can limit the universe of protected groups to the four major categories in the federal VRA.

Other laws, particularly those at the municipal level, are more attuned to local demographics and advocacy and have created systems of eligibility that extend coverage by creating mechanisms for election officials to assess needs. These can include developing rankings and prioritizing the largest LEP groups (e.g., top five languages) or creating systems of periodic review to measure needs and add new languages.

The local models are often couched in non-remedial language and focus more on participation and the incorporation of immigrant and indigenous populations into local politics and representation.

1. State Laws Complying or Consistent with Federal Law

At a basic level, state laws that guarantee language assistance do so because states and localities are bound by federal law and have no choice but to comply with laws such as Section 203 or Section 208 of the VRA. State compliance measures are, nevertheless, useful because they create an additional level of reinforcement of the federal mandates and can provide more specific guidance for localities on how to comply.

a. Section 203 Compliance

Some state laws provide specific reference to compliance in the development of particular election materials. For example, although the state is not currently covered under Section 203, Louisiana law provides for compliance with Section 203 in voter registration materials:

*If an applicant for registration or registered voter is a member of a language minority group, as determined under the federal Voting Rights Act that entitles the applicant to registration notices, forms, instructions, materials, information, or other assistance in the language applicable to his language minority group, the registrar or any person authorized to accept voter registration applications shall supply such materials, information, and assistance in conformity with the federal Voting Rights Act.*⁵⁰

Florida, which is covered under section 203 for Spanish statewide and in 15 counties, and for Seminole in one county, offers compliance specifically for ballot initiative materials. “Upon the request of a supervisor of elections . . . the Department of State shall provide a written translation of a statewide ballot issue in the language of any language minority group specified in the provisions of s. 203 of the Voting Rights Act of 1965, as amended, as applicable to this state.”⁵¹

The state of Rhode Island offers even broader language to comply with Section 203. Rhode Island has Spanish-language coverage for three of its cities under the 2021 Section 203 determinations: Central Falls, Pawtucket, and Providence. To ensure compliance in broad terms, the state enacted legislation in 2001 that mirrors the triggering formula

language in the federal VRA and also includes a specific section addressing bilingual poll workers: The law requires that each election board “shall provide at each polling place at least one (1) individual who is fluent in the language for each language for which such ballots were sought. Such person or persons shall be available to assist voters in casting their ballots upon request by the individual or at the direction of the warden during all hours of poll operations.”⁵²

Rhode Island law also imposes compliance requirements for notices, forms, and other materials and information related to the election process – at the state, city, and town levels. The law states in part: “Whenever a city or town subject to the provisions of [Section 203 of the federal Voting Rights Act] provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language.”⁵³ The law goes on to require that when a state provides comparable materials to cities or towns, it must also do so in the language of the minority group.

Of course, state legislation does not always guarantee local compliance with Section 203. In 2024, the U.S. Department of Justice sued the City of Pawtucket, Rhode Island, for failing to comply with Section 203 and the Help America Vote Act.⁵⁴ A consent decree settling the litigation indicated that the city had failed sufficiently to recruit Spanish-language poll workers to work at polling places on Election Day or during early voting periods. The city also was alleged to have failed to provide adequate election materials translated into Spanish, including but not limited to ballots and other Election Day materials, postcard and newspaper-posted notices, and election information in the Board of Canvassers’ and City of Pawtucket’s websites. Consequently, the consent decree imposes, among other things, precinct-level requirements for bilingual poll workers, trainings for election officers and poll workers, requirements for certified translators, community outreach mandates, and the availability of translated materials during early voting.

b. Section 208 Consistency and Compliance

Individual assistor legislation that complies with or is consistent with Section 208 of the Voting Rights Act is common at the state level.⁵⁵ State statutes typically mirror the language of Section 208, though they may add additional protected categories or extend the range of assistors to include specific categories of assistors, including election officials. For example, Maine’s voter assistance law includes inability to mark a ballot because of “religious faith” as an additional basis for assistance. Missouri’s assistor law,

on the other hand, offers the same protected categories as Section 208 but adds election officials to the assistor category. If the voter chooses election-judge assistance, then “two judges of different political parties shall go to the voting booth and cast his vote as he directs”; otherwise, “the assistant shall go to the voting booth with the voter and cast his vote as he directs.” ⁵⁶

Unfortunately, a recent trend in state law has been the modification of state assistance laws that limit either the eligibility of assistors, the scope of the assistance, or both.⁵⁷ For example, as discussed above, Texas’s Senate Bill 1 (S.B. 1) from 2021 contained several provisions that suppressed voting and abridged the voting rights of voters of color. Specific to language-minority voters, S.B. 1 established citizenship checks that could have adverse effects on voters who are naturalized citizens and created severe limitations on assisted voting guaranteed under Section 208 of the VRA. These restrictions included requiring assistors to take an extended oath (including promising not to answer a voter’s questions) and to limit assistance “to reading the ballot to the voter, directing the voter to read the ballot, marking the voter’s ballot, or directing the voter to mark the ballot.”⁵⁸ The provisions in violation of Section 208 were eventually negated by federal court injunction, but they reflect a political environment in which there are vastly different approaches, including hostile ones, to language assistance.

Sample: Haitian Creole ballot for Orange County, Florida

ECHANTIYON BILTEN VÒT KONPILASYON • ECHANTIYON BILTEN VÒT KONPILASYON

ECHANTIYON BILTEN VÒT KONPILASYON

Echantiyon Biltèn Vòt Konpilasyon 20 Out 2024 Pati Repibliken Konte Orange, Florida			Echantiyon biltèn vòt konpilasyon sa a montre TOUT konkou nan eleksyon sa a elektè ki anrejistre nan Pati Repibliken an ka vote. Biltèn vòt aktyèl la ap genyen sèlman konkou ki konsène biwo vòt yo. Dokiman sa a se pou referans sèlman!		
Enstriksyon: <ul style="list-style-type: none"> Pou vote, ranpli pati oval (●) ki akote chwa w la nèt. Si w fè yon erè, mande yon lòt biltèn vòt. Pa pase trè osinon vòt ou ka pa konte. Pou vote pou yon kandida, ranpli pati oval la epi ekri non an byen klè ak lèt detache sou liy vid yo prevwa pou kandida ki enskri a. 					
Biwo Federal Patizan			Biwo Eta Patizan		Biwo Jidisyè San Pati
Senatè Etazini (Vote pou 1 sèl moun)			Reprezantan Eta a Distri 35 (Vote pou 1 sèl moun)		Jij Sikonskripsyon, 9yèm Chanm Jidisyè Gwoup 5 (Vote pou 1 sèl moun)
<input type="radio"/> John S. Columbus	REP		<input type="radio"/> Erika Booth	REP	<input type="radio"/> Joy Goodyear
<input type="radio"/> Keith Gross	REP		<input type="radio"/> Laura Gomez McAdams	REP	<input type="radio"/> LaShawnda K. Jackson
<input type="radio"/> Rick Scott	REP				
Reprezantan Nan Kongrè Ameriken An Distri 8 (Vote pou 1 sèl moun)			Reprezantan Eta a Distri 41 Konkou Primè Inivèsèl (Vote pou 1 sèl moun)		Jij Sikonskripsyon, 9yèm Chanm Jidisyè Gwoup 15 (Vote pou 1 sèl moun)
<input type="radio"/> Joe Babits	REP		<input type="radio"/> Bruce Antone	DEM	<input type="radio"/> Jeffrey Ashton
<input type="radio"/> Mike Haridopolos	REP		<input type="radio"/> Jane't Buford Johnson	DEM	<input type="radio"/> Chris Mack
<input type="radio"/> John Hearton	REP				<input type="radio"/> Alicia L. Peyton
Reprezantan Nan Kongrè Ameriken An Distri 9			Reprezantan Eta a Distri 44		Jij Sikonskripsyon, 9yèm Chanm Jidisyè Gwoup 37

ECHANTIYON BILTEN VÒT KONPILASYON

C. Expanding Language Access – Remedial vs. Participatory Policies

Laws and policies that expand on Section 203 of the federal VRA can be placed into two broad categories: First, there are laws that tend to replicate Section 203 by relying on past discrimination as a predicate for the laws and using parallel language, such as the “language minority” definition and numerical or percentage-based benchmarks. Any expansion typically occurs through lowered percentages or numerical benchmarks. Second, there are laws that develop broader predicates, such as providing access to all LEP voters, regardless of histories of discrimination, and that move away from federal definitions under the VRA. Under the second category, there can be various ways of identifying needs and balancing coverage against the costs of oral assistance and translations, such as rankings or setting floors for coverage for any LEP group.

1. Expansions Through Relaxed Section 203 Standards

An example of a statute that closely tracks the Section 203 model is the John R. Lewis Voting Rights Act of New York (NYVRA),⁵⁹ enacted in 2021 and which, by design, is a state-level VRA that focuses on fixing serious weaknesses in the current federal statute and overcoming court interpretations of that law. For instance, New York’s law attempts to create a state version of the federal preclearance system that had required covered jurisdictions to obtain federal approval before implementing changes in their electoral systems and processes. The federal preclearance system was gutted by the U.S. Supreme Court’s ruling in *Shelby County v. Holder*⁶⁰ in 2013, and corrective legislation has failed to pass in Congress. The close parallels between the NYVRA and the federal law are deliberate because the state law is intended to fill the gaps in federal law.

The NYVRA’s language assistance provisions therefore closely track the federal VRA. Among its definition of terms, the NYVRA states: “‘Language minorities’ or ‘language-minority group’ means persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage.”⁶¹ This definition applies to the NYVRA’s version of Section 2 of the federal VRA, which enables language-minority plaintiffs to initiate litigation to challenge discriminatory laws and policies.

The language minority definition also applies to the NYVRA’s language assistance sections, which apply to political subdivisions in New York state and significantly lower the benchmarks from those in Section 203. Section 17-208 of the NYVRA omits the federal law’s illiteracy requirement and

applies coverage to political subdivisions in the following situations:

- a. more than two percent, but in no instance fewer than three hundred individuals, of the citizens of voting age of a political subdivision are members of a single language-minority group and are limited English proficient.
- b. more than four thousand of the citizens of voting age of such political subdivision are members of a single language-minority group and are limited English proficient.
- c. in the case of a political subdivision that contains all or any part of a Native American reservation, more than two percent of the Native American citizens of voting age within the Native American reservation are members of a single language-minority group and are limited English proficient. For the purposes of this paragraph, “Native American” is defined to include any persons recognized by the United States census bureau or New York as “American Indian” or “Alaska Native”⁶²

The NYVRA language assistance provisions also specify the standards and types of assistance, requiring that election boards provide translated voting materials “of an equal quality” of the corresponding English language materials. The law further requires registration or voting notices, forms, instructions, assistance, or other materials, including ballots, to be provided in the language of the applicable language-minority group as well as in the English language. In addition, the NYVRA makes clear that private plaintiffs, including voters and organizations, as well as the attorney general, have standing to sue to enforce the language assistance provisions.

The NYVRA thus extends the coverage of Section 203-type assistance to include a much larger range of cities and towns in New York state. However, it does not expand the range of actual language groups, since it relies on the same major language group categories as the federal VRA. And it is not unique. Even California’s otherwise expansive language access law – Section 14201 – is limited by the federal VRA’s narrow definition of language minority. In 2019, the California Court of Appeals agreed with then Secretary of State Alex Padilla’s interpretation of the state law as requiring mandatory coverage only for language minorities as defined by the federal VRA. However, Secretary Padilla did increase the list of languages covered under Section 14201 beyond the four corners of the federal law based on his discretionary powers under the law to include languages such as Arabic, Armenian, Farsi, and Russian.

Secretary Padilla also interpreted Section 14201 more narrowly by importing the 5 percent federal percentage benchmark into his interpretations of language minority groups, instead of the 3 percent listed in the statute. Litigation challenging this interpretation restored the lower benchmark.⁶³ While the California Court of Appeals upheld the secretary of state's distinctions between mandatory coverage (the four groups in the federal VRA) versus coverage based on his discretionary coverage (other language groups with roots in Europe or the Middle East), it struck down the secretary of state's use of the federal 5 percent benchmark as inconsistent with the language of the statute.⁶⁴

Relying on federal definitions and frameworks carries obvious limitations. The justifications may rest on stronger policy grounds because they are based on congressional findings of past discrimination, but they cabin the languages that can be covered at the state and local level. And without congressional amendments to the VRA that expand the definition of language minority groups, which might not occur until the next reauthorization (expected around 2031), the limitations could be longstanding as well.

2. Expansions Through Participatory Models of Language Assistance

It is participatory interests, rather than remedial interests, that set many recently enacted state and local laws apart from the federal VRA and other laws that rely on the core VRA framework. There is a wide variation in laws, as well as the benchmarks and languages that are covered – not just because of local demographics but also because public officials often have different preferences regarding how voting rights must be balanced against budgetary and implementation concerns. In other words, even if state and local leaders strongly support language assistance in theory, in practice they must always weigh the benefits of coverage against the costs of providing interpreters and translations.⁶⁵ And even the most progressive of policies set a floor of some kind, whether a minimum of 100, 200, or 300 speakers.

State Examples: Connecticut and Oregon

Contrast, for example, the language assistance provisions of the Connecticut Voting Rights Act (CTVRA), which was signed into law in 2023, with the New York state VRA, which was enacted two years earlier. The CTVRA includes requirements for municipalities in the state to provide language assistance in elections if the Connecticut secretary of state determines that “a significant and substantial need” exists based



State Voting Rights Acts

In recent years, a number of states have enacted their own voting rights laws to supplement the federal Voting Rights Act. These states include California (2002), Connecticut (2023), Minnesota (2024), New York (2022), Oregon (2019), Virginia (2021), and Washington (2018). Additionally, a few other states are moving close to enacting similar laws.

Many recently enacted state VRAs are expansive in their scope of coverage, incorporating protections which mirror ones in the federal VRA that have been rolled back or called into question by the federal courts. For example, many state VRAs include systems that require lower levels of government to seek preclearance from the state to prevent potentially discriminatory changes to electoral systems from taking effect – a state version of the preclearance system that was nullified by the U.S. Supreme Court’s ruling in *Shelby County v. Holder*, 570 U.S. 529 (2013).

State VRAs also offer state lawmakers an opportunity to expand or build on the language assistance provisions in the federal VRA. Typically, these provisions draw on the definitions and triggering mechanisms of the federal VRA to offer coverage for language-minority groups. Lowering the numerical and percentage-based triggers is typical, but how much lower is an important policy question that leads to significant variation. And the text of at least one law, the New York VRA, relies on the core definition of “language minority” found in the federal VRA, which limits the scope of the languages protected under state law.

on federal census data or data of comparable quality.⁶⁶ At minimum, a significant need exists if:

1. more than 2 percent of the municipality's voting-age citizens speak a particular shared language and are limited-English-proficient individuals,
2. more than 4,000 of the municipality's voting-age citizens speak a particular shared language and are limited-English-proficient individuals, or
3. for a municipality with part of a Native American reservation, more than 2 percent of the reservation's Native American voting-age citizens speak a particular shared language and are limited-English-proficient individuals.

The CTVRA thus reduces the comparable benchmarks in the federal law from 5 percent to 2 percent in the percentage-based test, from 10,000 to 4,000 in the numerical test, and from 5 percent to 2 percent in the American Indian/Alaskan Native test. The secretary of state is also empowered to include additional languages and municipalities based on determinations of need. And, unlike the NYVRA, the CTVRA does not employ the fixed "language minority" definitions drawn from the federal VRA.

Also unusual among many state laws, the CTVRA mandates assistance comparable to the high levels of assistance required under Section 203. Covered municipalities must provide "competent assistance in each designated language and shall provide related materials (1) in English, and (2) in each designated language, including registration or voting notices, forms, instructions, assistance, ballots or other materials or information relating to the electoral process."⁶⁷ In addition to voter registration forms and ballots, the municipality must provide translations for all election-related forms, notices, instructions, posters, and other materials.

An alternative approach can be found in Oregon's state language assistance laws, which employ a ranking system rather than a fixed percentage or numerical benchmark. Oregon is not currently covered as a state or at the county level for any language-minority group under Section 203 of the VRA. But, in recent years, the state legislature has developed language assistance options and ultimately created vehicles for increasing language access at both the state and county levels.

In 2021, the Oregon legislature enacted H.B. 3021, which, rather than employ a strict mathematical threshold, employs multiple triggers and mandates, including requiring the Oregon secretary of state to determine

the top five languages other than English spoken at the state level, as well as the top five languages other than English spoken in each county. In addition, the secretary of state is required to make determinations of the number of speakers in each language at the county level – and to look at groups with numbers as low as 100 or more speakers. Based on multiple data points and determinations of need, voter information pamphlets are to be translated into the appropriate languages and distributed to the electorate. H.B. 3021 also established a Translation Advisory Council to advise the secretary of state, assess language needs, and develop potential revisions to state law and policies.⁶⁸

As of 2024, data compilations showed that Oregon’s five most common languages other than English were Spanish (128,303 speakers), Vietnamese (16,292), Chinese (15,816), Russian (8,559), and Korean (4,903).⁶⁹ The number of translated languages for voter pamphlets is considerably larger, however, because of the different determination formulas and separate county-level rankings. The state list includes 13 languages: Arabic, Simplified Chinese, French, German, Japanese, Korean, Marshallese, Russian, Spanish, Tagalog, Thai, Ukrainian, and Vietnamese.

It is at the county level that less well-known languages can emerge and add to the statewide list. For example, in Oregon’s most populous county, Multnomah County, the top languages are Chinese, Korean, Russian, Spanish, Ukrainian, and Vietnamese. But in smaller counties such as Marion County and Polk County, there are also significant numbers of speakers of Marshallese (also known as Ebon), a language whose roots are in the Marshall Islands in the South Pacific.

Local Examples: Cook County and New York City

Many local governments have also opted to include larger numbers of groups within their language assistance programs because they seek to increase electoral participation by all eligible voters and to remove barriers to access. The policy statements and legislative histories of many state and local statutes make this clear. For instance, the Cook County, Illinois, Voting Opportunity and Translation Equity (VOTE) ordinance from 2019 contains a preamble that offers several legislative findings, including ones discussing the limitations of the federal VRA, the extent of needs within the county, and the gaps in coverage for LEP voters. Also in the preamble are democratic tenets and brief restatements of research findings that support greater participation by LEP voters in general, not simply language minorities as defined by the VRA:

- “Cook County is committed to the values of equity, engagement, and excellence”
- “the following ordinance seeks to build upon the language access already afforded under the Voting Rights Act”
- “research suggests that civic engagement is a significant predictor of economic opportunity across states”
- “research shows that targeted minority language voting materials and related outreach can improve voter turnout”
- “the right to vote is a fundamental principle of our democracy”

The Cook County VOTE ordinance goes on to create mechanisms that implement an array of language mandates beyond Section 203 coverage, which was limited at the time of the ordinance’s enactment to Spanish, Chinese, and Hindi. Initially, the ordinance added two Asian languages, Korean and Tagalog, within a year. Subsequently, three-year periodic reviews of the demographic data were scheduled to occur, with a benchmark of 10,000 limited-English-proficient *residents* – not voting-eligible LEPs – used as the trigger for language coverage. Using these eligibility standards, Cook County, as predicted in the original ordinance, added eight languages to the three required under section 203: Polish, Arabic, Russian, Ukrainian, Tagalog, Korean, Gujarati, and Urdu. (See Appendix for selected provisions of this ordinance.)

A similar focus on participation and civic engagement can be found in New York City’s network of boards, commissions, and advisory committees that influence language assistance in voting. The NYC Civic Engagement Commission (CEC), which was created in 2018 via city charter amendment, has a broad mission to enhance civic engagement, not only in voting but in other key areas such as city budgeting and developing initiatives through community boards.⁷⁰ The Commission’s language access plan is a central vehicle for providing language assistance, and its goals are plainly stated: “Language access is an integral part of civic inclusion in New York City where 49 percent of New Yorkers speak a language other than English at home and 23 percent are limited English proficient. The CEC’s goal is to promote and facilitate civic participation for limited English proficient speakers and bridge communication barriers to engage in civic opportunities more equitably.”

With a focus on language assistance not required under Section 203 and implemented by the New York City Board of Elections, the Civic Engagement Commission’s language plan relies on a complex set of data analyses that combine both federal census data and multiple local datasets, including precinct and poll site demographic data. Under the

most recent analyses developed under the CEC, the following languages are included for language assistance at the polls: Arabic, Bengali, Chinese, French, Haitian Creole, Italian, Korean, Polish, Russian, Urdu, and Yiddish.

Under the CEC Language Plan, services are provided through its Poll Site Language Assistance Program that extends across multiple boroughs. Services are not necessarily uniform across languages, however, and can vary based on relative size of the language group, local data analyses, and overall budgeting. Because of the size and scope of the NYC Program, as well as its recency, the long-term success of the program is still to be determined. It is clear, however, that the underlying civic engagement goals and the scope of coverage are ambitious and quite different from some of the purely remedial goals of the federal VRA.

Cook County and New York City are, of course, two of the largest urban areas in the United States and represent only one end of the spectrum. In smaller areas with lower LEP populations, it may be only one or two languages that are at issue, and local governments may be receptive to more limited language assistance, depending on community advocacy and the political influence of key populations. Examples include the cities of Dearborn and Hamtramck in Michigan, which each recently added language assistance in Arabic; Miami-Dade County in Florida, which has offered election materials in Haitian Creole since the early 2000s; and the State of Maine, which has produced sample ballots in French for decades. Patterns of interstate migration and immigration to the U.S. will no doubt continue to create new population centers where Section 203 coverage may be unavailable under law or be too far in the future. State and local policies will continue to fill in the gaps.



Arab Americans and Language Access Laws

Longstanding problems of language access and discrimination against Arab Americans have generated advocacy to add Arabic-speaking populations to the list of language minorities included in the VRA. However, despite calls to amend the language minority categories during the VRA's most recent reauthorization in 2006, opponents of expansion have argued that language barriers and anti-Arab discrimination have not been well-documented or sufficiently widespread. Arab Americans remain excluded from coverage under section 203.

Recent changes to how the federal government collects data on race and ethnicity could raise the prospects for adding Arab Americans to the VRA. Under the 2024 revised Federal Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity, also known as Directive 15, there will be a separate category – “Middle Eastern or North African” (MENA) – that includes Arabic-speaking groups such as Egyptians and Jordanians, as well non-Arabic groups such as Iranians and Israelis. The MENA category should yield more precise data on Arab Americans, who have previously been categorized as “white” in federal data collection; the data are also expected to improve the documentation of language access problems, as well as service needs and discrimination facing Arab Americans.

Arab Americans and Language Access Laws (Continued)

State and local governments have, however, created new opportunities for language access. In Michigan, for example, the Secretary of State's office has offered voter registration and other basic informational materials for major language groups in the state, including Arabic speakers. And in the Detroit metropolitan area, which has the highest concentration of Arab Americans in the U.S., multiple cities have created local requirements to add Arabic-language assistance.

In 2022, the city councils of Dearborn and Hamtramck each enacted resolutions that employ standards comparable to the federal VRA thresholds and require language assistance, including translated ballots and interpreters, whenever a local language group meets a threshold of either 5% of the city population or 10,000 persons. The local standards are broader than the VRA because they rely on resident population rather than a subset of eligible individuals based on citizenship, age, and LEP status. The mandates are also not limited to Arabic speakers, but the Arab American populations in Dearborn and Hamtramck each exceed the thresholds.

Both Dearborn and Hamtramck have histories of providing some degree of language assistance: Dearborn previously offered informational materials and sample ballots in Arabic while Hamtramck has been covered under section 203 for Asian Indian groups and was the subject of prior litigation under section 2 of the VRA that expanded language outreach to include Arab Americans. The combination of local coalitions advocating for Arabic assistance and council members dedicated to expanding access (some of whom are themselves Arab Americans) led to the policy changes to develop full Arabic ballot translations and interpreter services.

Sample: Dearborn's Arabic ballot

City of Dearborn, Precinct 1

الناخب: الرجاء عدم ازالة الملحق
إذا كان الملحق مقطوع، يرجى إعادة ورقة الاقتراع

الاقتراع الرسمي
الانتخابات التمهيدية
يوم الثلاثاء الموافق 6 أغسطس 2024
مقاطعة وين، ميشيغان
City of Dearborn, Precinct 1

القسم الحزبي - اقتراع لحزب واحد فقط		قسم غير الحزبيين
للحزب الديمقراطي مجلس النواب عضو مجلس الشيوخ الأمريكي اقتراع 1 مرشحين فقط	الحزب الجمهوري مجلس النواب عضو مجلس الشيوخ الأمريكي اقتراع 1 مرشحين فقط	القضاء قاضى محكمة الدائرة الدائرة 3 منصب غير شاغر اقتراع 1 مرشحين فقط
Elissa Slotkin	Sherry O'Donnell	Adrienne G. Scruggs
Hill Harper	Sandy Pensler	Nicole Leighanne Castka
	Mike Rogers	John Larkin
	Justin Amash	
عضو في الكونجرس المقاطعة 12 اقتراع 1 مرشحين فقط	عضو في الكونجرس المقاطعة 12 اقتراع 1 مرشحين فقط	قسم القوانين المقترحة
Rashida Tlaib		المقاطعة
		المقترح ب
التشريعي	James D. Hooper	تجديد قانون الضرائب العقارية التشغيلية المفروضة على المنتزهات
ممثل في المجلس التشريعي للولاية الدائرة 3 اقتراع 1 مرشحين فقط	Linda Sawyer	يهدف تجديد قانون الضرائب العقارية التشغيلية الصادر في عام 2020، هل يجب على مقاطعتي وين (Wayne) فرض هذا القانون وفقاً لمعدل التراجع المطبق في عام 2023 والبالغ 0.2442 مل (أي حوالي 0.24 دولار أمريكي لكل 1,000 دولار أمريكي من القيمة الخاضعة للضريبة) لمدة خمس سنوات (من 2023 وحتى 2030)، وذلك لمواصلة تحسين وتوسيع عدة ميزات هات ومرافق ذات صلة بما في ذلك منتزه هاينز (Park Hines)، ومنتزه إليزابيث (Elizabeth Park)، ومركز الأسرة للألعاب المائية بمقاطعة وين الموجود في منتزه تشاندلر (Park Chandler)، إلى جانب إجراء تحسينات على الممتلكات البلدية في 43 مجتمعاً محلياً كما هو منصوص عليه في أحد البرامج التنفيذية، وذلك من خلال تخصيص اللجنة التابعة للمجلس مبلغاً سنوياً بقيمة أكبر من 50,000 دولار أمريكي أو 1.5% من إجمالي الأموال المتأتية من ذلك الجي، ونؤكد أنه بالنسبة لأي سنة تُفرض فيها هذه الضريبة الممتدة، يجب على مقاطعة وين تحديد ميزانية تعادل خصصات السنة المالية 1996-1995 المتعلقة بالمنتزهات من مصادر أخرى؟ بالاستناد إلى إجمالي القيمة التجارية الخاضعة للضريبة لعام 2026 البالغة 59,252,807,563 دولار أمريكي، فمن المتوقع أن يجلب هذا التجديد 14,469,536 دولار أمريكي في عام 2026.
Ziad Abdulmalik	ممثل في المجلس التشريعي للولاية الدائرة 3 اقتراع 1 مرشحين فقط	نعم
Alabas Farhat	التشريعي	لا
Gus Tarraf	المقاطعة	
	المقترح ب	
المقابلة	المقابلة	
المدعي العام اقتراع 1 مرشحين فقط	المدعي العام اقتراع 1 مرشحين فقط	
Kym L. Worthy		
المأمور	المأمور	
اقتراع 1 مرشحين فقط	اقتراع 1 مرشحين فقط	
Raphael Washington	T.P. Nytoriak	

IV. Best Practices

Given the wide variety of demographics, language groups, policy preferences, and budget constraints across the country, developing “model legislation” in the context of language assistance policies is challenging. Section 203 of the federal VRA is unlikely to be significantly amended anytime soon by Congress, so states and localities will be the ones grappling with many of the challenges of emerging populations and increasing language needs. But there is no one-size-fits-all solution to the different problems faced by cities and states. (See Appendix A and B for two examples of state and local legislation.)

Still, there are lessons to be learned from existing legislation and policies, as well as from U.S. Department of Justice enforcement and private litigation that seeks to ensure compliance with Section 203 of the federal Voting Rights Act. Below are several recommendations based on sound practices drawn from federal, state, and local laws, as well as from ongoing omissions and shortcomings that have arisen at all levels of government:

Codify Policies. Most language assistance policies at the state and local level are codified as statutes or ordinances, but some are merely reflected in grants of discretionary power to elections officials or in nonbinding resolutions. While secretaries of state and county officials are entrusted with great responsibilities to administer free and fair elections and foster user-friendly processes for voters, the priorities placed on language assistance can vary significantly across officials and across times, particularly with elected officials. To ensure the long-term viability and enforceability of language assistance provisions, such policies should be codified and amendable through a clear legislative process.

Provide Mechanisms to Revisit Core Eligibility. A significant weakness in the federal VRA is the static nature of the “language minority” definition, which has remained largely unchanged since 1975. Congress can periodically amend the VRA, but it has rarely made major changes in the definitions and basic standards for eligibility. Building in mechanisms for revisiting core eligibility is critical as populations change over time, particularly when focusing on the large number of potential LEP groups that can be covered.

Tailor Benchmarks to the Demographics of Each Jurisdiction. The language access provisions of the VRA should be considered a floor, not a ceiling. Each state and local government should determine, based on the needs of its population and related populations such as residents of Native American reservations, whether to expand the language group definitions beyond federal law. Such expansion could provide language assistance to a broader number of groups, including those from various African, European, Latin American, and Pacific Islander groups with growing populations in the U.S., who are left with inadequate access to the ballot.

How to set the specific benchmarks for coverage is among the most challenging question to address, but it is clear that many state and local governments have strong commitments to provide full oral and written services to voters and are willing to deploy lower triggers even when those triggers might result in higher costs. It is also clear that the thresholds in the federal VRA continue to leave thousands of LEP voters without any mandatory language assistance. Population percentages as low as 2 percent and numerical benchmarks as low as 100 in smaller areas have been appearing in many laws—and have been shown to be workable.

Create Clear Mechanisms and Responsibilities for Enforcement. Well-developed lines of authority are necessary for ensuring compliance. The importance of having sufficient staff, including poll workers and sufficiently trained interpreters, who are bilingual goes without saying. Equally as vital is having available both administrative and judicial mechanisms for enforcement, including governmental litigation (such as state attorney general or county-level enforcement) and private rights of action for non-governmental plaintiffs.

Ensure Sufficient Oral and Written Services. State and local laws are not immune from compliance problems, and officials should be provided with clear expectations regarding what services must be provided. Services should be tailored to the local populations, particularly when language communities have special circumstances, such as indigenous languages that require a strong focus on oral interpreters who must be well trained in the nuances of language needs and that require targeted outreach in the appropriate media. To ensure high-quality translations of written materials, jurisdictions should allocate sufficient time and resources and rely on competent and trusted sources who can conduct manual (non-automated) translations that can be checked by bilingual staff and community members.⁷¹

Some states provide only voter registration materials when the numbers of languages become larger. Others have also included sample ballots among the translated materials, but sample ballots can be inadequate substitutes when LEP voters must still cast an actual vote on an English-only ballot. Others focus on providing full services comparable to the requirements of Section 203 of the VRA, but inevitably the costs to local government will rise. There may be no ideal solution, but focusing on providing more services to the most vulnerable voters should be a high priority.

Provide Adequate Funding for Compliance. If states are committed to providing extensive language assistance in voting, they must allocate funds for local governments as well as community organizations and local tribes that may be able to assist with outreach and translations. Statutes should anticipate and articulate mechanisms sustaining funding for programs.

Foster Community Engagement and Transparency. A number of recently enacted laws, as well as many Section 203 settlements with the U.S. Department of Justice, contain clear mechanisms for engaging community members and local tribes in the provision of language assistance and providing transparency regarding local policies and practices. Requiring the creation of advisory committees that include members of language groups has been effective for monitoring compliance and improving overall services. Moreover, engaging covered-language speakers in the community (with sufficient funding and remuneration) is critical in ensuring that translations are accurate.

Conduct Data Analysis and Periodic Updating. Calculating group eligibility and having regular updates of eligibility (three years has become a common period) can ensure that language assistance services keep up with demographic changes. Having sufficient support for ongoing data analyses and record-keeping are also essential, as shifts in population may require amending or creating new policies. Data compilations of actual usage of translated materials (within particular election cycles and over time) can also be critical in assessing the effectiveness of language assistance services and identifying opportunities for improvement.

Conclusion

As immigrant and indigenous populations continue to grow, language assistance policies need to keep up with the changing character of many states, cities, and towns. The federal VRA has been an effective tool since the mid-1970s for providing language assistance, but it has clear definitional limits. And its long-term viability may be subject to partisan whims and currents as the time for congressional reauthorization approaches. State and local governments have taken up the slack in many parts of the United States, but there are still tens of thousands of LEP voters who go without any governmental assistance. Personal assistants, when voters are aware of those options, may be the only viable solution for many of them. But as numerous examples in this report illustrate, there are state and local policymakers who have been open to change and expansion, and with effective community-based advocacy – particularly advocacy that draws on LEP voters themselves – change has been possible. Absent robust updates to the VRA, additional state and local language assistance policies are critical to empower many more LEP voters across the country.

Sample: Miami-Dade's multilingual ballot

Official Sample Ballot - General Election

Boleta Oficial de Muestra - Elecciones Generales ★ Echantiyon Bilten Vòt Ofisyèl - Eleksyon Jeneral

PRESIDENT AND VICE PRESIDENT PREZIDANTE Y VICEPRESIDENTE PREZIDAN AK VIS PREZIDAN (Vote for 1) (Vote por 1) (Vote pou 1)	REPRESENTATIVE IN CONGRESS, DISTRICT 27 REPRESENTANTE ANTE EL CONGRESO, DISTRITO 27 REPREZANTAN NAN KONGRÈ, DISTRIK 27 (Vote for 1) (Vote por 1) (Vote pou 1)	STATE REPRESENTATIVE, DISTRICT 112 REPRESENTANTE ESTATAL, DISTRITO 112 REPREZANTAN ETA, DISTRIK 112 (Vote for 1) (Vote por 1) (Vote pou 1)	STATE REPRESENTATIVE, DISTRICT 119 REPRESENTANTE ESTATAL, DISTRITO 119 REPREZANTAN ETA, DISTRIK 119 (Vote for 1) (Vote por 1) (Vote pou 1)
<input type="radio"/> Donald J. Trump REP 10 <input type="radio"/> JD Vance DEM 11 <input type="radio"/> Kamala D. Harris DEM 11 <input type="radio"/> Tim Walz LPF 12 <input type="radio"/> Chase Oliver LPF 12 <input type="radio"/> Mike ter Maat PSL 13 <input type="radio"/> Claudia De la Cruz PSL 13 <input type="radio"/> Karina Garcia CPF 14 <input type="radio"/> Randall Terry CPF 14 <input type="radio"/> Stephen Broden ASP 15 <input type="radio"/> Peter Sonnski ASP 15 <input type="radio"/> Lauren Onak GRE 16 <input type="radio"/> Jill Stein GRE 16 <input type="radio"/> Rudolph Ware GRE 16	<input type="radio"/> Maria Elvira Salazar REP 34 <input type="radio"/> Lucia Báez-Geller DEM 35 REPRESENTATIVE IN CONGRESS, DISTRICT 28 REPRESENTANTE ANTE EL CONGRESO, DISTRITO 28 REPREZANTAN NAN KONGRÈ, DISTRIK 28 (Vote for 1) (Vote por 1) (Vote pou 1) <input type="radio"/> Carlos A. Gimenez REP 36 <input type="radio"/> Phil Ehr DEM 37 STATE SENATOR, DISTRICT 37 SENADOR ESTATAL, DISTRITO 37 SENATÈ ETA, DISTRIK 37 (Vote for 1) (Vote por 1) (Vote pou 1)	<input type="radio"/> Alex Rizo REP 50 <input type="radio"/> Jacqueline "Jackie" Gil-Abarzua DEM 51 STATE REPRESENTATIVE, DISTRICT 113 REPRESENTANTE ESTATAL, DISTRITO 113 REPREZANTAN ETA, DISTRIK 113 (Vote for 1) (Vote por 1) (Vote pou 1) <input type="radio"/> Vicki Lopez REP 52 <input type="radio"/> Jacqueline "Jackie" Gross-Kellogg DEM 53 STATE REPRESENTATIVE, DISTRICT 114 REPRESENTANTE ESTATAL, DISTRITO 114 REPREZANTAN ETA, DISTRIK 114 (Vote for 1) (Vote por 1) (Vote pou 1)	<input type="radio"/> Juan Carlos Porras REP 64 <input type="radio"/> Marcos Reyes DEM 65 STATE REPRESENTATIVE, DISTRICT 120 REPRESENTANTE ESTATAL, DISTRITO 120 REPREZANTAN ETA, DISTRIK 120 (Vote for 1) (Vote por 1) (Vote pou 1) <input type="radio"/> James "Jim" Vernon Mooney Jr. REP 66 <input type="radio"/> Michael Travis DEM 67 CLERK OF THE CIRCUIT COURT AND COMPTROLLER SECRETARIO DEL TRIBUNAL DEL CIRCUITO Y CONTRALOR

Official Sample Ballot - General Election

Boleta Oficial de Muestra - Elecciones Generales ★ Echantiyon Bilten Vòt Ofisyèl - Eleksyon Jeneral

ALL REGISTERED VOTERS • PARA TODOS LOS ELECTORES INSCRITOS • TOUT VOTÈ ENSKRI

NO. 3 CONSTITUTIONAL AMENDMENT ARTICLE X, SECTION 29 Adult Personal Use of Marijuana Allows adults 21 years or older to possess, purchase, or use marijuana products and marijuana accessories for non-medical personal consumption by smoking, ingestion, or otherwise; allows Medical Marijuana Treatment Centers, and other state licensed entities, to acquire, cultivate, process, manufacture, sell, and distribute such products and accessories. Applies to Florida law; does not change, or immunize violations of, federal law. Establishes possession limits for personal use. Allows consistent legislation. Defines terms. Provides effective date. The amendment's financial impact primarily comes	NÚM. 3 ENMIENDA CONSTITUCIONAL ARTÍCULO X, SECCIÓN 29 Consumo personal de marihuana por adultos Permite que los adultos de 21 años o más posean, compren o usen productos de marihuana y sus accesorios con fines de consumo personal no médico ya sea al fumarla, ingerirla o consumirla de otra forma; permite que los Centros de Tratamiento con Marihuana Medicinal, así como otras entidades que tengan licencia estatal para ello, adquieran, cultiven, procesen, fabriquen, vendan y distribuyan dichos productos y accesorios. Se aplica a la ley de la Florida; no modifica la ley federal ni protege a sus infractores. Establece límites con respecto a la posesión para uso personal. Permite elaborar una legislación coherente. Define los términos. Establece la fecha de entrada en vigor.	NIM. 3 AMANNAN KONSTITISYONÈL ATIK X, SEKSYON 29 Adilt ka Fè Itilizasyon Pèsonèl Mariwana Pèmèt adilt 21 ane oswa plis posede, achte oswa itilize divès pwodui mariwana ak akseswa mariwana pou konsomasyon pèsonèl non-mèdikal pa mwayen fimen, absòbsyon oswa otreman; pèmèt Sant Tretman avèk Mariwana Medikal, ak lòt antite ki lisansye nan nivo Eta a, pwokire, kiltive, trete, fabrike, vann ak distribye pwodui ak akseswa sa yo. Aplike nan lwa Florid; pa chanje, oswa iminize vyolasyon lwa federal. Etabli limit posasyon pou itilizasyon pèsonèl. Pèmèt kreyasyon lwa ki konsistan. Defini tè. Prevwa dat antre an vigè. Enpak finansye amannman an soti prensipalman nan pèsepsyon taks sou lavant yo espere rantre. Si
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Vote by Mail

Per a change in Florida law, all vote-by-mail requests expired on December 31, 2022. Voters are required to renew their request for the 2024 election cycle.

Any registered Miami-Dade County voter can request to vote by mail by going online at www.miamidade.gov/votebymail.

The deadline to request a vote-by-mail ballot for the November 5, 2024 General Election is 5 p.m. on Thursday, October 24, 2024.

The deadline for us to receive your vote-by-mail ballot is 7 p.m. on Election Day – November 5, 2024, as follows:

- BY MAIL** – A vote-by-mail ballot may be returned by delivery through the United States Postal Service.
- IN PERSON** – At the Miami-Dade Elections Department at 2700 NW 87th Avenue, Miami, FL 33172 or at the Elections Department's Branch Office (located in the Lobby of the

Vote por Correo

Debido a un cambio en la ley de la Florida, todas las solicitudes de boleta de voto por correo caducaron el 31 de diciembre del 2022. Los electores tienen que renovar su solicitud para el ciclo de elecciones del 2024.

Cualquier elector inscrito del Condado de Miami-Dade puede hacer una solicitud para votar por correo en la página web www.miamidade.gov/votebymail.

El último día para solicitar una boleta de voto por correo para las Elecciones Generales del 5 de noviembre del 2024 es el **jueves 24 de octubre del 2024 a las 5 p. m.**

El último día en que debemos recibir la boleta por correo es el **Día de las Elecciones, el 5 de noviembre del 2024, a las 7 p. m.** en las formas siguientes:

- POR CORREO** – Las boletas de voto por correo se pueden enviar mediante el servicio postal de los Estados Unidos.
- EN PERSONA** – Al Departamento de Elecciones de Miami-Dade ubicado en el 2700 NW 87th Avenue, Miami, FL 33172 o a la oficina del Departamento de Elecciones (ubicada en el vestíbulo del Centro Stephen

Vote pa Lapòs

Dapre yon chanjman nan lwa Florid, tout demann bilten vòt pou vote pa lapòs ekspire nan dat 31 desanm 2022. Votè yo gen obligasyon pou yo renouvle demann yo pou seri elektorat 2024 la.

Nenpòt votè enskri nan Konte Miami-Dade gen dwa mande pou vote pa lapòs lè w ale sou entènèt nan www.miamidade.gov/votebymail.

Dat limit pou mande yon bilten vòt pou vote pa lapòs pou Eleksyon Jeneral 5 novanm 2024 la se **5è nan lapremidi jedi 24 oktòb 2024.**

Dènye delè pou nou resevwa bilten vòt pou vote pa lapòs se **7è diswa Jou Eleksyon an – 5 novanm 2024, konsa:**

- PA LAPÒS** – Yon bilten vòt pou vote pa lapòs gen dwa soumèt pa Sèvis Lapòs Etazini.
- AN PÈSON** – Nan Depatman Eleksyon Miami-Dade nan 2700 NW 87th Avenue, Miami, FL 33172 oswa Biwo Sikisal Depatman Eleksyon an (ki chita nan lobi bilding Stephen P. Clark Center, 111 NW 1st Street, Miami, FL 33128).

Appendix A: Selected Provisions of the Connecticut Voting Rights Act (2023)

Sec. 9-368l. Language assistance in voting and elections to be provided in municipalities.

Regulations. Filing of court actions by aggrieved parties. (a) The Secretary of the State shall designate one or more languages, other than English, for which assistance in voting and elections shall be provided in a municipality if the Secretary finds that a significant and substantial need exists for such assistance.

(b) (1) The Secretary of the State shall find that such significant and substantial need exists if, based on the best available data, which may include information from the United States Census Bureau's American Community Survey, or data of comparable quality collected by a governmental entity:

(A) More than two percent of the citizens of voting age of such municipality speak a particular shared language other than English and are limited English proficient individuals;

(B) More than four thousand of the citizens of voting age of such municipality speak a particular shared language other than English and are limited English proficient individuals; or

(C) In the case of a municipality that contains any part of a Native American reservation, more than two percent of the Native American citizens of voting age within such Native American reservation speak a particular shared language other than English and are limited English proficient individuals. As used in this subdivision, "Native American" includes any person recognized by the United States Census Bureau, or this state, as "American Indian".

(2) As used in this section, "limited English proficient individual" means an individual who does not speak English as such individual's primary language and who speaks, reads or understands the English language less than "very well", in accordance with United States Census Bureau data or data of comparable quality collected by a governmental entity.

(c) Not later than January 15, 2024, and at least annually thereafter, the Secretary of the State shall publish on the Internet web site of the office of the Secretary of the State a list of (1) each municipality in which assistance in voting and elections in a language other than English shall be provided, and (2) each such language in which such assistance shall be provided in each such municipality. The Secretary's determinations under this section shall be effective upon such publication. The Secretary shall distribute to each affected municipality the information contained in such list.

(d) Each municipality described in subsection (c) of this section shall provide assistance in voting and elections, including related materials, in any language designated by the Secretary of the State under subsection (a) of this section to electors in such municipality who are limited English proficient individuals.

(e) Whenever the Secretary of the State determines, pursuant to this section, that language assistance shall be provided in a municipality, such municipality shall provide competent assistance in each designated language and shall provide related materials (1) in English, and (2) in each designated language, including registration or voting notices, forms, instructions, assistance, ballots or other materials or information relating to the electoral process, except that in the case of a language that is oral or unwritten, including historically unwritten as may be the case for some Native Americans, such municipality may provide only oral instructions, assistance or other information relating to the electoral process in such language. All materials provided in a designated language shall be of an equal quality to the corresponding English materials. All provided translations shall convey the intent and essential meaning of the original text or communication and shall not rely solely on any automatic translation service. Whenever available, language assistance shall also include live translation.

(f) The Secretary of the State shall adopt regulations, in accordance with the provisions of chapter 54, to establish a review process under which the Secretary shall determine, upon receipt of a request submitted under this subsection, whether a significant and substantial need exists in a municipality for a language to be designated for the provision of assistance in voting and elections whenever such a need has not been found under subsection (b) of this section. Such process shall include, at a minimum, (1) an opportunity for any elector, organization whose membership includes or is likely to include electors, organization whose mission would be frustrated by a municipality's failure to provide

such language assistance or organization that would expend resources in order to fulfill such organization's mission as a result of such a failure, to submit a request for the Secretary to consider so designating a language in a municipality, (2) an opportunity for public comment, and (3) that, upon receipt of any such request and consideration of any such public comment, the Secretary may, in accordance with the process for making such determination, so designate any language in a municipality.

(g) Any individual aggrieved by a violation of this section, any organization whose membership includes individuals aggrieved by such a violation or the Secretary of the State may file an action alleging a violation of this section in the superior court for the judicial district in which such violation has occurred, except that no determination of the Secretary under this section to designate a municipality or a language for the provision of assistance shall constitute a violation of this section.

Appendix B: Selected Provisions of the Cook County Voting Opportunity and Translation Equity Ordinance (2019)

Article III. Language Access in Elections

Section 22-35 - Short Title

This article shall be known and may be cited as the Cook County Language Access in Elections Ordinance (“Ordinance”).

Section 22-36 - Definitions

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fully Translated Ballot is defined as electronic and audio ballots, and mail-in ballots printed on demand, including all referendums, questions or votes therein;

Print Ballot is defined as fully translated print ballots, including all referendums, questions or votes therein;

Limited-English Proficient is defined as unable to speak, read, write or understand English adequately enough to participate in the electoral process;

Signage is defined to include, but are not limited to:

1. Signs at polling places on days of early voting or election day;
2. Directional, instructional or informational signs;
3. Name tags and other election judge and poll work identification; and
4. Language assistance signs and instructions;

Voting Materials is defined to include, but is not limited to:

1. Sample ballots
2. Voter registration notices, voter registration forms, mail-in ballot request applications, voter registration instructions and new voter guides, to the extent that these materials are not already provided in the required

language by the Office of the Illinois Secretary of State;

3. Print and audio ballot instruction, electronic ballot and kiosk instructions, and all other directions;

4. Local voters' pamphlets and guides, on-site instructions, rules and procedures including but not limited to individual translator and disability accommodations as required by section 208 of the federal Voting Rights Amendment; and

5. Information on the Office of the Cook County Clerk's website and online properties which pertain, in any way or tangentially, to the elections, including but not limited to early and regular poll locations and instructions as well as information on current elections, candidates and elected officials, working on election day, ways to vote, and registering to vote;

Section 22-37 - Policy

a. By March 1, 2020, the Office of the Cook County Clerk shall deliver fully translated ballots and voting materials in Korean and Tagalog, in addition to qualified languages required by Section 203 of the Voting Rights Act of 1965, 52 U.S.C. § 10503 as the first phase of this program.

b. By November 1, 2020 and at least every three years thereafter, the Office of the Cook County Clerk or their designee shall review data on limited-English-proficient populations in Cook County and shall determine, in consultation with community leaders of limited-English-proficient populations, each single language that has ten thousand or more limited-English-proficient Cook County residents. The Office of the Cook County Clerk will then provide all translated voting materials in those determined languages in the following elections unless it is determined in a future evaluation that the group does not reach that threshold. The Cook County Clerk shall analyze relevant data and shall consult community leaders and organizations to determine prioritized precincts where voting materials shall be provided on Election Day. The Cook County Clerk shall make voting materials available for all qualified languages at all Early Voting sites and "Super Sites."

c. By February 1, 2021 and at least every three years thereafter, the Office of the Cook County Clerk or their designee shall review data on limited-English-proficient populations in Cook County and shall determine, in consultation with community leaders of limited-English-proficient populations, each single language that has thirteen thousand or more limited-English-proficient Cook County residents. The Office of

the Cook County Clerk will then provide a fully translated ballot, print ballots and all translated voting materials in those determined languages in the following elections unless it is determined in a future evaluation that the group does not reach that threshold. The Cook County Clerk shall analyze relevant data and shall consult community leaders and organizations to determine prioritized precincts where fully translated ballots, print ballots and voting materials shall be provided on Election Day. The Office of the Cook County Clerk shall make this determination by referring to the best available data from the United States Census Bureau, the American Community Survey, voter registration and language assistance requests for materials in languages other than English, or other sources the Clerk considers relevant and reliable. The Cook County Clerk shall file a report of this determination per Section 22-39 [Reporting].

d. For all elections administered by the Office of the Cook County Clerk, the Clerk shall prepare voting materials and a fully translated ballot where applicable, to the extent not already provided by the Office of the Illinois Secretary of State, in languages determined through the process described in Section 22-39 [Reporting] of this ordinance, in addition to those languages required by Section 203 of the Voting Rights Act of 1965, 52 U.S.C. § 10503, and those languages for which Cook County is covered in the Federal Register of Covered Areas for Voting Rights Bilingual Election Materials.

Section 22-38 - Scope

This ordinance applies to voting materials and fully translated ballots for all elections administered by the Cook County Clerk starting November 1, 2020 and every election thereafter.

Section 22-39 - Reporting

a. Starting March 1, 2021, the Cook County Clerk shall submit a report annually, or add to the existing Cook County Post Election Report, data and information related to language access at the ballot including, but not limited to:

1. The number of sample ballot requests and distributions in each language other than English;
2. The number of ballots submitted, including Early Voting, Election Day Voting, and Mail-in Ballots, in each language other than English;
3. Voting material requests and distributions, as applicable, in each language other than English, by precinct where applicable.

4. Voter assistance requests and provided in each language other than English b; and

5. Bilingual poll workers required and recruited in each language other than English.

b. The Office of the Cook County Clerk shall file a report with the Cook County Board of Commissioners with a determination of the languages that have ten thousand or more limited-English-proficient Cook County residents and the supporting analysis as well as the languages that have thirteen thousand or more limited-English-proficient Cook County residents and the supporting analysis. This determination shall be made based on a review of data on limited-English-proficient populations in Cook County and in consultation with community leaders of limited-English-proficient populations and appropriate budgetary and other offices under the president, and also by referring to the best available Countywide data from the United States Census Bureau, the American Community Survey, voter registration and language assistance requests for materials in languages other than English, or other sources the Clerk considers relevant and reliable.

1. The Office of the County Clerk shall file a report with the Cook County Board as above described, by November 1, 2020, and at least every three years thereafter.

2. The Office of the County Clerk shall file the report in the form of a paper original and an electronic copy with the Secretary of the Board of Commissioners, who shall retain the original and provide an electronic copy to the Office of the President and all Board of Commissioners members. The Office of the Cook County Clerk shall also ensure that the report, along with underlying data and analysis, be made available and accessible online.

3. Beginning in the first election after the Office of the Cook County Clerk files the report as required by Section 22-39, Subsection B [Reporting] of this ordinance, the Office of the County Clerk shall provide all voting materials, signage, and fully translated ballots as required within this ordinance in all languages determined in the above-described triannual report as well as those required by Section 203 of the Voting Rights Act of 1965, 52 U.S.C. § 10503.

4. Beginning in the first election after the Office of the Cook County

Clerk files the report as required by Section 22-39, Subsection B [Reporting] of this ordinance, the Office of the Cook County Clerk shall post on the county elections website the polling places that will have translated ballots, sample ballots and/or bilingual poll workers and translate this content into the relevant languages.

Section 22-40 - Operations

a. At all applicable poll locations on days of early voting and on election day, as required by this ordinance, ensure that:

1. Bilingual poll workers wear badges that identify the languages they speak, translated in the languages that they speak;
2. A “language assistance sign” is posted or located on the main table at each polling place staffed by bilingual poll workers that identifies the languages spoken by the poll workers present; and that sign should be translated into the relevant languages;
3. A sign is posted at each voting booth reading, “Do you want to see a sample ballot in [insert language]? Ask a poll worker for assistance;” and that sign should be translated into the relevant languages;
4. A sign is clearly posted addressing the fact that voters may bring individuals with them to the polls to assist in voting as required by Section 208 of the Voting Rights Act of 1965;
5. A “vote here” sign or other signage indicating the poll location be posted outside each polling location; and that sign should be translated into the relevant languages; and
6. The language assistance hotline number is clearly posted; and that sign should be translated into the relevant languages.

b. The Office of the Cook County Clerk shall make voting materials available to any resident of Cook County upon request of that person, and in addition shall make all necessary voting materials, including sample ballots, voter registration materials, mail-in ballot applications, and voter guides broadly available, including to Cook County offices and buildings. The Office of the Cook County Clerk shall make a best effort to broadly distribute the previously described voting materials to all offices of elected officials within Cook County, the offices of local municipal, township or county-wide government offices, the residents at the County jail, and through nonprofits and community organizations.

c. The Cook County Clerk may make best efforts to ensure a robust, multi-lingual and culturally competent outreach and community engagement program, including, but not limited to:

1. Recruiting and retaining bilingual poll workers and election judges;
2. Training all judges on cultural competency, language access rules and procedures, and that voters may bring individuals with them to the polls to assist in voting as required by Section 208 Voting Rights Act of 1965; and
3. Working in partnership with community leaders and organizations serving limited-English proficiency communities to engage in outreach to educate residents on their rights, and language services offered, distribute voting materials and recruit bilingual election judges.

Section 22-41 - Enforcement

- a. Complaints on non-compliance of this ordinance can be reported to the Elections Division of the Cook County Clerk's Office to be addressed.
- b. Further complaints of non-compliance of this ordinance can be reported via a complaint to the Cook County Office of the Independent Inspector General.

Section 22-42 - Other

- a. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.
- b. The Office of the County Clerk shall ensure that the cost of providing the materials and services described in this ordinance shall be considered a cost of elections.
- c. This ordinance shall not be construed as creating any duty on the part of Cook County to any particular person or class of persons and the performance or non-performance of the duties specified herein shall not affect the validity of any election.

Effective date: This ordinance shall be in effect immediately upon adoption.

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- "Voting and Registration in the Election of November 2020." 2021, 2024, <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html>.

Endnotes

1. Remarks of Attorney General Merrick B. Garland, U.S. Department of Justice, Washington, D.C. (June 11, 2021), available at <https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivered-policy-address-regarding-voting-rights>.
2. Remarks of President Ronald Reagan on Signing the Voting Rights Act Amendments of 1982 (“[T]he right to vote is the crown jewel of American liberties, and we will not see its luster diminished.”), <https://www.reaganlibrary.gov/archives/speech/remarks-signing-voting-rights-act-amendments-1982>.
3. Although terms such as “English language learner” (ELL) or “English learner” (EL) rely less on deficiencies to characterize individuals who do not speak English very well, the term “limited English proficient” pervades federal and state law addressing language needs and language assistance. Accordingly, the term is used throughout this report.
4. Dietrich, Sandy, and Erik Hernandez. *Language Use in the United States: 2019*. Washington, D.C.: United States Census Bureau, 2022, at 1-2.
5. Maine Revised Statutes, Title 21-A, Chapter 9, § 603.
6. Tucker, James Thomas. *The ESL Logjam: Waiting Times for ESL Classes and the Impact on English Learners*. (Los Angeles: NALEO Educational Fund, 2006).
7. Federal law allows the exception when either of two standards is met: (1) the applicant is age 50 or older and has resided in the U.S. as a lawful permanent resident for over 20 years, or (2) the applicant is age 55 or older and has resided in the U.S. as a permanent resident for over 15 years. 8 United States Code § 1423.
8. “Voting and Registration in the Election of November 2020.” <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html>.
9. United States Census Bureau, Historical Reported Voting Rates, Table A-6, <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/voting-historical-time-series.html>. See also Fraga, Bernard L. *The Turnout Gap: Race, Ethnicity, and Political Inequality in a Diversifying America*. New York: Cambridge University Press, 2018.
10. See below fn. 30-31 and accompanying text.
11. 52 United States Code § 10303(e)(2).
12. Public Law No. 94-73, 89 Statutes at Large 400 (1975). A historical background of the language minority classification can be found in Lozano, Rosina. “Vote Aquí Hoy: The 1975 Extension of the Voting Rights Act and the Creation of Language Minorities.” *Journal of Policy History* 35, no. 1 (2023): 68-90. Unlike most federal civil rights statutes that employ a “national origin” category to add language-based protections to those based on race and color, the Voting Rights Act employs the “language minority” classification. See also Executive Order 13166, issued in 2000 by President Clinton, which contains a variety of standards

for federal agencies to follow to meet language needs via the national origin category.

13. 52 United States Code § 10303(f)(1).
14. Benson, Jocelyn Friedrichs. "Language Protections for All? Extending and Expanding the Language Protections of the Voting Rights Act." In *Voting Rights Act Reauthorization of 2006: Perspectives on Democracy, Participation, and Power*, edited by Ana Henderson, 327-74. Berkeley, CA: Berkeley Public Policy Press, 2007; Newman, JoNel. "Ensuring That Florida's Language Minorities Have Access to the Ballot." *Stetson Law Review* 36 (2007): 329-64.
15. 52 United States Code § 10301.
16. Complaint, *United States v. City of Boston*, No. 05-11598 WGY (D. Mass. 2005).
17. Order, *United States v. City of Boston*, No. 05-11598 WGY (D. Mass. Oct. 18, 2005). Although litigated under Section 2, the agreement employed remedies that intentionally paralleled the language assistance mandates found in section 203 of the VRA, as well as compliance mechanisms used in Section 203 litigation.
18. Consent Order and Decree, *United States v. City of Hamtramck*, No. 00-73541 (E.D. Mich. 2000).
19. Consent Order and Decree, *United States v. City of Hamtramck*, No. 00-73541 (E.D. Mich. 2000).
20. Section 4(f)(4) of the VRA has also been employed to require language assistance to protected language minority groups. 52 United States Code § 10303(f)(4). The coverage formula for section 4(f)(4) is considerably more restrictive than the Section 203 coverage formulas, and in practice, Section 203 has been the more widely invoked provision of the VRA. The U.S. Supreme Court's decision in *Shelby County v. Holder*, 570 U.S. 529 (2013), which struck down major portions of the VRA's "preclearance" system, has negated current enforcement of section 4(f)(4).
21. Public Law No. 109-246, 120 Statutes at Large 577 (2006).
22. <https://www.justice.gov/crt/about-language-minority-voting-rights#langguide>. The U.S. Department of Justice's detailed guidelines on enforcement of the language assistance provisions are published at 28 Code of Federal Regulations Part 55 (2016) (Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups).
23. There is an exception for political subdivisions within states that satisfy the 5 percent benchmark: if the subdivision does not independently satisfy the 5 percent benchmark or another of the benchmarks, it is not covered by Section 203. 52 United States Code § 10503(b)(2)(B).
24. Public Law No. 102-344, 106 Statutes at Large 921 (1992).
25. Magpantay, Glenn D., and Nancy W. Yu. "Asian Americans and Reauthorization of the Voting Rights Act." *National Black Law Journal* 19, no. 1 (2005/2006): 1-31.
26. "Section 203: 2021 Language Determinations — Frequently Asked Questions." 2021, https://www2.census.gov/programs-surveys/decennial/rdo/datasets/2021/2021_Section203-Determinations/Sec203_FAQs_2021_v1.pdf.
27. These figures include both LEP and non-LEP members of language-minority group populations in the covered jurisdictions.

28. United States Census Bureau. *Voting Rights Act Amendments of 2006, Determinations under Section 203*. Washington, D.C.: Federal Register, 2021.
29. Asian Americans Advancing Justice — AAJC. *Jurisdictions and Languages That Just Missed Coverage in 2021 Section 203 Determinations*. (Washington, DC: 2022). <https://www.advancingjustice-aaajc.org/sites/default/files/Just%20Missed%202023%20jurisdictions%202021%20determinations%20UPDATED.pdf>.
30. Magpantay, Glenn D. "Sound Barriers Ver. 2.0: The Second Generation of Enforcement of the Language Assistance Provisions (Section 203) of the Voting Rights Act." *Brooklyn Law Review* 80, no. 1 (2014): 63-118.
31. For example, in *United States v. City of Boston*, No. 05-11598 WGY (D. Mass. 2005), language assistance was extended to Chinese and Vietnamese language groups, even though both were under the 10,000 benchmark in the most recent determinations.
32. Jones-Correa, Michael, and Israel Waismel-Manor. "Verifying Implementation of Language Provisions in the Voting Rights Act." In *Voting Rights Act Reauthorization of 2006: Perspectives on Democracy, Participation, and Power*, edited by Ana Henderson, 161-80. Berkeley: Berkeley Public Policy Press, 2007; Hopkins, Daniel J. "Translating into Votes: The Electoral Impacts of Spanish-Language Ballots." *American Journal of Political Science* 55, no. 4 (2011): 813-29; Fraga, Bernard L., and Julie Lee Merseth. "Examining the Causal Impact of the Voting Rights Language Minority Provisions." *Journal of Race, Ethnicity and Politics* 1, no. 1 (2016): 31-59.
33. Fraga, Bernard L., and Julie Lee Merseth. "Examining the Causal Impact of the Voting Rights Language Minority Provisions." *Journal of Race, Ethnicity and Politics* 1, no. 1 (2016): 31-59.
34. Tucker, James Thomas. *The Battle over Bilingual Ballots: Language Minorities and Political Access under the Voting Rights Act*. Election Law, Politics, and Theory. Burlington, VT: Ashgate Publishing Co., 2009: 229.
35. Marschall, Melissa J., and Amanda Rutherford. "Voting Rights for Whom? Examining the Effects of the Voting Rights Act on Latino Political Incorporation." *American Journal of Political Science* 60, no. 3 (2016): 590-606.
36. 52 United States Code § 10508.
37. Senate Report No. 97-417, at 62.
38. Senate Report No. 97-417, at 62.
39. No. 1:15-CV-679-RP (W.D. Tex. June 6, 2022). A historical analysis of plaintiffs' advocacy in the case is found in Shim, Kyuwon, Michelle David, and Susana Lorenzo-Giguere. "An Asian American Challenge to Restricting Voting Laws: Enforcing Section 208 of the Voting Rights Act in Texas." *CUNY Law Review* 26 (2023): 169-205.
40. Consent Order, *Kwan v. Crittenden*, No. 1:18cv5405-TCB (N.D. Ga. Nov. 29, 2018).
41. Minnesota Statutes § 204B.27 (subd. 11) provides in part: "The secretary of state may develop voting instructions in languages other than English, to be posted and made available in polling places during elections. The state demographer shall determine and report to the secretary of state the languages that are so common in this state that there is a need for translated voting instructions."

42. Minnesota Statutes § 204B.295.
43. <https://www.sos.state.mn.us/elections-voting/election-day-voting/voter-language-access/>
44. Ancheta, Angelo N. "Language Assistance and Local Voting Rights Law." *Indiana Law Review* 44, no. 1 (2010): 161-99.
45. <https://www.dekalbcountyga.gov/news/dekalb-voter-registration-and-elections-continues-provide-spanish-korean-translations-key>
46. Resolution 2022 09:13, Item 2022-2022, DeKalb County Board of Commissioners (2022).
47. A useful analysis of these types of variables is found in Terry Ao Minnis, "A Holistic Approach to Assisting Language Minority Voters." In *America Votes! Challenges to Modern Election Law and Voting Rights, Fourth Edition*, edited by Benjamin E. Griffith and John Hardin Young. Chicago, IL: American Bar Association, 2020.
48. In 2009, Brian J. Sutherland offered a comparable set of categories for state and local language assistance laws. Those basic categories are (1) "Precatory Legislation" – legislation that suggests or allows official action to provide language assistance but does not require it; (2) "Compliance Legislation" – laws requiring compliance with the federal language assistance provisions; (3) "Simple Assistance Provisions" – basic assistance guarantees referring to a right to receive language assistance, comparable to Section 208 of the federal VRA; and (4) "Assistance Plus" – efforts to provide greater language assistance by imposing affirmative obligations on state and local officials. Sutherland, Brian J. "The Patchwork of State and Federal Language Assistance for Minority Voters and a Proposal for Model State Legislation." *New York University Annual Survey of American Law* 65 (2009): 323-80.
49. For a more extensive analysis of different models of language assistance in voting, see Ancheta, Angelo N. "Language Accommodation and the Voting Rights Act." In *Voting Rights Reauthorization of 2006: Perspectives on Democracy, Participation, and Power*, edited by Ana Henderson, 293-325. Berkeley, CA: Berkeley Public Policy Press, 2007.
50. Louisiana Revised Statutes 18:106.
51. Florida Statutes Annotated § 101.2515.
52. 2001 Rhode Island Laws Ch. 01-396 (01-H 5860).
53. *Ibid.*
54. United States v. City of Pawtucket, No. 1:24-cv-00209 (D.R.I. 2024), <https://www.justice.gov/crt/media/1353206/dl>
55. Comparable state provisions that cover literacy or language ability include laws from Alabama, Alaska, Arizona, Connecticut, Florida, Hawaii, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wyoming.
56. Missouri Revised Statutes 115.445.
57. Recent limitations have tended to focus more on disabled populations, particularly in dealing with absentee voting, rather than on illiteracy or LEP

voters. See, for example, recent litigation challenging assistance restrictions in Ohio (<https://www.democracymocket.com/wp-content/uploads/2023/12/Ohio-complaint-Dec.-19-2023.pdf>), Louisiana (<https://www.democracymocket.com/wp-content/uploads/2024/07/1-2024-07-10-Complaint.pdf>) and Alabama (<https://www.democracymocket.com/wp-content/uploads/2024/04/Complaint-April-4-2024.pdf>).

58. Texas Election Code § 64.0321.
59. New York Election Law § 17-200 to § 17-222.
60. 570 U.S. 529 (2013).
61. New York Election Law § 17-204.
62. New York Election Law § 17-208.
63. Asian Americans Advancing Justice – Los Angeles v. Padilla, 41 Cal. App. 5th 850 (2019).
64. Recent legislation to expand language assistance in California passed the state legislature but was vetoed by Governor Gavin Newsom in September 2024. The governor's veto message cited state budgetary concerns as his primary reason for the veto. <https://www.gov.ca.gov/wp-content/uploads/2024/09/AB-884-Veto-Message.pdf>. Among other provisions, Assembly Bill 884 would have changed the mechanisms for determining eligibility for language coverage (expanding coverage through the use of voting-age population rather than the smaller citizen voting-age population). <https://legiscan.com/CA/text/AB884/id/2754821>. The legislation also would have required the translation of votable ballots, not merely facsimile ballots.
65. These considerations help explain why assistor laws, which rely largely on private actors and raise minimal governmental burdens, are much more widely used than language assistance programs whose costs are borne by state or local governments.
66. Connecticut General Statutes §§ 9-368i et seq.
67. Connecticut General States § 9-368(e).
68. Oregon Revised Statutes § 251.167.
69. <https://www.oregon.gov/languages/Pages/most-common-state-language.aspx>
70. <https://www.nyc.gov/site/civicengagement/about/language-access-plan.page>
71. For a more extensive discussion of best practices regarding written translations, see Asian Americans Advancing Justice, Fair Elections Center, and NALEO Educational Fund. *Election Officials' Guide to Providing Language Access in Elections*. Washington, D.C., 2018: 10-13.

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