



ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA
ELECTIONS DIVISION

1500 11th Street, 5th Floor, Sacramento, CA 95814 | **Tel** 916.657.2166 | **Fax** 916.653.3214 | www.sos.ca.gov

December 5, 2016

County Clerk/Registrar of Voters (CC/ROV) Memorandum #16333

TO: All County Clerks/Registrars of Voters

FROM: /s/ Jonathan Ivy
Language and Accessibility Coordinator

RE: Language Requirements: Voting Rights Act, Section 203 Language
Minority Determinations

New determinations from the U.S. Census Bureau were published today in the federal register as required under Section 203 of the Voting Rights Act ([52 USC § 10503](#)). These determinations, updated every 5 years, affect federal requirements for providing access to elections for certain minority language groups within California and across the United States.

The relevant publication of the determinations is attached, and can also be found at this URL:

- <https://www.federalregister.gov/documents/2016/12/05/2016-28969/voting-rights-act-amendments-of-2006-determinations-under-section-203>

In addition, attached is a guide from the U.S. Department of Justice explaining the requirements under Section 203 for local elections officials. This guide and additional information from the Civil Rights Division can also be found at the following URLs:

- <https://www.justice.gov/crt/minority-language-citizens>
- <https://www.justice.gov/crt/about-language-minority-voting-rights>

The federal regulations (28 CFR § 55) related to Section 203 are attached as well and can be found here:

- <https://www.justice.gov/sites/default/files/crt/legacy/2011/11/04/28CFRPart55.pdf>

While most of the determinations and requirements remain unchanged and in effect for California from the previous publication in October of 2011 (See [CCROV #11088](#)), there are some new changes in this release.

These changes include additional protection for Native American minority groups in San Diego County and Del Norte County and additional protection for Chinese minority groups in Contra Costa County. Also, there is a reduction in federal requirements regarding language access in Los Angeles County and Napa County.

Changes from the 2011 determinations that apply to counties in California can be summarized as follows:

Reduced Coverage

Los Angeles County	No longer covered for Asian Indian or Japanese
Napa County*	No longer covered for Hispanic

Additional Coverage

Contra Costa County	Chinese (including Taiwanese)
Del Norte County**	American Indian (All other American Indian Tribes)
San Diego County	American Indian (All other American Indian Tribes)

*Napa County no longer has any requirements under Section 203.

**Del Norte County previously had no requirements under Section 203 but now does.

In light of the changes to the federal requirements, determinations made under California law (including those under [Elections Code section 14201](#)) will be reviewed in the near future.

Please feel free to contact me directly with any questions by phone at (916) 695-1581 or by email at Jonathan.Ivy@sos.ca.gov.

Thank you.

December 2016 - Voting Rights Act, Section 203 Language Minority Determinations

County	2016 Determinations	2011 Determinations (Old)
Alameda County	Chinese (including Taiwanese) Filipino Hispanic Vietnamese	Asian (Chinese) Asian (Filipino) Hispanic Asian (Vietnamese)
Colusa County	Hispanic	Hispanic
Contra Costa County	Chinese (including Taiwanese) Hispanic	Hispanic
Del Norte County	American Indian (All other American Indian Tribes)	(none)
Fresno County	Hispanic	Hispanic
Glenn County	Hispanic	Hispanic
Imperial County	Hispanic	Hispanic
Kern County	Hispanic	Hispanic
Kings County	Hispanic	Hispanic
Los Angeles County	Cambodian Chinese (including Taiwanese) Filipino Hispanic Korean Vietnamese	Asian (Asian Indian) Asian (Chinese) Asian (Filipino) Hispanic Asian (Japanese) Asian (Korean) Asian (Other Asian—Not specified) Asian (Vietnamese)
Madera County	Hispanic	Hispanic
Merced County	Hispanic	Hispanic
Monterey County	Hispanic	Hispanic
Napa County	(none)	Hispanic
Orange County	Chinese (including Taiwanese) Hispanic Korean Vietnamese	Asian (Chinese) Hispanic Asian (Korean) Asian (Vietnamese)
Riverside County	Hispanic	Hispanic
Sacramento County	Chinese (including Taiwanese) Hispanic	Asian (Chinese) Hispanic
San Benito County	Hispanic	Hispanic
San Bernardino County	Hispanic	Hispanic
San Diego County	American Indian (All other American Indian Tribes) Chinese (including Taiwanese) Filipino Hispanic Vietnamese	Asian (Chinese) Asian (Filipino) Hispanic Asian (Vietnamese)
San Francisco County	Chinese (including Taiwanese) Hispanic	Asian (Chinese) Hispanic
San Joaquin County	Hispanic	Hispanic
San Mateo County	Chinese (including Taiwanese) Hispanic	Asian (Chinese) Hispanic
Santa Barbara County	Hispanic	Hispanic
Santa Clara County	Chinese (including Taiwanese) Filipino Hispanic Vietnamese	Asian (Chinese) Asian (Filipino) Hispanic Asian (Vietnamese)
Stanislaus County	Hispanic	Hispanic
Tulare County	Hispanic	Hispanic
Ventura County	Hispanic	Hispanic

regardless of what events necessitate such transfer.

DATES: November 29, 2016.

FOR FURTHER INFORMATION CONTACT:

Christy Slamowitz, Counsel to the Inspector General, U.S. Department of Agriculture, 1400 Independence Avenue SW., Room 441-E, Washington, DC 20250-2308, Telephone: (202) 720-9110.

SUPPLEMENTARY INFORMATION: The OIG proposes revising the succession and delegations of authority for OIG by publishing a detailed sequence of succession within the Washington, DC, headquarters, followed by a detailed sequence of succession by region and position. This action is taken pursuant to authority vested in the Inspector General by the Federal Vacancies Reform Act (5 U.S.C. 3345-3349d) and the Inspector General Act of 1978 (5 U.S.C. app. 3).

For the reasons stated in the preamble, IG-1313, Change 8, Succession, Delegations of Authority, and Signature Authorities, has been revised to give notice of a delegation of authority and the line of succession from the Inspector General as follows:

I. Pursuant to authority vested in me by the Federal Vacancies Reform Act (5 U.S.C. 3345-3349d) and the Inspector General Act of 1978, as amended (5 U.S.C. app. 3), during any period in which the Inspector General (IG), United States Department of Agriculture (USDA), resigns, dies, or is otherwise unable to perform the functions and duties of the office, and unless the President shall designate another officer to perform the functions and duties of the position, the Deputy IG, as the designated first assistant to the IG, shall temporarily perform the IG's functions and duties in an acting capacity, pursuant to and subject to the Federal Vacancies Reform Act (5 U.S.C. 3345-3349d). In the absence of the IG and Deputy IG, the officials designated below, in the order listed, shall become the acting Deputy IG and so shall temporarily perform the functions and duties of the IG. This order may be changed by a delegation in writing from the IG, or by the Deputy IG while acting in the absence of the IG:

1. Assistant IG for Audit (AIG/A);
2. Assistant IG for Investigations (AIG/I);
3. Assistant IG for Management (AIG/M);
4. Assistant IG for Data Sciences (AIG/DS);
5. Counsel to the IG;
6. Deputy Assistant IG for Audit (DAIG/A), by seniority;

7. Deputy Assistant IG for Investigations (DAIG/I);

The following officials for the listed locations in the following order:

8. Audit Directors, by seniority, then Investigations Director, Technical Crimes Division—Kansas City, Missouri;
9. Special Agent-in-Charge (SAC)—Temple, Texas;
10. Audit Director—Beltsville, Maryland;
11. SAC—New York, New York;
12. Audit Director, then SAC—Oakland, California;
13. Audit Director, then SAC—Atlanta, Georgia;
14. Audit Director, then SAC—Chicago, Illinois;
15. Director, Office of Compliance and Integrity; or
16. Director, Office of Diversity and Conflict Resolution.

II. For purposes of this order of succession, a designated official is a person holding a permanent appointment to the position. Persons filling positions in an acting capacity do not substitute for officials holding a permanent appointment to a position. If a position is vacant or an official occupying the position on a permanent basis is absent or unavailable, authority passes to the next available official occupying a position in the order of succession.

III. This delegation is not in derogation of any authority residing in the above officials relating to the operation of their respective programs, nor does it affect the validity of any delegations currently in force and effect and not specifically cited as revoked or revised herein.

IV. The authorities delegated herein may not be redelegated.

Authority: 5 U.S.C. 3345-3349d; 5 U.S.C. app. 3.

Dated: November 29, 2016.

Phyllis K. Fong,
Inspector General.

[FR Doc. 2016-29096 Filed 12-2-16; 8:45 am]

BILLING CODE 3410-23-P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 161107999-6999-01]

Voting Rights Act Amendments of 2006, Determinations Under Section 203

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of determination.

SUMMARY: As required by Section 203 of the Voting Rights Act of 1965, as

amended, this notice publishes the Bureau of the Census (Census Bureau) Director's determinations as to which political subdivisions are subject to the minority language assistance provisions of the Act. As of this date, those jurisdictions that are listed as covered by Section 203 have a legal obligation to provide the minority language assistance prescribed by the Act.

EFFECTIVE DATE: This notice is effective on December 5, 2016.

FOR FURTHER INFORMATION CONTACT: For information regarding this notice, please contact Mr. James Whitehorne, Chief, Census Redistricting and Voting Rights Data Office, Bureau of the Census, United States Department of Commerce, Room 4H057, 4600 Silver Hill Rd, Washington, DC 20233, by telephone at 301-763-4039, or visit the Redistricting & Voting Rights Data Office Internet site at <http://www.census.gov/rdo/>.

For information regarding the applicable provisions of the Act, please contact T. Christian Herren, Jr., Chief, Voting Section, Civil Rights Division, United States Department of Justice, Room 7254-NWB, 950 Pennsylvania Avenue NW., Washington, DC 20530, by telephone at (800) 253-3931 or visit the Voting Section Internet site at <https://www.justice.gov/crt/voting-section>.

SUPPLEMENTARY INFORMATION: In July 2006, Congress amended the Voting Rights Act of 1965, now codified at Title 52, United States Code (U.S.C.), § 10301 *et seq.* (See Pub. L. 109-246, 120 Stat. 577 (2006)). Among other changes, the sunset date for minority language assistance provisions set forth in Section 203 of the Act was extended to August 5, 2032.

Section 203 mandates that a state or political subdivision must provide language assistance to voters if more than five (5) percent of voting age citizens are members of a single-language minority group and do not "speak or understand English adequately enough to participate in the electoral process" and if 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. When a state is covered for a particular language minority group, an exception is made for any political subdivision in which less than five (5) percent of the voting age citizens are members of the minority group and are limited in English proficiency, unless the political subdivision is covered independently. A political subdivision is also covered if more than 10,000 of the voting age citizens are members of a single-language minority group, 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.

Finally, if more than five (5) percent of the American Indian or Alaska Native voting age citizens residing within an American Indian Area, as defined for the purposes of the decennial census, are members of a single language minority group, 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, any political subdivision, such as a county, which contains all or any part of that American Indian Area, is covered by the minority language

assistance provision set forth in Section 203. For the 2010 Census, American Indian areas and Alaska Native Regional Corporations were identified by the federally recognized tribal governments, Bureau of Indian Affairs, and state governments. The Census Bureau worked with American Indians and Alaska Natives to identify statistical areas, such as Oklahoma Tribal Statistical Areas (OTSA), Tribal Designated Statistical Areas (TDSA), State Designated Tribal Statistical Areas (SDTSA), and Alaska Native Village Statistical Areas (ANVSA).

Pursuant to Section 203, the Census Bureau Director has the responsibility to determine which states and political subdivisions are subject to the minority language assistance provisions of Section 203. The state and political subdivisions obligated to comply with the requirements are listed in the attachment to this Notice.

Section 203 also provides that the “determinations of the Director of the Census under this subsection shall be effective upon publication in the **Federal Register** and shall not be subject to review in any court.” Therefore, as of this date, those jurisdictions that are listed as covered by Section 203 have legal obligation to provide the minority language assistance prescribed in Section 203 of the Act. In the cases where a state is covered, those counties or county equivalents not displayed in the attachment are exempt from the obligation. Those jurisdictions subject to Section 203 of the Act previously, but not included on the list below, are no longer obligated to comply with Section 203.

Dated: November 22, 2016.

John H. Thompson,
Director, Bureau of the Census.

COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2015

State and political subdivision	Language minority group
Alaska:	
Aleutians East Borough	Filipino.
Aleutians East Borough	Hispanic.
Aleutians East Borough	Yup'ik.
Aleutians West Census Area	Aleut.
Aleutians West Census Area	Filipino.
Bethel Census Area	Inupiat.
Bethel Census Area	Yup'ik.
Bristol Bay Borough	Yup'ik.
Dillingham Census Area	Yup'ik.
Kenai Peninsula Borough	Yup'ik.
Kodiak Island Borough	Yup'ik.
Lake and Peninsula Borough	Yup'ik.
Nome Census Area	Inupiat.
Nome Census Area	Yup'ik.
North Slope Borough	Inupiat.
Northwest Arctic Borough	Inupiat.
Southeast Fairbanks Census Area	Alaskan Athabascan.
Valdez-Cordova Census Area	Alaskan Athabascan.
Wade Hampton Census Area	Inupiat.
Wade Hampton Census Area	Yup'ik.
Yukon-Koyukuk Census Area	Alaskan Athabascan.
Yukon-Koyukuk Census Area	Inupiat.
Arizona:	
Apache County	American Indian (Navajo).
Coconino County	American Indian (Navajo).
Gila County	American Indian (Apache).
Graham County	American Indian (Apache).
Maricopa County	Hispanic.
Navajo County	American Indian (Navajo).
Pima County	Hispanic.
Pinal County	American Indian (Apache).
Santa Cruz County	Hispanic.
Yuma County	Hispanic.
California:	
State Coverage	Hispanic.
Alameda County	Chinese (including Taiwanese).
Alameda County	Filipino.
Alameda County	Hispanic.
Alameda County	Vietnamese.
Colusa County	Hispanic.
Contra Costa County	Chinese (including Taiwanese).
Contra Costa County	Hispanic.
Del Norte County	American Indian (All other American Indian Tribes).
Fresno County	Hispanic.

COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2015—Continued

State and political subdivision	Language minority group
Glenn County	Hispanic.
Imperial County	Hispanic.
Kern County	Hispanic.
Kings County	Hispanic.
Los Angeles County	Cambodian.
Los Angeles County	Chinese (including Taiwanese).
Los Angeles County	Filipino.
Los Angeles County	Hispanic.
Los Angeles County	Korean.
Los Angeles County	Vietnamese.
Madera County	Hispanic.
Merced County	Hispanic.
Monterey County	Hispanic.
Orange County	Chinese (including Taiwanese).
Orange County	Hispanic.
Orange County	Korean.
Orange County	Vietnamese.
Riverside County	Hispanic.
Sacramento County	Chinese (including Taiwanese).
Sacramento County	Hispanic.
San Benito County	Hispanic.
San Bernardino County	Hispanic.
San Diego County	American Indian (All other American Indian Tribes).
San Diego County	Chinese (including Taiwanese).
San Diego County	Filipino.
San Diego County	Hispanic.
San Diego County	Vietnamese.
San Francisco County	Chinese (including Taiwanese).
San Francisco County	Hispanic.
San Joaquin County	Hispanic.
San Mateo County	Chinese (including Taiwanese).
San Mateo County	Hispanic.
Santa Barbara County	Hispanic.
Santa Clara County	Chinese (including Taiwanese).
Santa Clara County	Filipino.
Santa Clara County	Hispanic.
Santa Clara County	Vietnamese.
Stanislaus County	Hispanic.
Tulare County	Hispanic.
Ventura County	Hispanic.
Colorado:	
Conejos County	Hispanic.
Costilla County	Hispanic.
Denver County	Hispanic.
La Plata County	American Indian (Ute).
Montezuma County	American Indian (Ute).
Saguache County	Hispanic.
Connecticut:	
Bridgeport town	Hispanic.
East Hartford town	Hispanic.
Hartford town	Hispanic.
Kent town	American Indian (All other American Indian Tribes).
Meriden town	Hispanic.
New Britain town	Hispanic.
New Haven town	Hispanic.
New London town	Hispanic.
Waterbury town	Hispanic.
Windham town	Hispanic.
Florida:	
State Coverage	Hispanic.
Broward County	Hispanic.
DeSoto County	Hispanic.
Hardee County	Hispanic.
Hendry County	Hispanic.
Hillsborough County	Hispanic.
Lee County	Hispanic.
Miami-Dade County	Hispanic.
Orange County	Hispanic.
Osceola County	Hispanic.
Palm Beach County	Hispanic.
Pinellas County	Hispanic.
Polk County	Hispanic.

COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2015—Continued

State and political subdivision	Language minority group
Seminole County	Hispanic.
Georgia:	
Gwinnett County	Hispanic.
Hawaii:	
Honolulu County	Chinese (including Taiwanese).
Honolulu County	Filipino.
Idaho:	
Lincoln County	Hispanic.
Illinois:	
Cook County	Asian Indian.
Cook County	Chinese (including Taiwanese).
Cook County	Hispanic.
Kane County	Hispanic.
Lake County	Hispanic.
Iowa:	
Buena Vista County	Hispanic.
Tama County	American Indian (All other American Indian Tribes).
Kansas:	
Finney County	Hispanic.
Ford County	Hispanic.
Grant County	Hispanic.
Haskell County	Hispanic.
Seward County	Hispanic.
Maryland:	
Montgomery County	Hispanic.
Massachusetts:	
Boston city	Hispanic.
Chelsea city	Hispanic.
Holyoke city	Hispanic.
Lawrence city	Hispanic.
Lowell city	Cambodian.
Lowell city	Hispanic.
Lynn city	Hispanic.
Malden city	Chinese (including Taiwanese).
Quincy city	Chinese (including Taiwanese).
Revere city	Hispanic.
Southbridge town	Hispanic.
Springfield city	Hispanic.
Worcester city	Hispanic.
Michigan:	
Colfax township	Hispanic.
Fennville city	Hispanic.
Hamtramck city	Bangladeshi.
Mississippi:	
Attala County	American Indian (Choctaw).
Jackson County	American Indian (Choctaw).
Jones County	American Indian (Choctaw).
Kemper County	American Indian (Choctaw).
Leake County	American Indian (Choctaw).
Neshoba County	American Indian (Choctaw).
Newton County	American Indian (Choctaw).
Noxubee County	American Indian (Choctaw).
Scott County	American Indian (Choctaw).
Winston County	American Indian (Choctaw).
Nebraska:	
Colfax County	Hispanic.
Dakota County	Hispanic.
Dawson County	Hispanic.
Nevada:	
Clark County	Filipino.
Clark County	Hispanic.
New Jersey:	
Bergen County	Hispanic.
Bergen County	Korean.
Camden County	Hispanic.
Cumberland County	Hispanic.
Essex County	Hispanic.
Hudson County	Hispanic.
Middlesex County	Asian Indian.
Middlesex County	Hispanic.
Passaic County	Hispanic.
Union County	Hispanic.

COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2015—Continued

State and political subdivision	Language minority group
New Mexico:	
Bernalillo County	American Indian (Navajo).
Bernalillo County	Hispanic.
Chaves County	Hispanic.
Cibola County	American Indian (Navajo).
Doña Ana County	Hispanic.
Guadalupe County	Hispanic.
Hidalgo County	Hispanic.
Lea County	Hispanic.
Lincoln County	American Indian (Apache).
Luna County	Hispanic.
McKinley County	American Indian (Navajo).
Mora County	Hispanic.
Otero County	American Indian (Apache).
Rio Arriba County	American Indian (Navajo).
San Juan County	American Indian (Navajo).
San Juan County	American Indian (Ute).
San Miguel County	Hispanic.
Sandoval County	American Indian (Navajo).
Sandoval County	American Indian (Pueblo).
Santa Fe County	American Indian (Pueblo).
Socorro County	American Indian (Navajo).
Socorro County	Hispanic.
Union County	Hispanic.
Valencia County	Hispanic.
New York:	
Bronx County	Hispanic.
Kings County	Chinese (including Taiwanese).
Kings County	Hispanic.
Nassau County	Hispanic.
New York County	Chinese (including Taiwanese).
New York County	Hispanic.
Queens County	Asian Indian.
Queens County	Chinese (including Taiwanese).
Queens County	Hispanic.
Queens County	Korean.
Suffolk County	Hispanic.
Westchester County	Hispanic.
Oklahoma	
Texas County	Hispanic.
Pennsylvania:	
Berks County	Hispanic.
Lehigh County	Hispanic.
Philadelphia County	Hispanic.
Rhode Island:	
Central Falls city	Hispanic.
Pawtucket city	Hispanic.
Providence city	Hispanic.
Texas:	
State Coverage	Hispanic.
Andrews County	Hispanic.
Atascosa County	Hispanic.
Bailey County	Hispanic.
Bee County	Hispanic.
Bexar County	Hispanic.
Brooks County	Hispanic.
Caldwell County	Hispanic.
Calhoun County	Hispanic.
Cameron County	Hispanic.
Castro County	Hispanic.
Cochran County	Hispanic.
Crane County	Hispanic.
Crockett County	Hispanic.
Crosby County	Hispanic.
Culberson County	Hispanic.
Dallam County	Hispanic.
Dallas County	Hispanic.
Dawson County	Hispanic.
Deaf Smith County	Hispanic.
Dimmit County	Hispanic.
Duval County	Hispanic.
Ector County	Hispanic.

COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2015—Continued

State and political subdivision	Language minority group
Edwards County	Hispanic.
El Paso County	American Indian (Pueblo).
El Paso County	Hispanic.
Floyd County	Hispanic.
Fort Bend County	Hispanic.
Frio County	Hispanic.
Gaines County	Hispanic.
Garza County	Hispanic.
Glasscock County	Hispanic.
Hale County	Hispanic.
Hansford County	Hispanic.
Harris County	Chinese (including Taiwanese).
Harris County	Hispanic.
Harris County	Vietnamese.
Hidalgo County	Hispanic.
Hockley County	Hispanic.
Hudspeth County	Hispanic.
Jeff Davis County	Hispanic.
Jim Hogg County	Hispanic.
Jim Wells County	Hispanic.
Jones County	Hispanic.
Karnes County	Hispanic.
Kenedy County	Hispanic.
Kinney County	Hispanic.
Kleberg County	Hispanic.
Knox County	Hispanic.
La Salle County	Hispanic.
Lamb County	Hispanic.
Live Oak County	Hispanic.
Lynn County	Hispanic.
Martin County	Hispanic.
Matagorda County	Hispanic.
Maverick County	American Indian (All other American Indian Tribes).
Maverick County	Hispanic.
McMullen County	Hispanic.
Medina County	Hispanic.
Menard County	Hispanic.
Midland County	Hispanic.
Moore County	Hispanic.
Nolan County	Hispanic.
Nueces County	Hispanic.
Ochiltree County	Hispanic.
Parmer County	Hispanic.
Pecos County	Hispanic.
Presidio County	Hispanic.
Reagan County	Hispanic.
Reeves County	Hispanic.
Refugio County	Hispanic.
San Patricio County	Hispanic.
Schleicher County	Hispanic.
Scurry County	Hispanic.
Sherman County	Hispanic.
Starr County	Hispanic.
Sterling County	Hispanic.
Sutton County	Hispanic.
Swisher County	Hispanic.
Tarrant County	Hispanic.
Tarrant County	Vietnamese.
Terry County	Hispanic.
Titus County	Hispanic.
Travis County	Hispanic.
Upton County	Hispanic.
Uvalde County	Hispanic.
Val Verde County	Hispanic.
Ward County	Hispanic.
Webb County	Hispanic.
Willacy County	Hispanic.
Winkler County	Hispanic.
Yoakum County	Hispanic.
Zapata County	Hispanic.
Zavala County	Hispanic.

Utah:

COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2015—Continued

State and political subdivision	Language minority group
San Juan County	American Indian (Navajo).
San Juan County	American Indian (Ute).
Virginia:	
Fairfax County	Hispanic.
Fairfax County	Vietnamese.
Washington:	
Adams County	Hispanic.
Franklin County	Hispanic.
King County	Chinese (including Taiwanese).
King County	Vietnamese.
Yakima County	Hispanic.
Wisconsin:	
Arcadia city	Hispanic.
Madison town	Hispanic.
Milwaukee city	Hispanic.

[FR Doc. 2016-28969 Filed 12-2-16; 8:5 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE**Economics and Statistics
Administration****Extension of Deadline for Nominations
of Members To Serve on the
Commerce Data Advisory Council
(CDAC)**

AGENCY: Economics and Statistics Administration (ESA), Department of Commerce.

ACTION: Extension of deadline for nominations of members to the Commerce Data Advisory Council (CDAC).

SUMMARY: The Secretary of Commerce is requesting nomination of individuals to the Commerce Data Advisory Council. The Secretary will consider nominations received in response to this notice, as well as from other sources.

The **SUPPLEMENTARY INFORMATION** section of this notice provides committee and membership criteria.

DATES: The Economics and Statistics Administration must receive nominations of members by midnight December 16, 2016.

ADDRESSES: Please submit nominations to the email account DataAdvisoryCouncil@doc.gov, this account is specifically set up to receive Data Advisory Council applications. Nominations may also be submitted by postal delivery to Burton Reist, Director of External Affairs, Economics and Statistics Administration/DFO CDAC, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Burton Reist, Director of External

Affairs, Economics and Statistics Administration, Department of Commerce, at (202) 482-3331 or email BReist@doc.gov, also at 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:**I. Background**

The Department of Commerce (Department) collects, compiles, analyzes, and disseminates a treasure trove of data, including data on the Nation's economy, population, and environment. This data is fundamental to the Department's mission and is used for the protection of life and property, for scientific purposes, and to enhance economic growth. However, the Department's capacity to disseminate the increasing amount of data held and to disseminate it in formats most useful to its customers is significantly constrained.

In order to realize the potential value of the data the Department collects, stores, and disseminates, the Department must minimize barriers to accessing and using the data. Consistent with privacy and security considerations, the Department is firmly committed to unleashing its untapped data resources in ways that best support downstream information access, processing, analysis, and dissemination.

The Commerce Data Advisory Council (CDAC) provides advice and recommendations, to include process and infrastructure improvements, to the Secretary on ways to make Commerce data easier to find, access, use, combine and disseminate. The aim of this advice shall be to maximize the value of Commerce data to all users including governments, businesses, communities, academia, and individuals.

The Secretary will draw CDAC membership from the data industry academia, non-profits and state and

local governments with a focus on recognized expertise in collection, compilation, analysis, and dissemination. As privacy concerns span the entire data lifecycle, expertise in privacy protection also will be represented on the Council. The Secretary will select members that represent the entire spectrum of Commerce data including demographic, economic, scientific, environmental, patent, and geospatial data. The Secretary will select members from the information technology, business, non-profit, and academic communities, and state and local governments. Collectively, their knowledge will include all types of data Commerce distributes and the full lifecycle of data collection, compilation, analysis, and dissemination.

II. Description of Duties

The Council shall advise the Secretary on ways to make Commerce data easier to find, access, use, combine, and disseminate. Such advice may include recommended process and infrastructure improvements. The aim of this advice shall be to maximize the value of Commerce data to governments, businesses, communities, and individuals.

In carrying out its duties, the Council may consider the following:

- Data management practices that make it easier to track and disseminate integrated, interoperable data for diverse users;
- Best practices that can be deployed across Commerce to achieve common, open standards related to taxonomy, vocabulary, application programming interfaces (APIs), metadata, and other key data characteristics;
- Policy issues that arise from expanding access to data, including issues related to privacy,

MINORITY LANGUAGE CITIZENS

SECTION 203 OF THE VOTING RIGHTS ACT

The United States is a diverse land with a government selected by the votes of its citizens. Federal law recognizes that many Americans rely heavily on languages other than English, and that they require information in minority languages in order to be informed voters and participate effectively in our representative democracy. Many provisions of federal law protect the voting rights of minority language Americans. Section 203 of the Voting Rights Act is the keystone. Congress has mandated minority language ballots in some jurisdictions since 1975, with the most recent changes in the method of determining which jurisdictions must provide minority language materials and information becoming law in 1992

Section 203 of the Voting Rights Act

When Congress amended the Voting Rights Act in 1975 by adding Section 203, it found that "through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process....The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting these practices."

Section 203 provides: "Whenever any State or political subdivision [covered by the section] provides 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."

What jurisdictions are covered under Section 203?

The law covers those localities where there are more than 10,000 or over 5 percent of the total voting age citizens in a single political subdivision (usually a county, but a township or municipality in some states) who are members of a single minority language group, have depressed literacy rates, and do not speak English very well. Political subdivisions also may be covered through a separate determination for Indian Reservations.

Determinations are based on data from the most recent Census, and the determinations are made by the Director of the Census. The [list](#) of jurisdictions covered under Section 203 can be found at the web site of the Voting Section of the Justice Department's Civil Rights Division.

What languages are covered under Section 203?

Section 203 targets those language minorities that have suffered a history of exclusion from the political process: Spanish, Asian, Native American, and Alaskan Native. The Census Bureau identifies specific language groups for specific jurisdictions. In some jurisdictions, two or more language minority groups are present in numbers sufficient to trigger the Section 203 requirements.

What elections are covered?

Section 203 requirements apply to all elections conducted within the bounds of the jurisdiction identified as covered by Section 203 by the Census Bureau. The law applies to primary and general elections, bond elections and referenda, and to elections of each municipality, school district or special purpose district within the designated jurisdiction.

What information must be provided in the minority language?

All information that is provided in English also must be provided in the minority language as well. This covers not only the ballot, but all election information - voter registration, candidate qualifying, polling place notices, sample ballots, instructional forms, voter information pamphlets, and absentee and regular ballots - from details about voter registration through the actual casting of the ballot, and the questions that regularly come up in the polling place. Written materials must be translated accurately, of course. Assistance also must be provided orally. Most Native American languages historically are unwritten, so that all information must be transmitted orally. Oral communications are especially important in any situation where literacy is depressed. Bilingual poll workers will be essential in at least some precincts on election day, and there should be trained personnel in the courthouse or city hall who can answer questions in the minority language, just as they do for English-speaking voters.

What are the keys to a successful program?

1. Outreach

The cornerstone of every successful program is a vigorous outreach program to identify the needs and communication channels of the minority community. Citizens who do not speak English very well, often rely on communication channels that differ from those used by English-speakers. Each community is different. The best-informed sources of information are people who are in the minority community and those who work with it regularly. Election officials should talk to them. Minority leaders are an important starting point, but election officials should not stop there. By talking to a broad range of people in the minority community - educators, business groups, labor groups, ESL programs, parent-teacher organizations, senior citizen groups, church groups, social and fraternal organizations, veterans groups, and the like - election officials will be able to identify the most effective and most efficient program possible: where to post notices, what media to use, where to have bilingual poll officials. These same persons can help identify and recruit bilingual poll officials and some of them may be able to provide important feedback on proposed translations.

Minority community members and those who work with them can play a significant role in developing and maintaining an effective bilingual election program and need not wait to be contacted by election officials. Minority language citizens should promptly respond to requests for advice and feedback from local election officials, who often are faced with severe time constraints. They also should reach out to city and county election officials to make suggestions on the program, offer to serve as poll officials, and otherwise participate actively in the minority language program that is adopted. They should report any compliance problems to local election

officials and, should those officials fail to adequately address the problems, they should notify the Justice Department. Contact information is included at the end of this brochure.

2. Bilingual election personnel

Voters ask questions at the polls on election day. They have trouble with the voting machines. They are not sure of their precinct. They may not be able to read the ballot. Failure to employ bilingual poll officials at all precincts where they are needed can deprive citizens of their right to vote.

New poll workers - and indeed many veteran poll officials - need effective training in matters beyond the operation of the polls, including the broader election process so that they can answer questions accurately. Experienced poll officials at times need training on the rights of minority language voters.

3. Accurately Translated and Effectively Distributed Materials

Materials for all stages of the election process must be translated. Care should be taken to provide an accurate translation that meets the needs of the minority community. Poor translations can be misleading for voters and embarrassing for local officials. Beyond quality control, there can be significant differences in dialect within a given language group, and it is the responsibility of local officials to provide a translation that local voters actually can use. Local officials should reach out to the local minority community to help produce or check translations.

4. Timing

Time before the next election is limited - extremely limited for some jurisdictions - and there is much to do to adjust something as complex as an election process. Outreach to the minority community should begin immediately to help establish an effective and efficient minority language election program, so that priorities can be set for the many tasks that must be completed.

5. Contingency Planning

Things go wrong. Poll officials get sick and don't show up. Materials wind up at the wrong place, or get lost completely. Minority language voters appear in unexpected polling places. An effective minority language program includes plans for addressing problems, such as training for poll officials in how to deal with surprise situations, back-up communication between the polling places and the central election office, and extra material and bilingual personnel to plug gaps.

Again, close communication with the minority community will help minimize the fallout from those inevitable problems that will occur.

6. Assess, Analyze and Improve

An effective minority language program is an ongoing exercise. Minority language citizens will move into some new areas and create a need for new communications and new bilingual poll officials. The need in other areas may disappear with time. Such changes are reflected in a

number of ways, such as changes in school enrollment. Like a business enterprise, an elections office must meet the needs of a changing clientele. Continuing consultation with minority leaders and groups will remain a part of an effective program.

It also can help to make a record of consultations and other outreach activities. This helps identify both successes and gaps, and builds institutional memory.

THE ROLE OF THE JUSTICE DEPARTMENT

- Inform - The Department of Justice notifies each jurisdiction that it is covered under Section 203, and also reaches out to minority communities to make them aware of the law.

- Assist - We provide information to jurisdictions and answer questions about compliance plans.

- Enforce - We investigate and pursue allegations of violations of federal law, and take appropriate enforcement action.

Where do I go for more information?

Information about Section 203, including its text, a list of covered jurisdictions, and the Attorney General's Minority Language Guidelines, is on the Voting Section web site at </crt/about/vot/index.php>.

You also may contact

Voting Section
Civil Rights Division
Department of Justice
950 Pennsylvania Ave., N.W. - NWB
Washington, DC 20530

PHONE - 202-307-2767; 1-800-253-3931
FAX - 202-307-3961

Updated August 6, 2015

Electronic Code of Federal Regulations

e-CFR

TM

e-CFR Data is current as of October 18, 2011

Title 28: Judicial Administration

[Browse Previous](#) | [Browse Next](#)

PART 55—IMPLEMENTATION OF THE PROVISIONS OF THE VOTING RIGHTS ACT REGARDING LANGUAGE MINORITY GROUPS

Section Contents

[Subpart A—General Provisions](#)

[§ 55.1 Definitions.](#)

[§ 55.2 Purpose; standards for measuring compliance.](#)

[§ 55.3 Statutory requirements.](#)

[Subpart B—Nature of Coverage](#)

[§ 55.4 Effective date; list of covered jurisdictions.](#)

[§ 55.5 Coverage under section 4\(f\)\(4\).](#)

[§ 55.6 Coverage under section 203\(c\).](#)

[§ 55.7 Termination of coverage.](#)

[§ 55.8 Relationship between section 4\(f\)\(4\) and section 203\(c\).](#)

[§ 55.9 Coverage of political units within a county.](#)

[§ 55.10 Types of elections covered.](#)

[Subpart C—Determining the Exact Language](#)

[§ 55.11 General.](#)

[§ 55.12 Language used for written material.](#)

[§ 55.13 Language used for oral assistance and publicity.](#)

[Subpart D—Minority Language Materials and Assistance](#)

[§ 55.14 General.](#)

[§ 55.15 Affected activities.](#)

[§ 55.16 Standards and proof of compliance.](#)

[§ 55.17 Targeting.](#)

[§ 55.18 Provision of minority language materials and assistance.](#)

[§ 55.19 Written materials.](#)

[§ 55.20 Oral assistance and publicity.](#)

[§ 55.21 Record keeping.](#)

[Subpart E—Preclearance](#)

[§ 55.22 Requirements of section 5 of the Act.](#)

[Subpart F—Sanctions](#)

[§ 55.23 Enforcement by the Attorney General.](#)

[Subpart G—Comment on This Part](#)

[§ 55.24 Procedure.](#)

[Appendix to Part 55—Jurisdictions Covered Under Sections 4\(f\)\(4\) and 203\(c\) of the Voting Rights Act of 1965, as Amended \[Applicable language minority group\(s\)\]](#)

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510; 42 U.S.C. 1973b, 1973j(d), 1973aa–1a, 1973aa–2.

Source: Order No. 655–76, 41 FR 29998, July 20, 1976, unless otherwise noted.

Subpart A—General Provisions

 [top](#)

§ 55.1 Definitions.

 [top](#)

As used in this part—

Act means the Voting Rights Act of 1965, 79 Stat. 437, Public Law 89–110, as amended by the Civil Rights Act of 1968, 82 Stat. 73, Public Law 90–284, the Voting Rights Act Amendments of 1970, 84 Stat. 314, Public Law 91–285, the District of Columbia Delegate Act, 84 Stat. 853, Public Law 91–405, the Voting Rights Act Amendments of 1975, 89 Stat. 400, Public Law 94–73, the Voting Rights Act Amendments of 1982, 96 Stat. 131, Public Law 97–205, the Voting Rights Language Assistance Act of 1992, 106 Stat. 921, Public Law 102–344, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, 120 Stat. 577, Public Law 109–246, and the Act to Revise the Short Title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act, 122 Stat. 2428, Public Law 110–258, 42 U.S.C. 1973 *et seq.* Section numbers, such as “section 14(c)(3),” refer to sections of the Act.

Attorney General means the Attorney General of the United States.

Language minorities or *language minority group* is used, as defined in the Act, to refer to persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage. (Sections 14(c)(3) and 203(e)).

Political subdivision is used, as defined in the Act, to refer to “any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.” (Section 14(c)(2)).

[Order 1246–87, 53 FR 735, Jan. 12, 1988, as amended by Order No. 1752–93, 58 FR 35372, July 1, 1993; Order 3291–2011, 76 FR 54111, Aug. 31, 2011]

§ 55.2 Purpose; standards for measuring compliance.

[↑ top](#)

(a) The purpose of this part is to set forth the Attorney General's interpretation of the provisions of the Voting Rights Act which require certain States and political subdivisions to conduct elections in the language of certain “language minority groups” in addition to English.

(b) In the Attorney General's view the objective of the Act's provisions is to enable members of applicable language minority groups to participate effectively in the electoral process. This part establishes two basic standards by which the Attorney General will measure compliance:

(1) That materials and assistance should be provided in a way designed to allow members of applicable language minority groups to be effectively informed of and participate effectively in voting-connected activities; and

(2) That an affected jurisdiction should take all reasonable steps to achieve that goal.

(c) The determination of what is required for compliance with section 4(f)(4) and section 203(c) is the responsibility of the affected jurisdiction. These guidelines should not be used as a substitute for analysis and decision by the affected jurisdiction.

(d) Jurisdictions covered under section 4(f)(4) of the Act are subject to the preclearance requirements of section 5. See part 51 of this chapter. Such jurisdictions have the burden of establishing to the satisfaction of the Attorney General or to the U.S. District Court for the District of Columbia that changes made in their election laws and procedures in order to comply with the requirements of section 4(f)(4) are not discriminatory under the terms of section 5. However, section 5 expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of the changes.

(e) Jurisdictions covered solely under section 203(c) of the Act are not subject to the preclearance requirements of section 5, nor is there a Federal apparatus available for preclearance of section 203(c) compliance activities. The Attorney General will not preclear jurisdictions' proposals for compliance with section 203(c).

(f) Consideration by the Attorney General of a jurisdiction's compliance with the requirements of section 4(f)(4) occurs in the review pursuant to section 5 of the Act of changes with respect to voting, in the consideration of the need for litigation to enforce the requirements of section 4(f)(4), and in the defense of suits for termination of coverage under section 4(f)(4). Consideration by the Attorney General of a jurisdiction's compliance with the requirements of section 203(c) occurs in the consideration of the need for litigation to enforce the requirements of section 203(c).

(g) In enforcing the Act—through the section 5 preclearance review process, through litigation, and through defense of suits for termination of coverage under section 4(f)(4)—the Attorney General will follow the general policies set forth in this part.

(h) This part is not intended to preclude affected jurisdictions from taking additional steps to further the policy of the Act. By virtue of the Supremacy Clause of Art. VI of the Constitution, the provisions of the Act override any inconsistent State law.

[Order 655–76, 41 FR 29998, July 20, 1976, as amended by Order 1246–87, 53 FR 736, Jan. 12, 1988]

§ 55.3 Statutory requirements.

[↑ top](#)

The Act's requirements concerning the conduct of elections in languages in addition to English are contained in section 4(f)(4) and section 203(c). These sections state that whenever a jurisdiction subject to their terms “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 language minority group as well as in * * * English. * * *”

Subpart B—Nature of Coverage

[↑ top](#)

§ 55.4 Effective date; list of covered jurisdictions.

[↑ top](#)

(a) The minority language provisions of the Voting Rights Act were added by the Voting Rights Act Amendments of 1975, and amended and extended in 1982, 1992, and 2006.

(1) The requirements of section 4(f)(4) take effect upon publication in the Federal Register of the requisite determinations of the Director of the Census and the Attorney General. Such determinations are not reviewable in any court. *See* section 4(b).

(2) The requirements of section 203(c) take effect upon publication in the Federal Register of the requisite determinations of the Director of the Census. Such determinations are not reviewable in any court. *See* section 203(b)(4).

(b) Jurisdictions determined to be covered under section 4(f)(4) or section 203(c) are listed, together with the language minority group with respect to which coverage was determined, in the appendix to this part. Any additional determinations of coverage under either section 4(f)(4) or section 203(c) will be published in the Federal Register.

[Order 655–76, 41 FR 29998, July 20, 1976, as amended by Order 1246–87, 53 FR 736, Jan. 12, 1988; Order 3291–2011, 76 FR 54111, Aug. 31, 2011]

§ 55.5 Coverage under section 4(f)(4).

[↑ top](#)

(a) *Coverage formula.* Section 4(f)(4) applies to any State or political subdivision in which

(1) Over five percent of the voting-age citizens were, on November 1, 1972, members of a single language minority group,

(2) Registration and election materials were provided only in English on November 1, 1972, and

(3) Fewer than 50 percent of the voting-age citizens were registered to vote or voted in the 1972 Presidential election.

All three conditions must be satisfied before coverage exists under section 4(f)(4).¹

¹ Coverage is based on sections 4(b) (third sentence), 4(c), and 4(f)(3).

(b) Coverage may be determined with regard to section 4(f)(4) on a statewide or political subdivision basis.

(1) Whenever the determination is made that the bilingual requirements of section 4(f)(4) are applicable to an entire State, these requirements apply to each of the State's political subdivisions as well as to the State. In other words, each political subdivision within a covered State is subject to the same requirements as the State.

(2) Where an entire State is not covered under section 4(f)(4), individual political subdivisions may be covered.

§ 55.6 Coverage under section 203(c).

[↑ top](#)

(a) *Coverage formula.* There are four ways in which a political subdivision can become subject to section 203(c).²

² The criteria for coverage are contained in section 203(b).

(1) *Political subdivision approach.* A political subdivision is covered if—

(i) More than 5 percent of its voting age citizens are members of a single language minority group and are limited-English proficient; and

(ii) The illiteracy rate of such language minority citizens in the political subdivision is higher than the national illiteracy rate.

(2) *State approach.* A political subdivision is covered if—

(i) It is located in a state in which more than 5 percent of the voting age citizens are members of a single language minority and are limited-English proficient;

(ii) The illiteracy rate of such language minority citizens in the state is higher than the national illiteracy rate; and

(iii) Five percent or more of the voting age citizens of the political subdivision are members of such language minority group and are limited-English proficient.

(3) *Numerical approach.* A political subdivision is covered if—

(i) More than 10,000 of its voting age citizens are members of a single language minority group and are limited-English proficient; and

(ii) The illiteracy rate of such language minority citizens in the political subdivision is higher than the national illiteracy rate.

(4) *Indian reservation approach.* A political subdivision is covered if there is located within its borders all or any part of an Indian reservation—

(i) In which more than 5 percent of the voting age American Indian or Alaska Native citizens are members of a single language minority group and are limited-English proficient; and

(ii) The illiteracy rate of such language minority citizens is higher than the national illiteracy rate.

(b) *Definitions.* For the purpose of determinations of coverage under section 203(c), *limited-English proficient* means unable to speak or understand English adequately enough to participate in the electoral process; *Indian reservation* means any area that is an American Indian or Alaska Native area, as defined by the Census Bureau for the purposes of the 1990 decennial census; and *illiteracy* means the failure to complete the fifth primary grade.

(c) *Determinations.* Determinations of coverage under section 203(c) are made with regard to specific language groups of the language minorities listed in section 203(e).

[Order No. 1752–93, 58 FR 35372, July 1, 1993]

§ 55.7 Termination of coverage.

[↑ top](#)

(a) *Section 4(f)(4).* The requirements of section 4(f)(4) apply for a twenty-five-year period following the effective date of the amendments made by the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006, which amendments became effective on July 27, 2006. See section 4(a)(8). A covered State, a political subdivision of a covered State, a separately covered political subdivision, or a political subunit of any of the above, may terminate the application of section 4(f)(4) earlier by obtaining the declaratory judgment described in section 4(a) of the Act.

(b) *Section 203(c).* The requirements of section 203(c) apply until August 6, 2032. See section 203(b). A covered jurisdiction may terminate Section 203 coverage earlier if it can prove in a declaratory judgment action in a United States district court, that the illiteracy rate of the applicable language minority group is equal to or less than the national illiteracy rate, as described in section 203(d) of the Act.

[Order 3291–2011, 76 FR 54111, Aug. 31, 2011]

§ 55.8 Relationship between section 4(f)(4) and section 203(c).

[↑ top](#)

(a) The statutory requirements of section 4(f)(4) and section 203(c) regarding minority language material and assistance are essentially identical.

(b) Jurisdictions subject to the requirements of section 4(f)(4)—but not jurisdictions subject only to the requirements of section 203(c)—are also subject to the Act's special provisions, such as section 5 (regarding preclearance of changes in voting laws) and section 8 (regarding federal observers).² See part 51 of this chapter.

² In addition, a jurisdiction covered under section 203(c) but not under section 4(f)(4) is subject to the Act's special provisions if it was covered under section 4(b) prior to the 1975 Amendments to the Act.

(c) Although the coverage formulas applicable to section 4(f)(4) and section 203(c) are different, a political

subdivision may be included within both of the coverage formulas. Under these circumstances, a judgment terminating coverage of the jurisdiction under one provision would not have the effect of terminating coverage under the other provision.

[Order No. 655–76, 41 FR 29998, July 20, 1976, as amended by Order 3291–2011, 76 FR 54112, Aug. 31, 2011]

§ 55.9 Coverage of political units within a county.

[↑ top](#)

Where a political subdivision (e.g., a county) is determined to be subject to section 4(f)(4) or section 203(c), all political units that hold elections within that political subdivision (e.g., cities, school districts) are subject to the same requirements as the political subdivision.

§ 55.10 Types of elections covered.

[↑ top](#)

(a) *General.* The language provisions of the Act apply to registration for and voting in any type of election, whether it is a primary, general or special election. Section 14(c)(1). This includes elections of officers as well as elections regarding such matters as bond issues, constitutional amendments and referendums. Federal, State and local elections are covered as are elections of special districts, such as school districts and water districts.

(b) *Elections for statewide office.* If an election conducted by a county relates to Federal or State offices or issues as well as county offices or issues, a county subject to the bilingual requirements must insure compliance with those requirements with respect to all aspects of the election, i.e., the minority language material and assistance must deal with the Federal and State offices or issues as well as county offices or issues.

(c) *Multi-county districts.* Regarding elections for an office representing more than one county, e.g., State legislative districts and special districts that include portions of two or more counties, the bilingual requirements are applicable on a county-by-county basis. Thus, minority language material and assistance need not be provided by the government in counties not subject to the bilingual requirements of the Act.

Subpart C—Determining the Exact Language

[↑ top](#)

§ 55.11 General.

[↑ top](#)

The requirements of section 4(f)(4) or section 203(c) apply with respect to the languages of language minority groups. The applicable groups are indicated in the determinations of the Attorney General or the Director of the Census. This subpart relates to the view of the Attorney General concerning the determination by covered jurisdictions of precisely the language to be employed. In enforcing the Act, the Attorney General will consider whether the languages, forms of languages, or dialects chosen by covered jurisdictions for use in the electoral process enable members of applicable language minority groups to participate effectively in the electoral process. It is the responsibility of covered jurisdictions to determine what languages, forms of languages, or dialects will be effective. For those jurisdictions covered under section 203(c), the coverage determination (indicated in the appendix) may specify the particular language minority group (in parentheses) for which the jurisdiction is covered, but does not specify the language or dialect to be used for such group.

[Order 655–76, 41 FR 29998, July 20, 1976, as amended by Order 1246–87, 53 FR 736, Jan. 12, 1988; Order 3291–2011, 76 FR 54112, Aug. 31, 2011]

§ 55.12 Language used for written material.

[↑ top](#)

(a) *Language minority groups having more than one language.* Some language minority groups, for example, Filipino Americans, have more than one language other than English. A jurisdiction required to provide election materials in the language of such a group need not provide materials in more than one language other than English. The Attorney General will consider whether the language that is used for election materials is the one most widely used by the jurisdiction's voting-age citizens who are members of the language minority group.

(b) *Languages with more than one written form.* Some languages, for example, Japanese, have more than one written form. A jurisdiction required to provide election materials in such a language need not provide more than one version. The Attorney General will consider whether the particular version of the language that is used for election materials is the one most widely used by the jurisdiction's voting-age citizens who are members of the language minority group.

(c) *Unwritten languages.* Many of the languages used by language minority groups, for example, by some American Indians and Alaskan Natives, are unwritten. With respect to any such language, only oral assistance and publicity are required. Even though a written form for a language may exist, a language may be considered unwritten if it is not commonly used in a written form. It is the responsibility of the covered jurisdiction to determine whether a language should be considered written or unwritten.

§ 55.13 Language used for oral assistance and publicity.

[↑ top](#)

(a) *Languages with more than one dialect.* Some languages, for example, Chinese, have several dialects. Where a jurisdiction is obligated to provide oral assistance in such a language, the jurisdiction's obligation is to ascertain the dialects that are commonly used by members of the applicable language minority group in the jurisdiction and to provide oral assistance in such dialects. (See §55.20.)

(b) *Language minority groups having more than one language.* In some jurisdictions members of an applicable language minority group speak more than one language other than English. Where a jurisdiction is obligated to provide oral assistance in the language of such a group, the jurisdiction's obligation is to ascertain the languages that are commonly used by members of that group in the jurisdiction and to provide oral assistance in such languages. (See §55.20)

[Order 655–76, 41 FR 29998, July 20, 1976, as amended by Order 1246–87, 53 FR 736, Jan. 12, 1988; Order No. 1752–93, 58 FR 35373, July 1, 1993]

Subpart D—Minority Language Materials and Assistance

[↑ top](#)

§ 55.14 General.

[↑ top](#)

(a) This subpart sets forth the views of the Attorney General with respect to the requirements of section 4(f)(4) and section 203(c) concerning the provision of minority language materials and assistance and some of the factors that the Attorney General will consider in carrying out his responsibilities to enforce section 4(f)(4) and section 203(c). Through the use of his authority under section 5 and his authority to bring suits to enforce section 4(f)(4) and section 203(c), the Attorney General will seek to prevent or remedy discrimination against members of language minority groups based on the failure to use the applicable minority language in the electoral process. The Attorney General also has the responsibility to defend against suits brought for the termination of coverage under section 4(f)(4) and section 203(c).

(b) In discharging these responsibilities the Attorney General will respond to complaints received, conduct on his own initiative inquiries and surveys concerning compliance, and undertake other enforcement activities.

(c) It is the responsibility of the jurisdiction to determine what actions by it are required for compliance with the requirements of section 4(f)(4) and section 203(c) and to carry out these actions.

§ 55.15 Affected activities.

[↑ top](#)

The requirements of sections 4(f)(4) and 203(c) apply with regard to the provision of “any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots.” The basic purpose of these requirements is to allow members of applicable language minority groups to be effectively informed of and participate effectively in voting-connected activities. Accordingly, the quoted language should be broadly construed to apply to all stages of the electoral process, from voter registration through activities related to conducting elections, including, for example the issuance, at any time during the year, of notifications, announcements, or other informational materials concerning the opportunity to register, the deadline for voter registration, the time, places and subject matters of elections, and the absentee voting process.

§ 55.16 Standards and proof of compliance.

[↑ top](#)

Compliance with the requirements of section 4(f)(4) and section 203(c) is best measured by results. A jurisdiction is more likely to achieve compliance with these requirements if it has worked with the cooperation of and to the satisfaction of organizations representing members of the applicable language minority group. In planning its compliance with section 4(f)(4) or section 203(c), a jurisdiction may, where alternative methods of compliance are available, use less costly methods if they are equivalent to more costly methods in their effectiveness.

§ 55.17 Targeting.

The term “targeting” is commonly used in discussions of the requirements of section 4(f)(4) and section 203(c). “Targeting” refers to a system in which the minority language materials or assistance required by the Act are provided to fewer than all persons or registered voters. It is the view of the Attorney General that a targeting system will normally fulfill the Act’s minority language requirements if it is designed and implemented in such a way that language minority group members who need minority language materials and assistance receive them.

[Order No. 655–76, 41 FR 29998, July 20, 1976, as amended by Order No. 1752–93, 58 FR 35373, July 1, 1993]

§ 55.18 Provision of minority language materials and assistance.

(a) *Materials provided by mail.* If materials provided by mail (or by some comparable form of distribution) generally to residents or registered voters are not all provided in the applicable minority language, the Attorney General will consider whether an effective targeting system has been developed. For example, a separate mailing of materials in the minority language to persons who are likely to need them or to residents of neighborhoods in which such a need is likely to exist, supplemented by a notice of the availability of minority language materials in the general mailing (in English and in the applicable minority language) and by other publicity regarding the availability of such materials may be sufficient.

(b) *Public notices.* The Attorney General will consider whether public notices and announcements of electoral activities are handled in a manner that provides members of the applicable language minority group an effective opportunity to be informed about electoral activities.

(c) *Registration.* The Attorney General will consider whether the registration system is conducted in such a way that members of the applicable language minority group have an effective opportunity to register. One method of accomplishing this is to provide, in the applicable minority language, all notices, forms and other materials provided to potential registrants and to have only bilingual persons as registrars. Effective results may also be obtained, for example, through the use of deputy registrars who are members of the applicable language minority group and the use of decentralized places of registration, with minority language materials available at places where persons who need them are most likely to come to register.

(d) *Polling place activities.* The Attorney General will consider whether polling place activities are conducted in such a way that members of the applicable language minority group have an effective opportunity to vote. One method of accomplishing this is to provide all notices, instructions, ballots, and other pertinent materials and oral assistance in the applicable minority language. If very few of the registered voters scheduled to vote at a particular polling place need minority language materials or assistance, the Attorney General will consider whether an alternative system enabling those few to cast effective ballots is available.

(e) *Publicity.* The Attorney General will consider whether a covered jurisdiction has taken appropriate steps to publicize the availability of materials and assistance in the minority language. Such steps may include the display of appropriate notices, in the minority language, at voter registration offices, polling places, etc., the making of announcements over minority language radio or television stations, the publication of notices in minority language newspapers, and direct contact with language minority group organizations.

[Order No. 655–76, 41 FR 29998, July 20, 1976, as amended by Order No. 733–77, 42 FR 35970, July 13, 1977]

§ 55.19 Written materials.

(a) *Types of materials.* It is the obligation of the jurisdiction to decide what materials must be provided in a minority language. A jurisdiction required to provide minority language materials is only required to publish in the language of the applicable language minority group materials distributed to or provided for the use of the electorate generally. Such materials include, for example, ballots, sample ballots, informational materials, and petitions.

(b) *Accuracy, completeness.* It is essential that material provided in the language of a language minority group be clear, complete and accurate. In examining whether a jurisdiction has achieved compliance with this requirement, the Attorney General will consider whether the jurisdiction has consulted with members of the applicable language minority group with respect to the translation of materials.

(c) *Ballots.* The Attorney General will consider whether a jurisdiction provides the English and minority language versions on the same document. Lack of such bilingual preparation of ballots may give rise to the possibility, or to the appearance, that the secrecy of the ballot will be lost if a separate minority language ballot or voting machine is used.

(d) *Voting machines.* Where voting machines that cannot mechanically accommodate a ballot in English and in the applicable minority language are used, the Attorney General will consider whether the jurisdiction provides sample ballots for use in the polling booths. Where such sample ballots are used the Attorney

General will consider whether they contain a complete and accurate translation of the English ballots, and whether they contain or are accompanied by instructions in the minority language explaining the operation of the voting machine. The Attorney General will also consider whether the sample ballots are displayed so that they are clearly visible and at the same level as the machine ballot on the inside of the polling booth, whether the sample ballots are identical in layout to the machine ballots, and whether their size and typeface are the same as that appearing on the machine ballots. Where space limitations preclude affixing the translated sample ballots to the inside of polling booths, the Attorney General will consider whether language minority group voters are allowed to take the sample ballots into the voting booths.

§ 55.20 Oral assistance and publicity.

[↑ top](#)

(a) *General.* Announcements, publicity, and assistance should be given in oral form to the extent needed to enable members of the applicable language minority group to participate effectively in the electoral process.

(b) *Assistance.* The Attorney General will consider whether a jurisdiction has given sufficient attention to the needs of language minority group members who cannot effectively read either English or the applicable minority language and to the needs of members of language minority groups whose languages are unwritten.

(c) *Helpers.* With respect to the conduct of elections, the jurisdiction will need to determine the number of helpers (i.e., persons to provide oral assistance in the minority language) that must be provided. In evaluating the provision of assistance, the Attorney General will consider such facts as the number of a precinct's registered voters who are members of the applicable language minority group, the number of such persons who are not proficient in English, and the ability of a voter to be assisted by a person of his or her own choice. The basic standard is one of effectiveness.

[Order No. 655–76, 41 FR 29998, July 20, 1976, as amended by Order No. 1752–93, 58 FR 35373, July 1, 1993]

§ 55.21 Record keeping.

[↑ top](#)

The Attorney General's implementation of the Act's provisions concerning language minority groups would be facilitated if each covered jurisdiction would maintain such records and data as will document its actions under those provisions, including, for example, records on such matters as alternatives considered prior to taking such actions, and the reasons for choosing the actions finally taken.

Subpart E—Preclearance

[↑ top](#)

§ 55.22 Requirements of section 5 of the Act.

[↑ top](#)

For many jurisdictions, changes in voting laws and practices will be necessary in order to comply with section 4(f)(4) or section 203(c). If a jurisdiction is subject to the preclearance requirements of section 5 (see §55.8(b)), such changes must either be submitted to the Attorney General or be made the subject of a declaratory judgment action in the U.S. District Court for the District of Columbia. Procedures for the administration of section 5 are set forth in part 51 of this chapter.

Subpart F—Sanctions

[↑ top](#)

§ 55.23 Enforcement by the Attorney General.

[↑ top](#)

(a) The Attorney General is authorized to bring civil actions for appropriate relief against violations of the Act's provisions, including section 4 and section 203. See sections 12(d) and 204.

(b) Also, certain violations may be subject to criminal sanctions. See sections 12(a) and (c) and 205.

[Order No. 655–76, 41 FR 29998, July 20, 1976, as amended by Order 3291–2011, 76 FR 54112, Aug. 31, 2011]

Subpart G—Comment on This Part

[↑ top](#)

§ 55.24 Procedure.

These guidelines may be modified from time to time on the basis of experience under the Act and comments received from interested parties. The Attorney General therefore invites public comments and suggestions on these guidelines. Any party who wishes to make such suggestions or comments may do so by sending them to: Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, DC 20530.

Appendix to Part 55—Jurisdictions Covered Under Sections 4(f)(4) and 203(c) of the Voting Rights Act of 1965, as Amended [Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4) ¹	Coverage under sec. 203(c) ²
--------------	--	---

¹Coverage determinations for Section 4(f)(4) were published at 40 FR 43746 (Sept. 23, 1975), 40 FR 49422 (Oct. 22, 1975), 41 FR 783 (Jan. 5, 1976) (corrected at 41 FR 1503 (Jan. 8, 1976)), and 41 FR 34329 (Aug. 13, 1976). The Voting Section maintains a current list of those jurisdictions that have maintained successful declaratory judgments from the United States District Court for the District of Columbia pursuant to section 4 of the Act on its Web site at <http://www.justice.gov/crt/about/vot/>. See §55.7 of this part.

²Coverage determinations for Section 203 based on 2000 Census data were published at 67 FR 48871 (July 26, 2002). Subsequent coverage determinations for Section 203 will be based on 2010 American Community Survey census data and subsequent American Community Survey data in 5-year increments, or comparable census data. See section 203(b)(2)(A). New coverage determinations for Section 203 by the Director of the Census Bureau are forthcoming.

[Order 3291–2011, 76 FR 54112, Aug. 31, 2011]

[Browse Previous](#) | [Browse Next](#)

For questions or comments regarding e-CFR editorial content, features, or design, email ecfr@nara.gov.

For questions concerning e-CFR programming and delivery issues, email webteam@gpo.gov.

[Section 508 / Accessibility](#)