



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

1500 11<sup>th</sup> Street, 5<sup>th</sup> Floor, Sacramento, CA 95814 | **Tel** 916.657.2166 | **Fax** 916.653.3214 | [www.sos.ca.gov](http://www.sos.ca.gov)

March 18, 2016

**Language Accessibility Advisory Committee (LAAC)  
Public Committee Meeting**

**Tuesday, March 29, 2016  
11:00 a.m.**

Secretary of State  
Auditorium  
1500 11th Street  
Sacramento, CA 95814

Conference Call Number  
(877) 443-3042 (Toll Free)

This notice is available online at  
<http://www.sos.ca.gov/elections/>.

**Additional Teleconference Satellite Locations Open to the Public**

Los Angeles County Clerk/Recorder  
12400 Imperial Highway, Suite 7001  
Norwalk, CA 90605

Riverside County Registrar of Voters  
2724 Gateway Dr., 1st Floor Comm. Rm.  
Riverside, CA 92507

PolicyLink  
1438 Webster Street #303  
Oakland, CA 94612

San Diego County Registrar of Voters  
5600 Overland Ave, 2nd Floor  
San Diego, CA 92123

City of Camarillo Public Library  
4101 Las Posas Road  
Camarillo, CA 93010

**Agenda**

- I. Welcome and Administration of Oath of Office
- II. Call to Order, Roll Call, and Declaration of Quorum
- III. The Role of the LAAC: Discussion on the future agenda, member roles, and responsibilities of the committee.
- IV. Demographics: Discussion on the make-up of California's diverse electorate with a focus on Low-English Proficiency (LEP) voters.
- V. State and Federal Laws: Discussion of laws that cover language accessibility.
- VI. Legislative Update: Discussion on relevant bills for current legislative session.
- VII. Future Meeting Dates and Logistics: Discussion on proposed future meetings.
- VIII. Adjournment

**Important Notices to the Public:**

- This meeting is open to the public and is accessible to the physically disabled.
- In accordance with Title II of the Americans with Disabilities Act of 1990, reasonable accommodations are available. Providing accommodation requests at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.
- Any person who needs a disability-related accommodation or modification in order to participate in the meeting, or any person wanting to subscribe to future meeting notices and agendas, may make a request by contacting Jonathan Ivy at (916) 695-1581, by emailing [LAAC@sos.ca.gov](mailto:LAAC@sos.ca.gov) or [jonathan.ivy@sos.ca.gov](mailto:jonathan.ivy@sos.ca.gov), or by sending a written request to the Language Accessibility Advisory Committee, 1500 11th Street, 5th Floor, Sacramento, CA 95814.
- Discussion and action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the committee and may be taken out of order.
- Persons interested in addressing the committee on any agenda item will be given an opportunity to speak. The committee may limit the time for each individual speaker.
- The committee may not discuss or take action on any matter raised that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a).)

Language Accessibility  
Advisory Committee  
(LAAC)



Alex Padilla  
Secretary of State

County Elections Officials

Jill LaVine  
Registrar of Voters  
Designee: Armando Salud  
Sacramento County

Rebecca Spencer  
Registrar of Voters  
Designee: Leticia Flores  
Riverside County

Claudio Valenzuela  
Registrar of Voters  
Designee: Greta Arevalo  
Monterey County

Dean C. Logan  
Registrar-Recorder/County Clerk  
Designee: Tim McNamara  
Los Angeles County

Joseph E. Canciamilla

Designee: Eren Mendez  
Contra Costa County

Language and Elections Accessibility Experts

Ofelia Medina  
Los Angeles, CA

Deanna Kitamura  
Los Angeles, CA

Astrid Garcia Ochoa  
Hollywood, CA

Primo J. Castro  
La Habra Heights, CA

Maria de la Luz Garcia  
Long Beach, CA

Noemi Gallardo  
Berkeley, CA

Raul Luevano Macias  
Sacramento, CA

Zulma Michaca  
Sacramento, CA

Joshua Alegado  
Pasadena, CA

Joe Long  
San Diego, CA

Jose Verduzco  
Ivanhoe, CA

Melissa Sesma  
Salinas, CA

Cathy Zhang  
San Francisco, CA

Diala Khasawnih  
San Francisco, CA

Teddy Ky-Nam Miller  
Oakland, CA

## **Agenda Item 3. The Role of the LAAC**

### **I. Purpose and Responsibilities of the Language Accessibility Advisory Committee**

The Language Accessibility Advisory Committee (LAAC) was established to advise the Secretary of State (SOS) on issues related to language accessibility of elections and election materials. The mission of the LAAC is to advise and assist the SOS with implementation of federal and state laws relating to access to the electoral process by voters with limited-English proficiency, so that all persons who vote can understand the voting process. The LAAC also provides recommendations identifying and prioritizing activities, programs, and policies to ensure every voter has equal access to the ballot.

The responsibilities of the committee include:

1. Providing expertise on language accessibility issues.
2. Promoting language accessibility initiatives.
3. Answering Secretary of State questions regarding language accessibility issues.

### **II. Organization**

- A. The committee consists of twenty (20) members appointed by the Secretary of State, to include five (5) county elections officials and fifteen (15) elections and language accessibility experts. A quorum, needed to hold any meeting, shall consist of at least ten (10) members.
- B. Two members of the committee will act as co-chairs, and will run the meetings of the committee. They will be responsible for ensuring the agenda for each meeting is developed with the coordination of SOS staff, and that the agenda is followed at each meeting.
  1. The two co-chairs will be elected at-large from among the members.
- C. The Secretary of State shall provide resources and administrative services to the committee in accordance with the following:
  1. The SOS shall provide at least one staff member to act as liaison to the committee.
  2. The SOS shall provide for production and distribution of meeting notices and agendas.

## **Agenda Item 3. The Role of the LAAC**

3. The SOS shall design and host an Internet website that will include postings of notices, agendas, and minutes, as well as general information about the LAAC.
4. The SOS shall provide coordination of meetings, to include location and conference call setup, as well as distribution of meeting materials.
5. When required, the SOS shall provide technical assistance, and record keeping.

### **III. Meetings**

- A. The LAAC shall meet no more than monthly, according to a prepared calendar. A quorum of a majority of the members must be present for any committee business.
- B. Agendas and meeting notices will be prepared, finalized, posted, and sent-out at least 14 days before a scheduled meeting.
- C. Members shall only attend meetings in-person at either the SOS office in Sacramento or at a teleconference location listed in the meeting agenda.

### **IV. Committee Member Information**

Committee members and meetings are subject to the Bagley-Keene Open Meeting Act. LAAC members will be expected to attend monthly meetings at a publicly accessible teleconference site in one of the following regions: Bay Area, Sacramento, or Southern California (sites in other regions may be available if needed). This is a volunteer committee. There is no stipend or reimbursement for participation in the LAAC.

#### **Oath of Office**

The Secretary of State, or his designee, for each committee member at the beginning of their first meeting, will administer the oath of office.

#### **Bagley-Keene Open Meeting Act**

A summary of the open meeting law shall be attached.

# Agenda Item 3. The Role of the LAAC

## Assembly Bill No. 1443

### CHAPTER 347

An act to add Chapter 8 (commencing with Section 2600) to Division 2 of the Elections Code, relating to voters.

[ Approved by Governor September 28, 2015. Filed with Secretary of State September 28, 2015. ]

### LEGISLATIVE COUNSEL'S DIGEST

AB 1443, Chau. Voters: language accessibility.

Existing law establishes the Secretary of State as the chief elections officer of the state and requires that he or she ensure that elections are efficiently conducted and that state election laws are enforced. Existing law declares the intent of the Legislature that non-English-speaking citizens, like all other citizens, should be encouraged to vote and that appropriate efforts should be made to minimize obstacles to voting by citizens who lack sufficient skill in English to vote without assistance.

This bill would require the Secretary of State to establish a Language Accessibility Advisory Committee. The committee would consist of at least 15 members and would include the Secretary of State, his or her designees, and additional members appointed by the Secretary of State who have demonstrated language accessibility experience, have knowledge of methods for presenting election materials, or are county elections officials or their designee. The bill would require the Secretary of State to consult with and consider the recommendations of the committee.

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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

#### **SECTION 1.**

Chapter 8 (commencing with Section 2600) is added to Division 2 of the Elections Code, to read:

#### **CHAPTER 8. Language Accessibility 2600.**

The Secretary of State shall establish a Language Accessibility Advisory Committee which shall meet no less than four times each calendar year. The committee shall consist of no less than fifteen members and be comprised of the Secretary of State and his or her designee or designees and additional members appointed by the Secretary of State. The appointees shall have demonstrated language accessibility experience, have knowledge of presenting election materials to voters using plain language methods or another method that is easy for voters to access and understand, or be a county elections official or his or her designee. At least three county elections officials shall be appointed to the committee. The Secretary of State shall consult with and consider the recommendations of the committee. The committee shall serve in an advisory capacity to the Secretary of State.



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January 4, 2016

TO: Language Accessibility Advisory Committee (LAAC)

FROM: Jonathan Ivy, Language & Accessibility Coordinator  
Elections Division, Secretary of State

RE: Introduction to the Bagley-Keene Open Meeting Act

This memorandum provides a brief overview of the Bagley-Keene Open Meeting Act ("the Act"), set forth in Government Code sections 11120-11132.

In passing Bagley-Keene, the Legislature intended to provide public access to the governmental decision-making process. The Act includes rules designed to ensure that state boards and commissions meet publicly at locations open to the public, post agendas that can't be deviated from without prior notice to the public, and refrain from contemplating items of interest outside of such public meeting and agenda requirements. The intention behind these rules is to give the public a seat at the decision-making table, and to prevent collective decision-making from occurring in private or behind closed doors.

Operating under the requirements of the Act can sometimes seem cumbersome for both board members and staff. The rules provided by the Act can sometimes make it difficult for board members to communicate with each other and can make some processes seem inefficient. However, it was the Legislature's intent to provide the public with the ability to monitor and participate in the decision-making process of multi-member bodies, and compliance with these rules should help accomplish that goal.

### **Member Responsibilities**

The Act begins to apply to new members at the time of their election or appointment, even if they have not yet started to serve. (Gov. Code § 11121.95.) A body that falls under the Act must provide its new members with a copy of the Act. (Gov. Code § 11121.9.)

Outside of an open and public meeting, the Act expressly prohibits a majority of the members of a state body to communicate, in any manner, about a topic of interest to that state body. (Gov. Code § 11122.5(b).) For example, a pre-meeting conference-call among a majority of members would be prohibited, and an e-mail chain sent among a

majority of the members to discuss a topic of interest from an upcoming or past meeting would likewise be prohibited.

Any member who intends to deprive the public of information to which the member knows, or has reason to know, the public is entitled could be guilty of a misdemeanor. (Gov. Code § 11130.7.)

## **Meetings**

A meeting occurs when a majority of a body convenes to address issues under the body's jurisdiction. (Gov. Code § 11122.5.) For example, if a body has 21 members, and 11 members meet to discuss an issue in person, over the phone, or via e-mail, that discussion would constitute a meeting.

All meetings must be open to the public, and no conditions to entry can be imposed. (Gov. Code § 11124.) Anyone must be welcome, and removals can only occur for specific disruptions. No registration can be required, and if sign-in sheets are used, they must specifically state that they are optional and that anonymous attendance is permitted.

Members of the public are entitled to record and to broadcast the meetings (via audio and/or video), unless to do so would constitute a persistent disruption. (Gov. Code § 11124.1.)

The notice and agenda provisions require bodies to send notice of its meetings to persons who have requested it, as well as to post such notice on the Internet. (Gov. Code § 11125(a).) At least ten (10) days prior to each meeting, bodies must prepare this notice along with an agenda of all items to be discussed or acted upon at the meeting. (Gov. Code § 11125(b).)

The notice needs to state the time and the place of the meeting, provide the Internet address for a copy of the notice, and give the name, phone number, and address of a contact person who can answer questions about the meeting and the agenda. (Gov. Code § 11125(a).)

The agenda needs to contain a brief description of each item to be acted on or discussed at the meeting, which generally need not exceed 20 words in length. (Gov. Code § 11125(b).)

The public must be afforded an opportunity to speak or otherwise participate either before or during the consideration of each agenda item. (Gov. Code § 11125.7.)

Upon request by any person with a disability, the notice and agenda must be made available in appropriate alternative formats. (42 U.S.C. § 12132.) The notice must also contain information regarding the manner in which and the deadline by which a request

for any disability-related modification or accommodation, including auxiliary aids or services, may be made by a person requiring these aids or services in order to participate in the meeting.

### **Teleconference**

Members of a state body may attend a meeting of that body via teleconference (audio, or both audio and visual), but must do so from locations accessible and open to the public. (Gov. Code § 11123.)

Each teleconference location must be identified in the notice and agenda, and each site must have posted such notice on the day of the meeting at the meeting time. (Gov. Code § 11123(b)(1)(C).)

All votes taken during a teleconferenced meeting shall be by roll call (“yeas” and “nays”), with a record of how each member votes. (Gov. Code § 11123(b)(1)(D).)

The state body can allow for members of the public to view, listen to, or interact via electronic means, such as calling into the teleconference or viewing a feed over the Internet, without having to be physically present at a meeting or teleconference location. (Gov. Code § 11123(b)(2).)

For each item considered on the agenda, the public must be afforded an opportunity to speak or otherwise participate at each of the teleconference locations. (Gov. Code § 11123(b)(1)(C).)

### **Public Records**

For each item on which a vote is taken, a record must be kept of the result and how each member present voted on that action item. Secret ballots are prohibited. (Gov. Code § 11123(c).)

Under the Act, the public is entitled to have access to the records of the body. (Gov. Code § 11125.1.) In general, a record includes any form of writing, including e-mails and handwritten notes. When materials are provided to a majority of the body either before or during the meeting, they must also be made available to the public without delay, unless the confidentiality of such materials is otherwise protected. (Gov. Code § 11125.1(a).)

Any records provided to the public must be available in appropriate alternative formats upon request by a person with a disability. (42 U.S.C. § 12132.)

If a body has received a request for records, the Public Records Act allows for the body to charge for duplication, limited to the direct cost of such duplication. (Gov. Code §§ 6250-6270, and Gov. Code § 11125.1(c).)

## **Emergency Meetings**

In rare emergency instances, such as a crippling disaster or a work stoppage that would severely impair public health and safety, an “emergency meeting” can be held. (Gov. Code § 11125.5.) Emergency meetings require a one-hour notice to the media and must be held in open session. The Act also sets forth a variety of other technical and procedural requirements that must be satisfied.

## **Special Meetings**

“Special meetings” are meetings held without a 10-day notice. (Gov. Code § 11125.4.) Special meetings require at least a 48-hour notice to the media, along with posting on the Internet.

The purposes for which a body can call a special meeting are quite limited. Examples include pending litigation, legislation, licensing matters, and certain personnel actions.

At the commencement of a special meeting, the body is required to make a finding that the 10-day notice requirement would impose a substantial hardship on the body or that immediate action is required to protect the public interest. The finding must be adopted by two-thirds vote and must contain facts that support it. If all of these requirements are not followed, then the body cannot convene the special meeting and the meeting must be adjourned.

## **Closed Sessions**

Closed sessions must follow the procedures and restrictions outlined in the Act and may only be held for specific reasons enumerated generally under the Act as follows:

Personnel Matters (Gov. Code § 11126(a).)

Examination Matters (Gov. Code § 11126(c)(1).)

Matters Affecting Individual Privacy (Gov. Code § 11126(c)(2).)

Administrative Disciplinary Matters (Gov. Code § 11400, *et seq.*; § 11126(c)(3).)

Board of Accountancy Matters (Gov. Code § 11126(f)(3).)

Pending Litigation (Gov. Code § 11126(c)(1).)

Response to Confidential Final Draft Audit Report (Gov. Code § 11126.2.)

Threat of Criminal or Terrorist Activity (Gov. Code § 11126(c)(18).)

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## Agenda Item 4. Demographics

Table 5. Detailed Languages Spoken at Home and Ability to Speak English for the Population 5 Years and Over for California: 2009-2013  
Release Date: October 2015

|                                                    | Number of speakers <sup>1</sup> | Margin of Error <sup>2</sup> | Speak English less than "Very Well" <sup>1</sup> | Margin of Error <sup>2</sup> |
|----------------------------------------------------|---------------------------------|------------------------------|--------------------------------------------------|------------------------------|
| <b>Population 5 years and over</b>                 | <b>35,131,429</b>               | <b>586</b>                   | <b>6,799,270</b>                                 | <b>22,260</b>                |
| Speak only English at home                         | 19,782,598                      | 34,163                       | (X)                                              | (X)                          |
| <b>Speak a language other than English at home</b> | <b>15,348,831</b>               | <b>34,040</b>                | <b>6,799,270</b>                                 | <b>22,260</b>                |
| <b>SPANISH AND SPANISH CREOLE</b>                  | <b>10,105,424</b>               | <b>22,961</b>                | <b>4,539,249</b>                                 | <b>16,174</b>                |
| Spanish                                            | 10,105,385                      | 22,963                       | 4,539,250                                        | 16,174                       |
| Ladino                                             | 40                              | 35                           | (B)                                              | --                           |
| <b>OTHER INDO-EUROPEAN LANGUAGES</b>               | <b>1,543,211</b>                | <b>13,369</b>                | <b>495,598</b>                                   | <b>6,553</b>                 |
| <b>French (incl. Patois, Cajun)</b>                | <b>126,083</b>                  | <b>3,706</b>                 | <b>18,836</b>                                    | <b>1,187</b>                 |
| French                                             | 124,980                         | 3,689                        | 18,755                                           | 1,185                        |
| Patois                                             | 985                             | 302                          | 35                                               | 26                           |
| Cajun                                              | 120                             | 82                           | 50                                               | 51                           |
| <b>French Creole</b>                               | <b>6,718</b>                    | <b>862</b>                   | <b>1,300</b>                                     | <b>358</b>                   |
| <b>Italian</b>                                     | <b>62,621</b>                   | <b>2,128</b>                 | <b>12,973</b>                                    | <b>729</b>                   |
| <b>Portuguese (incl. Portuguese Creole)</b>        | <b>79,572</b>                   | <b>3,175</b>                 | <b>25,343</b>                                    | <b>1,541</b>                 |
| Portuguese                                         | 79,550                          | 3,174                        | 25,320                                           | 1,537                        |
| Papia Mentae                                       | (D)                             | (D)                          | (D)                                              | (D)                          |
| <b>German (incl. Luxembourgian)</b>                | <b>110,575</b>                  | <b>2,794</b>                 | <b>14,235</b>                                    | <b>750</b>                   |
| German                                             | 110,545                         | 2,793                        | 14,225                                           | 748                          |
| Luxembourgian                                      | 30                              | 36                           | (D)                                              | (D)                          |
| <b>Yiddish</b>                                     | <b>3,272</b>                    | <b>513</b>                   | <b>634</b>                                       | <b>188</b>                   |
| <b>Other West Germanic languages</b>               | <b>25,660</b>                   | <b>1,519</b>                 | <b>3,162</b>                                     | <b>400</b>                   |
| Pennsylvania Dutch                                 | 25                              | 27                           | (B)                                              | --                           |
| Dutch                                              | 22,335                          | 1,359                        | 2,865                                            | 385                          |
| Afrikaans                                          | 3,075                           | 552                          | 240                                              | 107                          |
| Frisian                                            | 225                             | 124                          | 60                                               | 48                           |
| <b>Scandinavian languages</b>                      | <b>23,859</b>                   | <b>1,601</b>                 | <b>2,476</b>                                     | <b>412</b>                   |
| Swedish                                            | 11,690                          | 984                          | 1,250                                            | 322                          |
| Danish                                             | 6,275                           | 640                          | 665                                              | 158                          |
| Norwegian                                          | 4,915                           | 641                          | 445                                              | 188                          |
| Icelandic                                          | 980                             | 310                          | 115                                              | 73                           |
| <b>Greek</b>                                       | <b>22,932</b>                   | <b>996</b>                   | <b>4,476</b>                                     | <b>454</b>                   |
| <b>Russian</b>                                     | <b>151,685</b>                  | <b>4,956</b>                 | <b>74,239</b>                                    | <b>2,957</b>                 |
| <b>Polish</b>                                      | <b>19,699</b>                   | <b>1,266</b>                 | <b>5,805</b>                                     | <b>647</b>                   |
| <b>Serbo-Croatian languages</b>                    | <b>22,753</b>                   | <b>1,635</b>                 | <b>6,179</b>                                     | <b>700</b>                   |
| Serbocroatian                                      | 7,285                           | 997                          | 2,735                                            | 545                          |
| Croatian                                           | 7,995                           | 997                          | 1,735                                            | 290                          |
| Serbian                                            | 7,470                           | 924                          | 1,705                                            | 402                          |
| <b>Other Slavic languages</b>                      | <b>33,935</b>                   | <b>2,071</b>                 | <b>14,314</b>                                    | <b>1,283</b>                 |
| Bielorussian                                       | 255                             | 173                          | 200                                              | 152                          |
| Ukrainian                                          | 17,635                          | 1,751                        | 9,520                                            | 1,074                        |
| Czech                                              | 5,490                           | 660                          | 1,395                                            | 277                          |
| Slovak                                             | 1,790                           | 433                          | 500                                              | 286                          |

## Agenda Item 4. Demographics

|                                                                                 | Number of speakers <sup>1</sup> | Margin of Error <sup>2</sup> | Speak English less than "Very Well" <sup>1</sup> | Margin of Error <sup>2</sup> |
|---------------------------------------------------------------------------------|---------------------------------|------------------------------|--------------------------------------------------|------------------------------|
| Bulgarian                                                                       | 7,755                           | 985                          | 2,535                                            | 492                          |
| Macedonian                                                                      | 655                             | 255                          | 135                                              | 82                           |
| Slovene                                                                         | 360                             | 141                          | 25                                               | 21                           |
| <b>Armenian</b>                                                                 | <b>191,928</b>                  | <b>4,930</b>                 | <b>93,415</b>                                    | <b>2,794</b>                 |
| <b>Persian</b>                                                                  | <b>191,138</b>                  | <b>5,789</b>                 | <b>73,557</b>                                    | <b>2,896</b>                 |
| <b>Hindi</b>                                                                    | <b>149,301</b>                  | <b>4,735</b>                 | <b>29,614</b>                                    | <b>1,830</b>                 |
| <b>Gujarati</b>                                                                 | <b>44,917</b>                   | <b>2,616</b>                 | <b>13,367</b>                                    | <b>1,112</b>                 |
| <b>Urdu</b>                                                                     | <b>45,609</b>                   | <b>2,723</b>                 | <b>12,779</b>                                    | <b>1,244</b>                 |
| <b>Other Indic languages</b>                                                    | <b>184,194</b>                  | <b>5,406</b>                 | <b>73,097</b>                                    | <b>2,802</b>                 |
| India n.e.c. <sup>3</sup>                                                       | 7,915                           | 1,162                        | 2,250                                            | 463                          |
| Bengali                                                                         | 22,790                          | 1,775                        | 7,890                                            | 945                          |
| Panjabi                                                                         | 118,870                         | 4,739                        | 53,335                                           | 2,179                        |
| Marathi                                                                         | 15,450                          | 1,413                        | 1,865                                            | 388                          |
| Bihari                                                                          | (D)                             | (D)                          | (B)                                              | --                           |
| Rajasthani                                                                      | 45                              | 56                           | (D)                                              | (D)                          |
| Oriya                                                                           | 680                             | 261                          | 200                                              | 167                          |
| Assamese                                                                        | 190                             | 138                          | (D)                                              | (D)                          |
| Kashmiri                                                                        | 445                             | 283                          | (D)                                              | (D)                          |
| Nepali                                                                          | 7,165                           | 1,102                        | 3,925                                            | 720                          |
| Sindhi                                                                          | 1,505                           | 510                          | 360                                              | 199                          |
| Pakistan n.e.c. <sup>3</sup>                                                    | 1,570                           | 525                          | 600                                              | 208                          |
| Sinhalese                                                                       | 7,290                           | 953                          | 2,550                                            | 586                          |
| Romany                                                                          | 255                             | 179                          | 50                                               | 67                           |
| <b>Other Indo-European languages</b>                                            | <b>46,760</b>                   | <b>2,240</b>                 | <b>15,797</b>                                    | <b>998</b>                   |
| Jamaican Creole                                                                 | 1,220                           | 393                          | 245                                              | 149                          |
| Krio                                                                            | 680                             | 294                          | 285                                              | 184                          |
| Hawaiian Pidgin                                                                 | (D)                             | (D)                          | (D)                                              | (D)                          |
| Pidgin                                                                          | 305                             | 132                          | 40                                               | 35                           |
| Gullah                                                                          | (D)                             | (D)                          | (B)                                              | --                           |
| Catalonian                                                                      | 345                             | 153                          | 75                                               | 48                           |
| Romanian                                                                        | 25,075                          | 1,736                        | 8,590                                            | 741                          |
| Rhaeto-Romanic                                                                  | (D)                             | (D)                          | (B)                                              | --                           |
| Welsh                                                                           | 170                             | 100                          | (D)                                              | (D)                          |
| Irish Gaelic                                                                    | 2,575                           | 480                          | 400                                              | 215                          |
| Scottic Gaelic                                                                  | 115                             | 59                           | (D)                                              | (D)                          |
| Albanian                                                                        | 2,185                           | 510                          | 755                                              | 273                          |
| Lithuanian                                                                      | 3,090                           | 507                          | 900                                              | 267                          |
| Latvian                                                                         | 1,740                           | 378                          | 420                                              | 133                          |
| Pashto                                                                          | 6,785                           | 1,407                        | 2,835                                            | 619                          |
| Kurdish                                                                         | 2,325                           | 508                          | 1,115                                            | 346                          |
| Balochi                                                                         | 110                             | 149                          | 45                                               | 78                           |
| Ossete                                                                          | (D)                             | (D)                          | (D)                                              | (D)                          |
| <b>ASIAN AND PACIFIC ISLAND LANGUAGES</b>                                       | <b>3,375,028</b>                | <b>12,691</b>                | <b>1,655,771</b>                                 | <b>9,450</b>                 |
| <b>Chinese (incl. Cantonese, Mandarin, other Chinese languages<sup>4</sup>)</b> | <b>1,058,231</b>                | <b>8,797</b>                 | <b>593,816</b>                                   | <b>5,856</b>                 |
| Chinese                                                                         | 574,075                         | 6,875                        | 332,215                                          | 4,915                        |
| Hakka                                                                           | 285                             | 122                          | 175                                              | 107                          |
| Cantonese                                                                       | 234,775                         | 4,553                        | 133,380                                          | 3,021                        |
| Mandarin                                                                        | 213,840                         | 5,475                        | 106,995                                          | 3,229                        |

## Agenda Item 4. Demographics

|                                       | Number of<br>speakers <sup>1</sup> | Margin of Error <sup>2</sup> | Speak English<br>less than "Very<br>Well" <sup>1</sup> | Margin of Error <sup>2</sup> |
|---------------------------------------|------------------------------------|------------------------------|--------------------------------------------------------|------------------------------|
| Fuchow                                | 95                                 | 108                          | 65                                                     | 75                           |
| Formosan                              | 34,350                             | 2,204                        | 20,500                                                 | 1,428                        |
| Wu                                    | 815                                | 310                          | 490                                                    | 191                          |
| <b>Japanese</b>                       | <b>140,575</b>                     | <b>3,757</b>                 | <b>64,044</b>                                          | <b>2,048</b>                 |
| <b>Korean</b>                         | <b>372,742</b>                     | <b>6,323</b>                 | <b>218,622</b>                                         | <b>4,279</b>                 |
| <b>Mon-Khmer, Cambodian</b>           | <b>79,882</b>                      | <b>4,039</b>                 | <b>41,350</b>                                          | <b>2,048</b>                 |
| <b>Hmong</b>                          | <b>76,789</b>                      | <b>3,747</b>                 | <b>35,655</b>                                          | <b>2,144</b>                 |
| <b>Thai</b>                           | <b>46,434</b>                      | <b>2,607</b>                 | <b>26,035</b>                                          | <b>1,597</b>                 |
| <b>Laotian</b>                        | <b>36,849</b>                      | <b>2,319</b>                 | <b>18,796</b>                                          | <b>1,213</b>                 |
| <b>Vietnamese</b>                     | <b>521,534</b>                     | <b>8,601</b>                 | <b>311,142</b>                                         | <b>5,256</b>                 |
| <b>Other Asian languages</b>          | <b>156,029</b>                     | <b>4,001</b>                 | <b>44,934</b>                                          | <b>2,040</b>                 |
| Karakalpak                            | (D)                                | (D)                          | (B)                                                    | --                           |
| Kazakh                                | 300                                | 222                          | 125                                                    | 104                          |
| Kirghiz                               | 150                                | 145                          | (D)                                                    | (D)                          |
| Karachay                              | 15                                 | 20                           | (D)                                                    | (D)                          |
| Uighur                                | 1,230                              | 668                          | 520                                                    | 250                          |
| Azerbaijani                           | 280                                | 147                          | 125                                                    | 72                           |
| Turkish                               | 13,370                             | 985                          | 4,730                                                  | 605                          |
| Mongolian                             | 2,895                              | 690                          | 1,750                                                  | 447                          |
| Dravidian                             | 310                                | 182                          | (D)                                                    | (D)                          |
| Gondi                                 | 160                                | 157                          | 80                                                     | 97                           |
| Telugu                                | 39,870                             | 2,028                        | 8,580                                                  | 919                          |
| Kannada                               | 10,530                             | 1,023                        | 1,505                                                  | 315                          |
| Malayalam                             | 11,955                             | 1,364                        | 2,355                                                  | 420                          |
| Tamil                                 | 39,655                             | 2,128                        | 6,125                                                  | 738                          |
| Munda                                 | 205                                | 169                          | (D)                                                    | (D)                          |
| Burushaski                            | (D)                                | (D)                          | (D)                                                    | (D)                          |
| Tibetan                               | 1,850                              | 410                          | 935                                                    | 301                          |
| Burmese                               | 16,590                             | 1,323                        | 10,210                                                 | 974                          |
| Karen                                 | 1,160                              | 386                          | 975                                                    | 355                          |
| Kachin                                | 20                                 | 23                           | (D)                                                    | (D)                          |
| Mien                                  | 15,355                             | 1,944                        | 6,720                                                  | 949                          |
| Paleo-siberian                        | (D)                                | (D)                          | (B)                                                    | --                           |
| <b>Tagalog</b>                        | <b>764,743</b>                     | <b>8,411</b>                 | <b>258,008</b>                                         | <b>4,314</b>                 |
| <b>Other Pacific Island languages</b> | <b>121,220</b>                     | <b>3,715</b>                 | <b>43,369</b>                                          | <b>2,009</b>                 |
| Indonesian                            | 27,585                             | 1,865                        | 11,925                                                 | 1,002                        |
| Balinese                              | (D)                                | (D)                          | (B)                                                    | --                           |
| Cham                                  | 280                                | 166                          | 65                                                     | 57                           |
| Javanese                              | 165                                | 159                          | 45                                                     | 45                           |
| Malagasy                              | (D)                                | (D)                          | (B)                                                    | --                           |
| Malay                                 | 2,415                              | 552                          | 710                                                    | 238                          |
| Bisayan                               | 11,150                             | 1,080                        | 4,300                                                  | 644                          |
| Sebuano                               | 4,310                              | 663                          | 1,340                                                  | 309                          |
| Pangasinan                            | 1,520                              | 452                          | 850                                                    | 309                          |
| Ilocano                               | 19,495                             | 1,493                        | 9,160                                                  | 916                          |
| Bikol                                 | 255                                | 110                          | 65                                                     | 55                           |
| Pampangan                             | 2,915                              | 467                          | 1,250                                                  | 279                          |
| Micronesian                           | 105                                | 86                           | 65                                                     | 57                           |
| Carolinian                            | (D)                                | (D)                          | (D)                                                    | (D)                          |

## Agenda Item 4. Demographics

|                                              | Number of<br>speakers <sup>1</sup> | Margin of Error <sup>2</sup> | Speak English<br>less than "Very<br>Well" <sup>1</sup> | Margin of Error <sup>2</sup> |
|----------------------------------------------|------------------------------------|------------------------------|--------------------------------------------------------|------------------------------|
| Chamorro                                     | 5,860                              | 725                          | 970                                                    | 225                          |
| Gilbertese                                   | 100                                | 87                           | (D)                                                    | (D)                          |
| Kusaiean                                     | 105                                | 80                           | 45                                                     | 40                           |
| Marshallese                                  | 950                                | 369                          | 490                                                    | 194                          |
| Mokilese                                     | (D)                                | (D)                          | (B)                                                    | --                           |
| Palau                                        | 630                                | 225                          | 255                                                    | 144                          |
| Ponapean                                     | 220                                | 196                          | 145                                                    | 133                          |
| Trukese                                      | 135                                | 111                          | (D)                                                    | (D)                          |
| Yapese                                       | (D)                                | (D)                          | (B)                                                    | --                           |
| Melanesian                                   | 130                                | 133                          | 25                                                     | 27                           |
| Polynesian                                   | 200                                | 114                          | 70                                                     | 63                           |
| Samoan                                       | 21,230                             | 1,919                        | 5,505                                                  | 723                          |
| Tongan                                       | 15,150                             | 1,745                        | 4,710                                                  | 775                          |
| Tokelauan                                    | (D)                                | (D)                          | (B)                                                    | --                           |
| Fijian                                       | 4,350                              | 814                          | 1,090                                                  | 350                          |
| Maori                                        | 80                                 | 53                           | (D)                                                    | (D)                          |
| Nukuoro                                      | (D)                                | (D)                          | (B)                                                    | --                           |
| Hawaiian                                     | 1,705                              | 380                          | 195                                                    | 85                           |
| <b>ALL OTHER LANGUAGES</b>                   | <b>325,168</b>                     | <b>6,787</b>                 | <b>108,652</b>                                         | <b>3,359</b>                 |
| <b>Navajo</b>                                | <b>1,401</b>                       | <b>333</b>                   | <b>177</b>                                             | <b>66</b>                    |
| <b>Other Native North American languages</b> | <b>5,989</b>                       | <b>613</b>                   | <b>880</b>                                             | <b>210</b>                   |
| Aleut                                        | 35                                 | 35                           | (D)                                                    | (D)                          |
| Eskimo                                       | 20                                 | 22                           | (B)                                                    | --                           |
| Inupik                                       | 65                                 | 70                           | 55                                                     | 71                           |
| St. Lawrence Island Yupik                    | (D)                                | (D)                          | (B)                                                    | --                           |
| Yupik                                        | (D)                                | (D)                          | (B)                                                    | --                           |
| Algonquian                                   | 40                                 | 28                           | (B)                                                    | --                           |
| Blackfoot                                    | (D)                                | (D)                          | (D)                                                    | (D)                          |
| Cheyenne                                     | 65                                 | 46                           | (B)                                                    | --                           |
| Cree                                         | 95                                 | 131                          | (D)                                                    | (D)                          |
| Delaware                                     | (D)                                | (D)                          | (D)                                                    | (D)                          |
| Menomini                                     | (D)                                | (D)                          | (B)                                                    | --                           |
| Ojibwa                                       | 130                                | 84                           | (D)                                                    | (D)                          |
| Ottawa                                       | 35                                 | 44                           | (D)                                                    | (D)                          |
| Penobscot                                    | (D)                                | (D)                          | (B)                                                    | --                           |
| Yurok                                        | 345                                | 108                          | (D)                                                    | (D)                          |
| Salish                                       | 15                                 | 19                           | (B)                                                    | --                           |
| Ingalit                                      | (D)                                | (D)                          | (B)                                                    | --                           |
| Kuchin                                       | 40                                 | 74                           | (B)                                                    | --                           |
| Chasta Costa                                 | (D)                                | (D)                          | (D)                                                    | (D)                          |
| Hupa                                         | 65                                 | 39                           | (B)                                                    | --                           |
| Other Athapascan-Eyak                        | 25                                 | 34                           | (B)                                                    | --                           |
| Apache                                       | 160                                | 82                           | (D)                                                    | (D)                          |
| Mountain Maidu                               | 195                                | 150                          | (D)                                                    | (D)                          |
| Northwest Maidu                              | (D)                                | (D)                          | (B)                                                    | --                           |
| Southern Maidu                               | (D)                                | (D)                          | (B)                                                    | --                           |
| Sierra Miwok                                 | 155                                | 105                          | (B)                                                    | --                           |
| Nomlaki                                      | (D)                                | (D)                          | (B)                                                    | --                           |

## Agenda Item 4. Demographics

|                       | Number of<br>speakers <sup>1</sup> | Margin of Error <sup>2</sup> | Speak English<br>less than "Very<br>Well" <sup>1</sup> | Margin of Error <sup>2</sup> |
|-----------------------|------------------------------------|------------------------------|--------------------------------------------------------|------------------------------|
| Patwin                | 4                                  | 6                            | (B)                                                    | --                           |
| Wintun                | 95                                 | 80                           | (B)                                                    | --                           |
| Foothill North Yokuts | 60                                 | 36                           | 10                                                     | 10                           |
| Tachi                 | (D)                                | (D)                          | (B)                                                    | --                           |
| Achumawi              | (D)                                | (D)                          | (D)                                                    | (D)                          |
| Atsugewi              | (D)                                | (D)                          | (B)                                                    | --                           |
| Karok                 | 330                                | 161                          | 20                                                     | 27                           |
| Pomo                  | 270                                | 198                          | (B)                                                    | --                           |
| Washo                 | 65                                 | 47                           | 30                                                     | 33                           |
| Cocomaricopa          | (D)                                | (D)                          | (B)                                                    | --                           |
| Mohave                | 50                                 | 27                           | (D)                                                    | (D)                          |
| Yuma                  | 110                                | 51                           | 25                                                     | 27                           |
| Diegueno              | 170                                | 106                          | (D)                                                    | (D)                          |
| Yavapai               | (D)                                | (D)                          | (B)                                                    | --                           |
| Chumash               | (D)                                | (D)                          | (B)                                                    | --                           |
| Tonkawa               | 15                                 | 23                           | (D)                                                    | (D)                          |
| Crow                  | (D)                                | (D)                          | (B)                                                    | --                           |
| Hidatsa               | (D)                                | (D)                          | (B)                                                    | --                           |
| Dakota                | 385                                | 126                          | 25                                                     | 22                           |
| Winnebago             | (D)                                | (D)                          | (B)                                                    | --                           |
| Omaha                 | (D)                                | (D)                          | (B)                                                    | --                           |
| Ponca                 | 85                                 | 118                          | (B)                                                    | --                           |
| Alabama               | (D)                                | (D)                          | (B)                                                    | --                           |
| Choctaw               | 135                                | 83                           | 30                                                     | 43                           |
| Muskogee              | 80                                 | 59                           | (D)                                                    | (D)                          |
| Keres                 | 180                                | 139                          | 120                                                    | 98                           |
| Iroquois              | 75                                 | 123                          | 65                                                     | 101                          |
| Seneca                | 30                                 | 28                           | (D)                                                    | (D)                          |
| Cherokee              | 560                                | 153                          | 75                                                     | 73                           |
| Arikara               | (D)                                | (D)                          | (B)                                                    | --                           |
| Pawnee                | (D)                                | (D)                          | (B)                                                    | --                           |
| Comanche              | 65                                 | 63                           | (B)                                                    | --                           |
| Mono                  | 60                                 | 35                           | (B)                                                    | --                           |
| Paiute                | 170                                | 63                           | 60                                                     | 38                           |
| Chemehuevi            | (D)                                | (D)                          | (B)                                                    | --                           |
| Kawaiisu              | (D)                                | (D)                          | (B)                                                    | --                           |
| Ute                   | (D)                                | (D)                          | (B)                                                    | --                           |
| Shoshoni              | 45                                 | 40                           | (B)                                                    | --                           |
| Hopi                  | 205                                | 129                          | (B)                                                    | --                           |
| Cahuilla              | 60                                 | 36                           | (B)                                                    | --                           |
| Cupeno                | 10                                 | 9                            | (B)                                                    | --                           |
| Luiseno               | 75                                 | 61                           | 15                                                     | 21                           |
| Serrano               | (D)                                | (D)                          | (B)                                                    | --                           |
| Pima                  | 85                                 | 57                           | (D)                                                    | (D)                          |
| Yaqui                 | (D)                                | (D)                          | (B)                                                    | --                           |
| Picuris               | 155                                | 132                          | (D)                                                    | (D)                          |
| American Indian       | 425                                | 122                          | 70                                                     | 47                           |
| Chiricahua            | (D)                                | (D)                          | (B)                                                    | --                           |
| San Carlos            | (D)                                | (D)                          | (B)                                                    | --                           |

## Agenda Item 4. Demographics

|                                        | Number of speakers <sup>1</sup> | Margin of Error <sup>2</sup> | Speak English less than "Very Well" <sup>1</sup> | Margin of Error <sup>2</sup> |
|----------------------------------------|---------------------------------|------------------------------|--------------------------------------------------|------------------------------|
| <b>Hungarian</b>                       | <b>13,236</b>                   | <b>1,035</b>                 | <b>4,003</b>                                     | <b>499</b>                   |
| <b>Arabic</b>                          | <b>153,635</b>                  | <b>4,636</b>                 | <b>58,805</b>                                    | <b>2,616</b>                 |
| <b>Hebrew</b>                          | <b>41,311</b>                   | <b>2,225</b>                 | <b>7,193</b>                                     | <b>784</b>                   |
| <b>African languages</b>               | <b>71,399</b>                   | <b>3,273</b>                 | <b>20,590</b>                                    | <b>1,722</b>                 |
| Amharic                                | 27,440                          | 2,302                        | 10,405                                           | 1,186                        |
| Berber                                 | 560                             | 232                          | 465                                              | 208                          |
| Chadic                                 | 215                             | 120                          | 30                                               | 30                           |
| Cushite                                | 7,290                           | 1,338                        | 2,305                                            | 601                          |
| Sudanic                                | 325                             | 291                          | 40                                               | 53                           |
| Nilotic                                | 380                             | 225                          | 60                                               | 82                           |
| Nubian                                 | (D)                             | (D)                          | (B)                                              | --                           |
| Saharan                                | 80                              | 95                           | (D)                                              | (D)                          |
| Nilo-Saharan                           | (D)                             | (D)                          | (D)                                              | (D)                          |
| Swahili                                | 6,535                           | 1,026                        | 1,290                                            | 360                          |
| Bantu                                  | 5,085                           | 1,022                        | 1,210                                            | 439                          |
| Mande                                  | 415                             | 196                          | 240                                              | 133                          |
| Fulani                                 | 705                             | 335                          | 150                                              | 103                          |
| Gur                                    | 230                             | 291                          | (D)                                              | (D)                          |
| Kru, Ibo, Yoruba                       | 20,650                          | 1,747                        | 4,035                                            | 651                          |
| Efik                                   | 460                             | 183                          | 110                                              | 88                           |
| Mbum (and related)                     | (D)                             | (D)                          | (B)                                              | --                           |
| African                                | 975                             | 394                          | 185                                              | 112                          |
| <b>Other and unspecified languages</b> | <b>38,197</b>                   | <b>2,358</b>                 | <b>17,004</b>                                    | <b>1,469</b>                 |
| Finnish                                | 3,545                           | 530                          | 545                                              | 225                          |
| Estonian                               | 700                             | 258                          | 105                                              | 60                           |
| Caucasian                              | 705                             | 248                          | 455                                              | 201                          |
| Basque                                 | 695                             | 209                          | 265                                              | 101                          |
| Syriac                                 | 27,725                          | 2,009                        | 12,100                                           | 1,185                        |
| Aztecán                                | 195                             | 113                          | 75                                               | 63                           |
| Misumalpan                             | 35                              | 38                           | 35                                               | 37                           |
| Mayan languages                        | 1,000                           | 357                          | 830                                              | 326                          |
| Oto - Manguen                          | 2,505                           | 771                          | 2,335                                            | 700                          |
| Quechua                                | 230                             | 180                          | 185                                              | 164                          |
| Arawakian                              | 575                             | 236                          | 40                                               | 42                           |
| Tupi-Guarani                           | 40                              | 35                           | 30                                               | 24                           |
| Uncodable                              | 255                             | 119                          | (D)                                              | (D)                          |

### Notes:

<sup>1</sup> Detailed-language estimates are rounded to the nearest multiple of five. Aggregate estimates (bold-face entries) are unrounded and appear in table B16001 ([http://factfinder.census.gov/bkml/table/1.0/en/ACS/13\\_5YR/B16001/0400000US06](http://factfinder.census.gov/bkml/table/1.0/en/ACS/13_5YR/B16001/0400000US06)). Detailed-language estimates may not sum to aggregate estimates because of rounding.

<sup>2</sup> Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data at [http://www2.census.gov/programs-surveys/acs/tech\\_docs/accuracy/MultiyearACSAccuracyofData2013.pdf](http://www2.census.gov/programs-surveys/acs/tech_docs/accuracy/MultiyearACSAccuracyofData2013.pdf)). The effect of nonsampling error is not represented in these tables.

<sup>3</sup> N.E.C. stands for not elsewhere classified. These are languages where respondents indicated they spoke either Indian or Pakistan. For Indian, it cannot be determined if the respondent spoke a native American language or spoke a language from India. For Pakistan, respondents wrote in Pakistan but it cannot be determined which one of the languages spoken in Pakistan is actually being spoken. To distinguish these languages, n.e.c. is used to indicate they are not classified in any other language code.

<sup>4</sup> This category includes literal write-ins of Chinese as well as Hakka, Kan, Hsiang, Cantonese, Mandarin, Fuchow, Formosan, and Wu.

## Agenda Item 4. Demographics

|  | Number of<br>speakers <sup>1</sup> | Margin of Error <sup>2</sup> | Speak English<br>less than "Very<br>Well" <sup>1</sup> | Margin of Error <sup>2</sup> |
|--|------------------------------------|------------------------------|--------------------------------------------------------|------------------------------|
|--|------------------------------------|------------------------------|--------------------------------------------------------|------------------------------|

(D) Data withheld to avoid disclosure.

(B) Either no sample observations or too few sample observations were available to compute an estimate.

(X) Question does not apply.

-- Either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.

Source: U.S. Census Bureau, 2009-2013 American Community Survey

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## Voting Rights Act of 1965 (Section 203 as Amended)

### §10503. Bilingual election requirements

#### (a) Congressional findings and declaration of policy

The Congress finds that, through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process. Among other factors, the denial of the right to vote of such minority group citizens is ordinarily directly related to the unequal educational opportunities afforded them resulting in high illiteracy and low voting participation. 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, and by prescribing other remedial devices.

#### (b) Bilingual voting materials requirement

##### (1) Generally

Before August 6, 2032, no covered State or political subdivision shall provide voting materials only in the English language.

##### (2) Covered States and political subdivisions

###### (A) Generally

A State or political subdivision is a covered State or political subdivision for the purposes of this subsection if the Director of the Census determines, based on the 2010 American Community Survey census data and subsequent American Community Survey data in 5-year increments, or comparable census data, that-

- (i)(I) more than 5 percent of the citizens of voting age of such State or political subdivision are members of a single language minority and are limited-English proficient;
- (II) more than 10,000 of the citizens of voting age of such political subdivision are members of a single language minority and are limited-English proficient; or
- (III) in the case of a political subdivision that contains all or any part of an Indian reservation, more than 5 percent of the American Indian or Alaska Native citizens of voting age within the Indian reservation are members of a single language minority and are limited-English proficient; and
- (ii) the illiteracy rate of the citizens in the language minority as a group is higher than the national illiteracy rate.

###### (B) Exception

The prohibitions of this subsection do not apply in any political subdivision that has less than 5 percent voting age limited-English proficient citizens of each language minority which comprises over 5 percent of the statewide limited-English proficient population of voting age citizens, unless the political subdivision is a covered political subdivision independently from its State.

##### (3) Definitions

As used in this section-

(A) the term "voting materials" means registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots;

(B) the term "limited-English proficient" means unable to speak or understand English adequately enough to participate in the electoral process;

(C) the term "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;

## Agenda Item 5. State and Federal Laws

(D) the term "citizens" means citizens of the United States; and

(E) the term "illiteracy" means the failure to complete the 5th primary grade.

### (4) Special rule

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.

### (c) Requirement of voting notices, forms, instructions, assistance, or other materials and ballots in minority language

Whenever any State or political subdivision subject to the prohibition of subsection (b) of this section 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: *Provided*, That where the language of the applicable minority group is oral or unwritten or in the case of Alaskan natives and American Indians, if the predominant language is historically unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting.

### (d) Action for declaratory judgment permitting English-only materials

Any State or political subdivision subject to the prohibition of subsection (b) of this section, which seeks to provide English-only registration or voting materials or information, including ballots, may file an action against the United States in the United States District Court for a declaratory judgment permitting such provision. The court shall grant the requested relief if it determines that the illiteracy rate of the applicable language minority group within the State or political subdivision is equal to or less than the national illiteracy rate.

### (e) Definitions

For purposes of this section, the term "language minorities" or "language minority group" means persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage.

(Pub. L. 89–110, title II, §203, as added Pub. L. 94–73, title III, §301, Aug. 6, 1975, 89 Stat. 402 ; amended Pub. L. 97–205, §§2(d), 4, June 29, 1982, 96 Stat. 134 ; Pub. L. 102–344, §2, Aug. 26, 1992, 106 Stat. 921 ; Pub. L. 109–246, §§7, 8, July 27, 2006, 120 Stat. 581 .)

### CODIFICATION

Section was formerly classified to [section 1973aa–1a of Title 42](#), The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### AMENDMENTS

**2006**-Subsec. (b)(1). Pub. L. 109–246, §7, substituted "2032" for "2007".

Subsec. (b)(2)(A). Pub. L. 109–246, §8, substituted "the 2010 American Community Survey census data and subsequent American Community Survey data in 5-year increments, or comparable census data" for "census data" in introductory provisions.

**1992**-Subsec. (b). Pub. L. 102–344 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "Prior to August 6, 1992, no State or political subdivision shall provide registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language if the Director of the Census determines (i) that more than 5 percent of the citizens of voting age of such State or political subdivision are members of a single language minority and (ii) that the illiteracy rate of such persons as a group is higher than the national illiteracy rate: *Provided*, That the prohibitions of this subsection shall not apply in any political subdivision which has less

## **Agenda Item 5. State and Federal Laws**

than five percent voting age citizens of each language minority which comprises over five percent of the statewide population of voting age citizens. For purposes of this subsection, illiteracy means the failure to complete the fifth primary grade. 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."

**1982**-Subsec. (b). Pub. L. 97–205, §4, substituted "Prior to August 6, 1992" for "Prior to August 6, 1985".

Subsec. (c). Pub. L. 97–205, §2(d), inserted "and American Indians" after "Alaskan natives".

### **EFFECTIVE DATE OF 1982 AMENDMENT**

Amendment by Pub. L. 97–205 effective June 29, 1982, see section 6 of Pub. L. 97–205, set out as a note under [section 10301 of this title](#).

### **EXTENSION TO AUGUST 6, 1992, OF PROHIBITION ON USE OF VOTING INSTRUCTIONS, ASSISTANCE, OR OTHER MATERIALS OR INFORMATION IN ENGLISH ONLY; LIMITATIONS BASED ON 1980 CENSUS AND SUBSEQUENT CENSUS DATA**

Pub. L. 97–205, §4, June 29, 1982, 96 Stat. 134 , provided in part that: "[T]he extension made by this section [amending subsec. (b) of this section] shall apply only to determinations made by the Director of the Census under clause (i) of section 203(b) [subsec. (b)(i) of this section] for members of a single language minority who do not speak or understand English adequately enough to participate in the electoral process when such a determination can be made by the Director of the Census based on the 1980 and subsequent census data."

## DEPARTMENT OF COMMERCE

### Bureau of the Census

[Docket Number 110921596–1557–01]

#### 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.

**DATES:** *Effective Date:* This notice is effective on October 13, 2011.

**FOR FURTHER INFORMATION CONTACT:** For information regarding this notice, please contact Ms. Catherine M. McCully, Chief, Census Redistricting Data Office, Bureau of the Census, United States Department of Commerce, Room DIR 8H019, 4600 Silver Hill Rd, Washington DC 20233, by telephone at 301–763–4039, or visit the Redistricting 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 <http://www.justice.gov/crt/about/vot/>.

**SUPPLEMENTARY INFORMATION:** In July 2006, Congress amended the Voting Rights Act of 1965, Title 42, United States Code (U.S.C.), 1973 *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 Reservations (and off-reservation trust lands) 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 Indian reservation, is covered by the minority language assistance provision set forth in Section 203. An American Indian

Reservation is defined as any area that is an American Indian or Alaska Native area identified for purposes of the decennial census. For the 2010 Census, these areas were identified by the federally recognized tribal governments, Bureau of Indian Affairs, and state governments. The Census Bureau worked with American Indian tribes and Alaska Natives to identify statistical areas, such as Oklahoma Tribal Statistical Areas (OTSA), 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. The previous determinations under Section 4(f)(4) of the Voting Rights Act remain in effect and are unaffected by this determination. (See Title 28, Code of Federal Regulations, part 55, Appendix (2010)).

Dated: October 5, 2011.

**Robert M. Groves,**  
Director, Bureau of the Census.

#### COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2010

| State and political subdivision  | Language minority group                  |
|----------------------------------|------------------------------------------|
| Alaska:                          |                                          |
| Aleutians East Borough .....     | Asian (Filipino).                        |
| Aleutians East Borough .....     | Hispanic.                                |
| Aleutians West Census Area ..... | Asian (Filipino).                        |
| Bethel Census Area .....         | Alaska Native (Inupiat).                 |
| Bethel Census Area .....         | Alaska Native (Yup'ik).                  |
| Dillingham Census Area .....     | Alaska Native (Yup'ik).                  |
| Nome Census Area .....           | Alaska Native (Inupiat).                 |
| Nome Census Area .....           | Alaska Native (Yup'ik).                  |
| North Slope Borough .....        | Alaska Native Tribe—Tribe not Specified. |
| North Slope Borough .....        | Alaska Native (Inupiat).                 |

## COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2010—Continued

| State and political subdivision | Language minority group             |
|---------------------------------|-------------------------------------|
| Northwest Arctic Borough .....  | Alaska Native (Inupiat).            |
| Wade Hampton Census Area .....  | Alaska Native (Inupiat).            |
| Wade Hampton Census Area .....  | Alaska Native (Yup'ik).             |
| Yukon-Koyukuk Census Area ..... | Alaska Native (Alaskan Athabaskan). |
| Arizona:                        |                                     |
| Apache County .....             | American Indian (Navajo).           |
| Apache County .....             | American Indian (Pueblo).           |
| Coconino County .....           | American Indian (Hopi).             |
| Coconino County .....           | American Indian (Navajo).           |
| Coconino County .....           | American Indian (Yuma).             |
| Maricopa County .....           | American Indian (Tohono O'Odham).   |
| Maricopa County .....           | Hispanic.                           |
| Mohave County .....             | American Indian (Yuma).             |
| Navajo County .....             | American Indian (Hopi).             |
| Navajo County .....             | American Indian (Navajo).           |
| Pima County .....               | American Indian (Tohono O'Odham).   |
| Pima County .....               | American Indian (Yaqui).            |
| Pima County .....               | Hispanic.                           |
| Pinal County .....              | American Indian (Tohono O'Odham).   |
| Santa Cruz County .....         | Hispanic.                           |
| Yavapai County .....            | American Indian (Yuma).             |
| Yuma County .....               | American Indian (Yuma).             |
| Yuma County .....               | Hispanic.                           |
| California:                     |                                     |
| State Coverage .....            | Hispanic.                           |
| Alameda County .....            | Asian (Chinese).                    |
| Alameda County .....            | Asian (Filipino).                   |
| Alameda County .....            | Hispanic.                           |
| Alameda County .....            | Asian (Vietnamese).                 |
| Colusa County .....             | Hispanic.                           |
| Contra Costa County .....       | Hispanic.                           |
| Fresno County .....             | Hispanic.                           |
| Glenn County .....              | Hispanic.                           |
| Imperial County .....           | Hispanic.                           |
| Kern County .....               | Hispanic.                           |
| Kings County .....              | Hispanic.                           |
| Los Angeles County .....        | Asian (Asian Indian).               |
| Los Angeles County .....        | Asian (Chinese).                    |
| Los Angeles County .....        | Asian (Filipino).                   |
| Los Angeles County .....        | Hispanic.                           |
| Los Angeles County .....        | Asian (Japanese).                   |
| Los Angeles County .....        | Asian (Korean).                     |
| Los Angeles County .....        | Asian (Other Asian—Not specified).  |
| Los Angeles County .....        | Asian (Vietnamese).                 |
| Madera County .....             | Hispanic.                           |
| Merced County .....             | Hispanic.                           |
| Monterey County .....           | Hispanic.                           |
| Napa County .....               | Hispanic.                           |
| Orange County .....             | Asian (Chinese).                    |
| Orange County .....             | Hispanic.                           |
| Orange County .....             | Asian (Korean).                     |
| Orange County .....             | Asian (Vietnamese).                 |
| Riverside County .....          | Hispanic.                           |
| Sacramento County .....         | Asian (Chinese).                    |
| Sacramento County .....         | Hispanic.                           |
| San Benito County .....         | Hispanic.                           |
| San Bernardino County .....     | Hispanic.                           |
| San Diego County .....          | Asian (Chinese).                    |
| San Diego County .....          | Asian (Filipino).                   |
| San Diego County .....          | Hispanic.                           |
| San Diego County .....          | Asian (Vietnamese).                 |
| San Francisco County .....      | Asian (Chinese).                    |
| San Francisco County .....      | Hispanic.                           |
| San Joaquin County .....        | Hispanic.                           |
| San Mateo County .....          | Asian (Chinese).                    |
| San Mateo County .....          | Hispanic.                           |
| Santa Barbara County .....      | Hispanic.                           |
| Santa Clara County .....        | Asian (Chinese).                    |
| Santa Clara County .....        | Asian (Filipino).                   |
| Santa Clara County .....        | Hispanic.                           |
| Santa Clara County .....        | Asian (Vietnamese).                 |
| Stanislaus County .....         | Hispanic.                           |

## COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2010—Continued

| State and political subdivision   | Language minority group    |
|-----------------------------------|----------------------------|
| Tulare County .....               | Hispanic.                  |
| Ventura County .....              | Hispanic.                  |
| Colorado:                         |                            |
| Costilla County .....             | Hispanic.                  |
| Denver County .....               | Hispanic.                  |
| Rio Grande County .....           | Hispanic.                  |
| Connecticut:                      |                            |
| Bridgeport town .....             | Hispanic.                  |
| East Hartford town .....          | Hispanic.                  |
| Hartford town .....               | Hispanic.                  |
| 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.                  |
| 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.                  |
| Polk County .....                 | Hispanic.                  |
| Hawaii:                           |                            |
| Honolulu County .....             | Asian (Chinese).           |
| Honolulu County .....             | Asian (Filipino).          |
| Honolulu County .....             | Asian (Japanese).          |
| Maui County .....                 | Asian (Filipino).          |
| Illinois:                         |                            |
| Cook County .....                 | Asian (Asian Indian).      |
| Cook County .....                 | Asian (Chinese).           |
| Cook County .....                 | Hispanic.                  |
| DuPage County .....               | Hispanic.                  |
| Kane County .....                 | Hispanic.                  |
| Lake County .....                 | Hispanic.                  |
| Kansas:                           |                            |
| Finney County .....               | Hispanic.                  |
| Ford County .....                 | Hispanic.                  |
| Grant County .....                | Hispanic.                  |
| Seward County .....               | Hispanic.                  |
| Maryland:                         |                            |
| Montgomery County .....           | Hispanic.                  |
| Massachusetts:                    |                            |
| Boston city .....                 | Hispanic.                  |
| Chelsea city .....                | Hispanic.                  |
| Fitchburg city .....              | Hispanic.                  |
| Holyoke city .....                | Hispanic.                  |
| Lawrence city .....               | Hispanic.                  |
| Lowell city .....                 | Hispanic.                  |
| Lynn city .....                   | Hispanic.                  |
| Quincy city .....                 | Asian (Chinese).           |
| Revere city .....                 | Hispanic.                  |
| Southbridge town .....            | Hispanic.                  |
| Springfield city .....            | Hispanic.                  |
| Worcester city .....              | Hispanic.                  |
| Michigan:                         |                            |
| Clyde township <sup>1</sup> ..... | Hispanic.                  |
| Hamtramck city .....              | Asian (Bangladeshi).       |
| Hartford city .....               | Hispanic.                  |
| 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). |

# Agenda Item 5. State and Federal Laws<sup>20</sup>

## State of California

### ELECTIONS CODE

#### Section 14201

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14201. (a) (1) The precinct board shall post, in a conspicuous location in the polling place, at least one facsimile copy of the ballot with the ballot measures and ballot instructions printed in Spanish. Facsimile ballots shall also be printed in other languages and posted in the same manner if a significant and substantial need is found by the elections official.

(2) In those counties which are required under the provisions of the federal Voting Rights Act of 1965, as extended by Public Law 94-73, to furnish ballots in other than the English language, the posting of the facsimile ballot in that particular language shall not be required.

(3) This subdivision shall remain in effect until the Secretary of State makes the determinations and findings required by this section.

(b) In counties where the Secretary of State has determined that it is appropriate, each precinct board shall post, in a conspicuous location in the polling place, at least one facsimile copy of the ballot with the ballot measures and ballot instructions printed in Spanish. If the Secretary of State determines that it is appropriate to post the election materials in Spanish in only certain precincts in the county, the material shall be posted in the polling places situated in those precincts. Facsimile ballots shall also be printed in other languages and posted in the same manner if a significant and substantial need is found by the Secretary of State.

(c) In determining whether it is appropriate to post the election materials in Spanish or other languages, the Secretary of State shall determine the number of residents of voting age in each county and precinct who are members of a single language minority, and who lack sufficient skills in English to vote without assistance. If the number of these residents equals 3 percent or more of the voting age residents of a particular county or precinct, or in the event that interested citizens or organizations provide the Secretary of State with information which gives the Secretary of State sufficient reason to believe a need for the furnishing of facsimile ballots, the Secretary of State shall find a need to post at least one facsimile copy of the ballot with the ballot measures and ballot instructions printed in Spanish or other applicable language in the affected polling places.

(d) The Secretary of State shall make the determinations and findings set forth in subdivisions (b) and (c) by January 1 of each year in which the Governor is elected.

(e) In those precincts where ballots printed in a language other than English are available for use by the voters at the polls, the posting of a facsimile ballot in that particular language shall not be required.

(f) It is the intent of the Legislature that non-English-speaking citizens, like all other citizens, should be encouraged to vote. Therefore, appropriate efforts should be made on a statewide basis to minimize obstacles to voting by citizens who lack sufficient skill in English to vote without assistance.



**DEBRA BOWEN** | SECRETARY OF STATE  
STATE OF CALIFORNIA | ELECTIONS

1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | [www.sos.ca.gov](http://www.sos.ca.gov)

December 30, 2013

County Clerk/Registrar of Voters (CC/ROV) Memorandum #13132

TO: All County Clerks/Registrars of Voters

FROM: /s/ Jennifer Luckie-Bratt  
Translations Coordinator

RE: Translations: Ballot Translation, Posting, and Bilingual Poll Workers

The Secretary of State, by January 1 of each year in which the Governor is elected, must determine the precincts where 3% or more of the voting-age residents are members of a single language minority and lack sufficient skills in English to vote without assistance. (Elections Code section 14201(d).)

For each specified precinct in their county, elections officials are required to do the following:

- Translate a facsimile ballot and related instructions in the specified language(s).
- Post the translation(s) in a conspicuous location in the appropriate polling place.

The Secretary of State's office contracted with U.C. Berkeley to determine which precincts have reached the 3% threshold in the nine languages covered in California under the federal Voting Rights Act (VRA). This determination was made using the most current data available: the November 2012 General Election precincts and the 2010 U.S. census.

The language requirements for all 58 counties are listed on the attached chart. Individual precinct data will be provided to each county by email. These requirements will remain in place through December 31, 2017.

The Secretary of State's office has made the determination that Hindi shall be the Asian Indian language used for the written posting requirement. If a county elections official determines that their voters would benefit from posting in another Asian Indian language in addition to Hindi, the county elections official is encouraged to do so.

## **Agenda Item 5. State and Federal Laws**

If a county is already required to provide translations in a particular language under the VRA, they are not required to also post a facsimile ballot and instructions at the polling place in that language.

Elections Code section 12303(c) requires county elections officials to make good faith efforts to recruit bilingual poll workers for any precinct in which 3% or more of the voting-age residents are members of a single language minority. This poll worker recruitment applies even in cases where the entire county is covered for a particular language under the VRA.

In the counties that have precincts that have met the 3% threshold for Asian Indian, county elections officials should work with community groups to determine the appropriate language(s) for poll worker recruitment in those precincts.

Voter Information Guides and Voter Bill of Rights posters are available upon request in all nine languages covered under the VRA.

If you have any questions, please feel free to contact me at (916) 651-3734. Thank you.

# Agenda Item 5. State and Federal Laws

## Ballot Translations and Posting Requirements (Based on 2012 General Election Precincts & 2010 U.S. Census)

| County          | Spanish | Chinese | Tagalog | Japanese | Khmer | Korean | Thai | Vietnamese | Asian Indian*** |
|-----------------|---------|---------|---------|----------|-------|--------|------|------------|-----------------|
| Alameda         | *       | *       | *       | 5        | 4     | 41     |      | *          | 247             |
| Alpine          | **      |         |         |          |       |        |      |            |                 |
| Amador          | 52      |         |         |          |       |        |      |            |                 |
| Butte           | 277     |         |         |          |       |        |      |            |                 |
| Calaveras       | 71      |         |         |          |       |        |      |            |                 |
| Colusa          | *       |         |         |          |       |        |      |            |                 |
| Contra Costa    | *       | 283     | 193     | 12       |       | 10     |      | 3          | 35              |
| Del Norte       | 20      |         |         |          |       |        |      |            |                 |
| El Dorado       | 333     |         | 9       |          |       |        |      |            |                 |
| Fresno          | *       | 4       |         | 14       | 7     |        |      |            | 186             |
| Glenn           | *       |         |         |          |       |        |      |            |                 |
| Humboldt        | 122     |         |         |          |       |        |      |            |                 |
| Imperial        | *       |         |         |          |       |        |      |            |                 |
| Inyo            | 59      |         |         |          |       |        |      |            |                 |
| Kern            | *       |         | 58      |          |       |        |      |            | 41              |
| Kings           | *       |         | 19      |          |       |        |      |            |                 |
| Lake            | 106     |         |         |          |       |        |      |            |                 |
| Lassen          | 54      |         |         |          |       |        |      |            |                 |
| Los Angeles     | *       | *       | *       | *        | *     | *      | *    | *          | *               |
| Madera          | *       |         |         |          |       |        |      |            |                 |
| Marin           | 259     | 4       |         |          |       | 17     |      | 1          |                 |
| Mariposa        | 10      |         |         |          |       |        |      |            |                 |
| Mendocino       | 315     | 19      |         |          |       |        |      |            |                 |
| Merced          | *       |         |         |          |       |        |      |            | 34              |
| Modoc           | 22      |         |         |          |       |        |      |            |                 |
| Mono            | 13      |         |         |          |       |        |      |            |                 |
| Monterey        | *       | 2       | 44      |          |       | 6      |      | 2          |                 |
| Napa            | *       | 1       | 13      |          |       |        |      |            |                 |
| Nevada          | 108     |         |         |          |       |        |      |            |                 |
| Orange          | *       | *       | 84      | 34       | 2     | *      |      | *          | 9               |
| Placer          | 205     |         | 26      |          |       |        |      |            |                 |
| Plumas          | 58      |         |         |          |       |        |      |            |                 |
| Riverside       | *       | 40      | 104     |          |       | 11     |      | 2          |                 |
| Sacramento      | *       | *       | 132     | 43       |       | 14     |      | 154        | 48              |
| San Benito      | *       |         |         |          |       |        |      |            |                 |
| San Bernardino  | *       | 66      | 36      |          | 4     | 49     |      | 15         |                 |
| San Diego       | *       | *       | *       | 8        | 11    | 22     |      | *          | 6               |
| San Francisco   | *       | *       | 135     | 24       |       | 20     |      | 37         |                 |
| San Joaquin     | *       | 53      | 409     |          | 92    |        |      | 74         | 58              |
| San Luis Obispo | 294     |         | 3       |          |       |        |      |            |                 |
| San Mateo       | *       | *       | 162     | 13       |       |        |      |            | 2               |
| Santa Barbara   | *       |         | 29      |          |       |        |      |            |                 |
| Santa Clara     | *       | *       | *       | 54       | 1     | 68     |      | *          | 197             |
| Santa Cruz      | 359     | 11      | 10      |          |       |        |      |            |                 |
| Shasta          | 80      |         |         |          |       |        |      |            |                 |
| Sierra          | 21      |         |         |          |       |        |      |            |                 |
| Siskiyou        | 33      |         |         |          |       |        |      |            |                 |
| Solano          | 472     | 11      | 235     |          |       |        |      |            |                 |
| Sonoma          | 839     |         |         |          |       |        |      |            |                 |
| Stanislaus      | *       |         |         |          | 7     |        |      |            | 33              |
| Sutter          | 321     |         |         |          |       |        |      |            | 233             |
| Tehama          | 78      |         |         |          |       |        |      |            |                 |
| Trinity         | **      |         |         |          |       |        |      |            |                 |
| Tulare          | *       |         | 81      |          |       |        |      |            |                 |
| Tuolumne        | 75      |         |         |          |       |        |      |            |                 |
| Ventura         | *       | 19      | 39      |          |       |        |      |            | 5               |
| Yolo            | 307     | 116     | 4       |          |       |        |      |            | 6               |
| Yuba            | 114     |         |         |          |       |        |      |            |                 |

### KEY:

Numbers in columns indicate the number of precincts where a facsimile sample ballot and related instructions must be posted in this language under California Elections Code section 14201.

\*Under the federal Voting Rights Act (VRA), all elections materials must be provided in this language countywide, so the requirement under California Elections Code section 14201 does not apply.

\*\*Under the federal VRA and the California Elections Code, there is no requirement to provide or post any elections materials in any language other than English.

\*\*\*The posting requirement for Asian Indian shall be in Hindi.



## SB-450 Elections: all-mailed ballot elections. (2015-2016)

AMENDED IN ASSEMBLY JULY 07, 2015

AMENDED IN ASSEMBLY JUNE 15, 2015

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

### SENATE BILL

**No. 450**

**Introduced by Senators Allen and Hertzberg**

(Principal ~~coauthor:~~ **coauthors:** Assembly ~~Member Gonzalez~~ **Members Gonazlez and Mullin**)

**February 25, 2015**

An act to add Section 4005 ~~to~~ *to, and to add and repeal Section 4005.5 of,* the Elections Code, relating to elections.

### LEGISLATIVE COUNSEL'S DIGEST

SB 450, as amended, Allen. Elections: all-mailed ballot elections.

Existing law authorizes cities with a population of ~~less~~ *fewer* than 100,000 persons, school districts, and special districts to conduct an all-mailed ballot special election to fill a vacancy on the legislative or governing body of those entities under specified conditions.

This bill would, on or after January 1, 2018, authorize a county to conduct any election as an all-mailed ballot election if certain conditions are satisfied, including conditions related to ballot dropoff locations and ~~polling~~ *vote* centers. The bill would require a county that conducts an all-mailed ballot election to report certain information to the Legislature and the Secretary of State regarding ~~the success of the first~~ all-mailed ballot ~~election~~ *elections* conducted pursuant to these provisions. *The bill would require the Secretary of State to report certain information to the Legislature regarding the success of the first all-mailed ballot election conduct pursuant to these provisions by a county.*

*The bill would also require the Secretary of State to establish a taskforce that includes certain individuals to review all-mailed ballot elections conducted pursuant to these provision and to provide comments and recommendations to the Legislature on or before April 1, 2021.*

Vote: majority Appropriation: no Fiscal Committee: ~~no~~ *yes* Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 4005 is added to the Elections Code, to read:

**4005.** (a) Notwithstanding Section 4000 or any other law, on or after January 1, 2018, a county may conduct any election as an all-mailed ballot election if all of the following apply:

(1) (A) At least ~~one~~ *two* ballot dropoff ~~location is~~ *locations are* provided within the jurisdiction where the election is held or the number of ballot dropoff locations are fixed in a manner so that there is at least one ballot dropoff location provided for every ~~5,000~~ *15,000* registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election, whichever results in more ballot dropoff locations.

(B) A ballot dropoff location provided for under this section consists of a *secure, accessible, and* locked ballot box ~~located in a secure public building that meets the accessibility requirements for a polling place and is open during business hours to receive voted vote by mail ballots beginning not less than 14 days before the date of the election.~~ *able to receive voted ballots. All ballot dropoff locations shall be open at least during regular business hours beginning not less than 28 days before the date of the election, and on the date of the election. At least one ballot dropoff location shall be an accessible, secured, exterior drop box that is available for a minimum of 12 hours per day including regular business hours.*

~~(2) Ballot dropoff locations are placed in a manner that best serves the voters at accessible locations as near as possible to established public transportation routes.~~

~~(3)~~

(2) The county elections official permits a voter residing in the county to do any of the following at a ~~polling~~ *vote* center:

(A) Return, or vote and return, his or her vote by mail ballot.

(B) Register to ~~vote~~ *vote, update his or her voter registration*, and vote pursuant to Section 2170.

(C) Receive and vote a provisional ballot pursuant to Section 3016 or Article 5 (commencing with Section 14310) of Chapter 3 of Division 14.

~~(4) Every polling center is open to voters not less than 10 days before the date of the election for a minimum of eight hours per day except that every polling center is open from 7 a.m. to 8 p.m. on the day of the election, except as provided in Section 14401.~~

~~(5)(A) At least one polling center is provided within the jurisdiction where the election is held or the number of polling centers are fixed in a manner so that there is at least one polling center provided for every 15,000 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election, whichever results in more polling centers.~~

*(D) Receive a replacement ballot upon verification that a ballot for the same election has not been received from the voter by the county elections official. If the county elections official is unable to determine if a ballot for the same election has been received from the voter, the county elections official may issue a provisional ballot.*

*(E) Vote a regular, provisional, or replacement ballot using accessible voting equipment that provides for a private and independent voting experience.*

*(3) (A) On the day of the election, from 7 a.m. to 8 p.m., at least one vote center is provided for every 15,000 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election.*

*(B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 30,000 registered voters, a minimum of two voter centers are provided on the day of the election within the jurisdiction where the election is held.*

*(4) (A) Not less than 10 days before the day of the election, for a minimum of eight hours per day, at least one vote center is provided for every 30,000 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election.*

*(B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 30,000 registered voters, a minimum of two vote centers are provided within the jurisdiction where the election is held.*

~~(B)~~

(C) The ~~polling~~ *vote* centers provided under this section are established in accordance with the accessibility requirements described in Article 5 (commencing with Section 12280) of Chapter 3 of Division 12, the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.), and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

~~(C)~~

(D) The ~~polling~~ *vote* centers provided under this section are established at accessible locations as near as possible to established public transportation ~~routes and are~~ *routes*. *The vote centers shall be* equipped with voting units or systems that are accessible to individuals with disabilities and that provide the same opportunity for access and participation as is provided to voters who are not disabled, including the ability to vote privately and independently in accordance with Sections 12280 and 19240.

*(E) (i) Vote centers provided under this section have an electronic mechanism for the county elections official to immediately access, at a minimum, all of the following voter registration data:*

*(I) Name.*

*(II) Address.*

*(III) Date of birth.*

*(IV) Language preference.*

*(V) Party preference.*

*(VI) Precinct.*

*(VII) Whether or not the voter has been issued a vote by mail ballot and whether or not a ballot has been received by the county elections official.*

*(ii) The electronic mechanism used to access voter registration data shall not be connected in any way to a voting system.*

*(5) A method is available to request and deliver a blank vote by mail ballot and, if a replacement ballot is necessary, a blank replacement ballot that voters with disabilities can mark privately and independently.*

(6) (A) Except as otherwise provided for in this section, ~~precinct election~~ boards for the ~~polling~~ *vote* centers established under this section meet the requirements for eligibility and composition pursuant to Article 1 (commencing with Section 12300) of Chapter 4 of Division 12.

~~(B) If a polling center is located in an area otherwise consisting of one or more precincts for which the county elections official is required to recruit precinct board members who are fluent in a language in addition to English pursuant to subdivision (c) of Section 12303 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), the county elections official makes reasonable efforts to ensure that the polling center is staffed by precinct board members who speak that language.~~

*(B) Each vote center provides language assistance in all languages required in the jurisdiction under subdivision (c) of Section 12303 or Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) in a manner that enables voters of the applicable language minority groups to participate effectively in the electoral process. Each vote center shall post information regarding the availability of language assistance in English and all other languages for which language assistance is required to be provided in the jurisdiction under subdivision (c) of Section 12303 or Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).*

*(i) If a vote center is located in, or adjacent to, a precinct, census tract, or other defined geographical subsection required to establish language requirements under subdivision (c) of Section 12303 or Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), or if it is identified as needing language assistance through the public input process described in clause (ii), the county elections official shall ensure that the vote center is staffed by election board members who speak the required language. If the county elections official is unable to recruit election board members who speak the required language, alternative methods of effective language assistance shall be provided by the county elections official.*

*(ii) The county elections official shall solicit public input regarding which vote centers should be staffed by*

*election board members who are fluent in a language in addition to English pursuant to subdivision (c) of Section 12303 and Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).*

*(iii) The county elections official shall provide notice in the sample ballot, in vote by mail materials, and on his or her Internet Web site of the specific language services available at each vote center.*

*(C) Each vote center provides election materials translated in all languages required in the jurisdiction under subdivision (c) of Section 14201 and Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).*

*(D) Each vote center provides reasonable modifications and auxiliary aids and services as required by the federal American with Disabilities Act (42 U.S.C. Sec. 12101 et seq.).*

(7) (A) ~~The~~ *At least 29 days before the date of the election, the* county elections official ~~delivers mails~~ *to each registered voter* ~~all supplies necessary for the use and return of the vote by mail ballot, including an envelope for the~~ *a vote by mail ballot packet that includes a return envelope with instructions for the use and* return of the ~~voted~~ vote by mail ballot.

(B) The county elections official delivers to each voter, with either the sample ballot sent pursuant to Section 13303 or with the vote by mail ~~ballot~~, *ballot packet*, all of the following:

(i) A notice, translated in all languages required under subdivision (c) of Section 14201 and Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), that informs voters of all of the following:

(I) An all-mailed ballot election is being conducted and each eligible voter will ~~receive~~ *be issued* a vote by mail ballot by mail.

(II) The voter may cast a vote by mail ballot in person at a ~~polling vote~~ center during the times and days specified in *subparagraph (A) of* paragraph ~~(4)~~ *(4)* or on election day.

(III) ~~The~~ *At least seven days before the date of the election, the* voter may request the county elections official to send a vote by mail ballot in a language other than English pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or a facsimile copy of the ballot printed in a language other than English pursuant to Section 14201.

(ii) A list of the ballot dropoff locations and ~~polling vote~~ centers established pursuant to this ~~section~~. *section, including the dates and hours they are open.* The list shall also be posted *in an accessible format* on the Internet Web site of the county elections official.

(iii) A postage-paid postcard that the voter may return to the county elections official for the purpose of requesting a vote by mail ballot in a language other than English.

~~(8)(A)The county elections official submits to the Secretary of State a voter education and outreach plan to be implemented by the county for any election conducted pursuant to this section. The voter education and outreach plan shall include, but shall not be limited to, all of the following:~~

~~(i)One education and outreach meeting that includes representatives, advocates, and other stakeholders representing each community for which the county is required to provide voting materials and assistance in a language other than English under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).~~

~~(ii)One education and outreach meeting that includes representatives from community organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities.~~

~~(iii)At least one bilingual voter education workshop for each language in which the county is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).~~

~~(iv)At least one voter education workshop to increase accessibility for participation of eligible voters with disabilities.~~

*(C) Upon request, the county elections official provides written voting materials to voters with disabilities in an accessible format.*

(8) (A) *The county elections official develops a draft plan for the administration of elections conducted pursuant to this section in consultation with the public, including both of the following:*

*(i) One meeting, publicly noticed at least 10 days in advance of the meeting, that includes representatives, advocates, and other stakeholders representing each community for which the county is required to provide voting materials and assistance in a language other than English under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).*

*(ii) One meeting, publicly noticed at least 10 days in advance of the meeting, that includes representatives from the disability community and community organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities.*

*(B) The county elections official, when developing the draft plan for the administration of elections conducted pursuant to this section, considers, at a minimum, all of the following:*

*(i) Vote center and ballot dropoff location proximity to public transportation.*

*(ii) Vote center and ballot dropoff location proximity to communities with historically low vote by mail usage.*

*(iii) Vote center and ballot dropoff location proximity to population centers.*

*(iv) Vote center and ballot dropoff location proximity to language minority communities.*

*(v) Vote center and ballot dropoff location proximity to voters with disabilities.*

*(vi) Access to accessible and free parking at vote centers and ballot dropoff locations.*

*(vii) The distance and time a voter must travel by car or public transportation to a vote center and ballot dropoff location.*

*(viii) The availability of alternate methods for voters with disabilities for whom vote by mail ballot are not accessible to cast a ballot.*

*(ix) Traffic patterns near vote centers and ballot dropoff locations.*

*(x) The availability of mobile vote centers in addition to the number of vote centers established pursuant to this section.*

*(C) The county elections official publicly notices the draft plan for the administration of elections conducted pursuant to this section and accepts public comments on the draft plan for at least 14 days before the hearing held pursuant to subparagraph (D).*

*(D) (i) Following the 14-day review period required by subparagraph (C), the county elections official holds a public meeting to consider the draft plan for the administration of elections conducted pursuant to this section and to accept public comment. The meeting shall be publicly noticed at least 10 days in advance of the meeting on the Internet Web sites of the clerk of the county board of supervisors and the county elections official, or, if neither the clerk of the county board of supervisors nor the county elections official maintain an Internet Web site, in the office of the county elections official.*

*(ii) After the public hearing to consider the draft plan for the administration of elections conducted pursuant to this section and to accept public comments, the county elections official may amend the draft plan. The county elections official shall publicly notice the amended draft plan and shall accept public comments on the amended draft plan for at least 14 days before the county elections official may adopt the amended draft plan pursuant to subparagraph (E).*

*(E) Following the 14-day review and comment period required by clause (ii) of subparagraph (D), the county elections may adopt a final plan for the administration of elections conducted pursuant to this section.*

*(F) Public meetings held pursuant to this paragraph shall, upon request, provide auxiliary aids and services to ensure effective communication with people with disabilities.*

*(G) Within two years of the adoption of the first plan for the administration of elections conducted pursuant to this section, the county elections official shall hold public meetings in accordance with the procedures described in subparagraphs (C) to (F), inclusive, to consider revising the first plan for the administration of elections conducted pursuant to this section. Every four years thereafter, the county elections official shall hold*

*public meetings in accordance with the procedures described in subparagraphs (C) to (F), inclusive, to consider revising the plan for the administration of elections conducted pursuant to this section.*

*(H) (i) With reasonable public notification, a county elections official may amend a plan for the administration of elections conducted pursuant to this section no more than 120 days before the date of an election held pursuant to this section.*

*(ii) With reasonable public notification, a county elections official may amend a plan for the administration of elections conducted pursuant to this section more than 120 days before the date of an election held pursuant to this section if he or she provides at least 30 days to accept public comment on the amended plan.*

*(I) The plan for the administration of elections conducted pursuant to this section, includes all of the following:*

*(i) A description of how the county elections official will use the media, including social media, newspapers, radio, and television that serve language minority communities for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.*

*(ii) A description of how the county elections official will have a community presence to educate voters regarding the provisions of this section.*

*(iii) A description of the accessible information that will be publicly available on the accessible Internet Web site of the county elections official.*

*(iv) A description of how the county elections official will educate and communicate the provisions of this section to the public, including:*

*(I) Communities for which the county is required to provide voting materials and assistance in a language other than English under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).*

*(II) The disability community, including organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities.*

*(v) A description of how a voter with disabilities may request and receive a blank vote by mail ballot and, if a replacement ballot is necessary, a blank replacement ballot that voters with disabilities can mark privately and independently.*

*(vi) A description of how the county elections official will address significant disparities in voter accessibility and participation identified in the reports required by subdivision (f).*

*(vii) To the extent available at the time of publication, information on all of the following:*

*(I) The total number of vote centers to be established.*

*(II) The total number of ballot dropoff locations to be established.*

*(III) The location of each vote center.*

*(IV) The location of each ballot dropoff location and whether it is inside or outside.*

*(V) A map of the locations of each vote center and ballot dropoff location.*

*(VI) The hours of operation for each vote center.*

*(VII) The hours of operation for each ballot dropoff location.*

*(VIII) The security and contingency plans that would be implemented by the county elections official to do both of the following:*

*(ia) Prevent a disruption of the vote center process.*

*(ib) Ensure that the election is properly conducted if a disruption occurs.*

*(IX) The number of election board members and the number of bilingual election board members and the languages spoken.*

*(X) The type and number of accessible voting machines and related accessible services at each vote center.*

*(XI) The design, layout, and placement of equipment inside each voter center that protects each voter's right to cast a private ballot.*

~~(v)~~

*(viii) A toll-free voter assistance hotline maintained by the county elections official that is operational no later than 29 days before the date of the election until 5 p.m. on the day after the election. The toll-free voter assistance hotline shall provide assistance to voters in all languages in which the county is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).*

~~(vi)~~

*(ix) At least one public service announcement in the media, including newspapers, radio, and television, that serve English-speaking citizens for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.*

~~(vii)~~

*(x) At least one public service announcement in the media, including newspapers, radio, and television, that serve non-English-speaking citizens for each language in which the county is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.*

~~(viii) A voter education social media strategy that is developed in partnership with community organizations and individuals that advocate on behalf of, or provide services to, non-English speaking individuals and individuals with disabilities.~~

~~(B)~~

*(J) The ~~voter education and outreach plan~~ plan for the administration of elections conduct pursuant to this section is posted in a format that is accessible to persons with disabilities on the Internet Web site of the Secretary of State and on the Internet Web site of the county elections official.*

*(b) Notwithstanding Section 4002 or any other law, on or after January 1, 2018, a county elections official may conduct a special election as an all-mailed ballot election under this section if all of the following apply:*

*(1) (A) On the day of election, from 7 a.m. to 8 p.m., at least one vote center is provided for every 30,000 registered voters. The county elections official shall make a reasonable effort to establish a vote center within the jurisdiction where the special election is held.*

*(B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 30,000 registered voters, the county elections official makes a reasonable effort to establish a vote center.*

*(2) (A) Not less than 10 days before the day of the election, for a minimum of eight hours per day, at least one vote center is provided for every 60,000 registered voters. The county elections official shall make a reasonable effort to establish a vote center within the jurisdiction where the special election is held.*

*(B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 30,000 registered voters, the county elections official makes a reasonable effort to establish a vote center.*

*(3) (A) At least one ballot dropoff location is provided for every 15,000 registered voters. At least one ballot dropoff location shall be located within the jurisdiction where the special election is held. All ballot dropoff locations shall be open at least during regular business hours beginning not less than 28 days before the date of the election, and on the date of the election.*

*(B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 15,000 registered voters, at least one ballot dropoff location shall be provided.*

~~(b)~~

*(c) Except as otherwise provided in this section, the election day procedures shall be conducted in accordance*

with Division 14 (commencing with Section 14000).

~~(c)~~

(d) The county elections official may provide, at his or her discretion, additional ballot dropoff locations and ~~polling~~ *vote* centers for purposes of this section.

~~(d)~~

(e) The return of voted vote by mail ballots is subject to Sections 3017 and 3020.

~~(e)~~

(f) For the sole purpose of reporting the results of an election conducted pursuant to this section, upon completion of the ballot count, the county elections official shall divide the jurisdiction into precincts pursuant to Article 2 (commencing with Section 12220) of Chapter 3 of Division 12 and shall prepare a statement of the results of the election in accordance with Sections 15373 and 15374.

~~(f)~~

(g) (1) (A) If an election is conducted pursuant to this section, the ~~county~~ *Secretary of State* shall report to the Legislature ~~and to the Secretary of State~~ regarding the success of the first election conducted pursuant to this section, including, ~~but not limited to, all of the following:~~ *to the extent possible, the turnout of different populations, including the population categories of race, ethnicity, language preference, age, gender, disability, permanent vote by mail status, and political party affiliation as it relates to the languages required under the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).*

~~(A) Any statistics on the cost to conduct the election.~~

~~(B)~~

~~The turnout of different populations, including, but not limited to, and to the extent possible, the population categories of race, ethnicity, language preference, age, gender, disability, permanent vote by mail status, and political party affiliation as it relates to the languages required under the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).~~

*(B) If an election is conducted pursuant to this section, the county shall submit to the Legislature and to the Secretary of State a report that includes all of the following:*

*(i) Information on the cost to conduct the election.*

~~(c)~~

(ii) The number of ballots that were not counted and the reasons they were ~~rejected:~~ *not counted.*

~~(D)~~

(iii) Voter fraud.

~~(E)~~

(iv) Any other problems that became known to the county during the election or canvass.

*(v) The number of votes cast at each vote center.*

(2) Whenever possible, using the criteria set forth in paragraph (1), the ~~report~~ *reports* shall compare the election conducted pursuant to this section to similar elections not conducted pursuant to this section in the same jurisdiction or comparable jurisdictions.

(3) Within six months after the date of the election or before the date of a subsequent election conducted pursuant to this section, whichever is sooner, ~~a county~~ *the Secretary of State and counties* shall do all of the following with respect to the ~~report~~ *reports* required by this subdivision:

(A) Submit the ~~report~~ *reports* to the Legislature in compliance with Section 9795 of the Government Code.

~~(B) Submit the report to the Secretary of State.~~

## Agenda Item 6. Legislative Update

(C)

(B) Post the ~~report~~ reports in a format that is accessible to voters with disabilities on the Internet Web site of the Secretary of State or the county elections ~~official~~ official, as applicable.

(h) The Secretary of State shall enforce the provisions of this section pursuant to Section 12172.5 of the Government Code.

(i) For purposes of this section, "disability" has the same meaning as defined in subdivisions (j), (m), and (n) of Section 12926 of the Government Code.

**SEC. 2.** Section 4005.5 is added to the Elections Code, to read:

**4005.5.** (a) The Secretary of State shall establish a taskforce that includes representatives of all of the following:

(1) County elections officials.

(2) Individuals with demonstrated language accessibility experience for languages covered under the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(3) The disability community and community organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities.

(4) Experts with demonstrated experience in the field of elections.

(b) The taskforce shall review elections conducted pursuant to Section 4005 and provide comments and recommendations to the Legislature on or before April 1, 2021.

(c) This section shall remain in effect only until January 1, 2022, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2022, deletes or extends that date.



**AB-1461 Voter registration: California New Motor Voter Program. (2015-2016)**

**Assembly Bill No. 1461**

**CHAPTER 729**

An act to amend Sections 2100 and 2102 of, and to add Chapter 4.5 (commencing with Section 2260) to Division 2 of the Elections Code, relating to elections.

[ Approved by Governor October 10, 2015. Filed with Secretary of State October 10, 2015. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1461, Gonzalez. Voter registration: California New Motor Voter Program.

Existing law, the federal National Voter Registration Act of 1993, requires a state to, among other things, establish procedures to register a person to vote by application made simultaneously with an application for a new or renewal of a motor vehicle driver's license. The federal act requires the motor vehicle driver's license application to serve as an application for voter registration with respect to an election for federal office, unless the applicant fails to sign the application, and requires the application to be considered as updating the applicant's previous voter registration, if any. The federal act defines "motor vehicle driver's license" to include any personal identification document issued by a state motor vehicle authority.

Under existing state law, a person may not be registered to vote except by affidavit of registration. Existing law requires a properly executed affidavit of registration to be deemed effective upon receipt of the affidavit by the county elections official if the affidavit is submitted to the Department of Motor Vehicles on or before the 15th day before the election. Existing state law requires the Department of Motor Vehicles and the Secretary of State to develop a process and the infrastructure to allow a person who is qualified to register to vote in the state to register to vote online.

Existing law requires the Department of Motor Vehicles to issue driver's licenses and state identification cards to applicants who meet specified criteria and provide the department with the required information. Existing law generally requires an applicant for an original driver's license or state identification card to submit satisfactory proof to the department that the applicant's presence in the United States is authorized under federal law.

This bill would require the Secretary of State and the Department of Motor Vehicles to establish the California New Motor Voter Program for the purpose of increasing opportunities for voter registration by any person who is qualified to be a voter. Under the program, after the Secretary of State certifies that certain enumerated conditions are satisfied, the Department of Motor Vehicles would be required to electronically provide to the Secretary of State the records of each person who is issued an original or renewal of a driver's license or state identification card or who provides the department with a change of address, as specified. The person's motor vehicle records would then constitute a completed affidavit of registration and the person would be registered to vote, unless the person affirmatively declined to be registered to vote during a transaction with the department, the department did not represent to the Secretary of State that the person attested that he or she meets all voter eligibility requirements, as specified, or the Secretary of State determines that the person is ineligible to vote. The bill would require the Secretary of State to adopt regulations to implement this program, as specified.

Under existing law, the willful, unauthorized disclosure of information from a Department of Motor Vehicles record to any person, or the use of any false representation to obtain information from a department record or any use of information obtained from any department record for a purpose other than the one stated in the request or the sale or other distribution of the information to a person or organization for purposes not disclosed in the request is a misdemeanor, punishable by a fine not exceeding \$5,000 or by imprisonment in the county jail not exceeding one year, or both fine and imprisonment.

This bill would provide that disclosure of information contained in the records obtained from the Department of Motor Vehicles pursuant to the California New Motor Voter Program is a misdemeanor, punishable by a fine not exceeding \$5,000 or by imprisonment in the county jail not exceeding one year, or both fine and imprisonment. By creating a new crime, this bill would impose a state-mandated local program.

Existing law, the Information Practices Act of 1977, authorizes every state agency to maintain in its records only personal information that is relevant and necessary to accomplish a purpose of the agency, or is required or authorized by state or federal law. That act specifies the situations in which disclosure is permissible and also specifies the manner in which agencies must account for disclosures of personal information, including those due to security breaches, among other provisions.

This bill would require the Secretary of State to establish procedures to safeguard the confidentiality of information acquired from the Department of Motor Vehicles pursuant to the California New Motor Voter Program and would state that the provisions of the Information Practices Act of 1977 govern disclosures pursuant to the program.

Existing law makes it a crime for a person to willfully cause, procure, or allow himself or herself or any other person to be registered as a voter, knowing that he or she or that other person is not entitled to registration. Existing law also makes it a crime to fraudulently vote or attempt to vote.

This bill would provide that if a person who is ineligible to vote becomes registered to vote by operation of the California New Motor Voter Program in the absence of a violation by that person of the crime described above, that person's registration shall be presumed to have been effected with official authorization and not the fault of that person. The bill would also provide that if a person who is ineligible to vote becomes registered to vote by operation of this program, and that person votes or attempts to vote in an election held after the effective date of the person's registration, that person shall be presumed to have acted with official authorization and is not guilty of fraudulently voting or attempting to vote, unless that person willfully votes or attempts to vote knowing that he or she is not entitled to vote.

This bill would also make conforming changes.

This bill would incorporate additional changes to Section 2102 of the Elections Code, proposed by SB 589, that would become operative only if SB 589 and this bill are both chaptered and become effective on or before January 1, 2016, and this bill is chaptered last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### **SECTION 1.** Section 2100 of the Elections Code is amended to read:

**2100.** A person shall not be registered except as provided in this chapter or Chapter 4.5, except upon the production and filing of a certified copy of a judgment of the superior court directing registration to be made.

**SEC. 2.** Section 2102 of the Elections Code, as amended by Section 6.5 of Chapter 909 of the Statutes of 2014, is amended to read:

**2102.** (a) Except as provided in Chapter 4.5, a person shall not be registered as a voter except by affidavit of registration. The affidavit shall be mailed or delivered to the county elections official and shall set forth all of the facts required to be shown by this chapter. A properly executed registration shall be deemed effective upon

receipt of the affidavit by the county elections official if received on or before the 15th day prior to an election to be held in the registrant's precinct. A properly executed registration shall also be deemed effective upon receipt of the affidavit by the county elections official if any of the following apply:

(1) The affidavit is postmarked on or before the 15th day prior to the election and received by mail by the county elections official.

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.) on or before the 15th day prior to the election.

(3) The affidavit is delivered to the county elections official by means other than those described in paragraph (1) and (2) on or before the 15th day prior to the election.

(4) The affidavit is submitted electronically on the Internet Web site of the Secretary of State pursuant to Section 2196 on or before the 15th day prior to the election.

(b) For purposes of verifying a signature on a recall, initiative, or referendum petition or a signature on a nomination paper or any other election petition or election paper, a properly executed affidavit of registration shall be deemed effective for verification purposes if both of the following conditions are satisfied:

(1) The affidavit is signed on the same date or a date prior to the signing of the petition or paper.

(2) The affidavit is received by the county elections official on or before the date on which the petition or paper is filed.

(c) Notwithstanding any other law to the contrary, the affidavit of registration required under this chapter shall not be taken under sworn oath, but the content of the affidavit shall be certified as to its truthfulness and correctness, under penalty of perjury, by the signature of the affiant.

(d) A person who is at least 16 years of age and otherwise meets all eligibility requirements to vote may submit his or her affidavit of registration as prescribed by this section. A properly executed registration made pursuant to this subdivision shall be deemed effective as of the date the affiant will be 18 years of age, if the information in the affidavit of registration is still current at that time. If the information provided by the affiant in the affidavit of registration is not current at the time that the registration would otherwise become effective, for his or her registration to become effective, the affiant shall provide the current information to the proper county elections official as prescribed by this chapter.

**SEC. 2.5.** Section 2102 of the Elections Code, as amended by Section 6.5 of Chapter 909 of the Statutes of 2014, is amended to read:

**2102.** (a) Except as provided in Chapter 4.5, a person shall not be registered as a voter except by affidavit of registration. The affidavit of registration shall be mailed or delivered to the county elections official and shall set forth all of the facts required to be shown by this chapter. A properly executed affidavit of registration shall be deemed effective upon receipt of the affidavit by the county elections official if received on or before the 15th day before an election to be held in the registrant's precinct. A properly executed affidavit of registration shall also be deemed effective upon receipt of the affidavit by the county elections official if any of the following apply:

(1) The affidavit is postmarked on or before the 15th day before the election and received by mail by the county elections official.

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (52 U.S.C. Sec. 20501 et seq.) on or before the 15th day before the election.

(3) The affidavit is delivered to the county elections official by means other than those described in paragraphs (1) and (2) on or before the 15th day before the election.

(4) The affidavit is submitted electronically on the Internet Web site of the Secretary of State pursuant to Section 2196 on or before the 15th day before the election.

(b) For purposes of verifying a signature on a recall, initiative, or referendum petition or a signature on a

nomination paper or any other election petition or election paper, a properly executed affidavit of registration shall be deemed effective for verification purposes if both of the following conditions are satisfied:

- (1) The affidavit is signed on the same date or a date before the signing of the petition or paper.
- (2) The affidavit is received by the county elections official on or before the date on which the petition or paper is filed.
- (c) Notwithstanding any other law to the contrary, the affidavit of registration required under this chapter shall not be taken under sworn oath, but the content of the affidavit shall be certified as to its truthfulness and correctness, under penalty of perjury, by the signature of the affiant.
- (d) A person who is at least 16 years of age and otherwise meets all eligibility requirements to vote may submit his or her affidavit of registration as prescribed by this section. A properly executed affidavit of registration made pursuant to this subdivision shall be deemed effective as of the date the affiant will be 18 years of age, if the information in the affidavit of registration is still current at that time. If the information provided by the affiant in the affidavit of registration is not current at the time that the affidavit of registration would otherwise become effective, for his or her registration to become effective, the affiant shall provide the current information to the proper county elections official as prescribed by this chapter.
- (e) An individual with a disability who is otherwise qualified to vote may complete an affidavit of registration with reasonable accommodations as needed.
- (f) An individual with a disability who is under a conservatorship may be registered to vote if he or she has not been disqualified from voting.

**SEC. 3.** Chapter 4.5 (commencing with Section 2260) is added to Division 2 of the Elections Code, to read:

## **CHAPTER 4.5. California New Motor Voter Program**

**2260.** This chapter shall be known and may be cited as the California New Motor Voter Program.

**2261.** The Legislature finds and declares all of the following:

- (a) Voter registration is one of the biggest barriers to participation in our democracy.
- (b) In 1993, Congress enacted the federal National Voter Registration Act of 1993 (52 U.S.C. Sec. 20501 et seq.), commonly known as the "Motor Voter Law," with findings recognizing that the right of citizens to vote is a fundamental right; it is the duty of federal, state, and local governments to promote the exercise of the right to vote; and the primary purpose of the act is to increase the number of eligible citizens who register to vote.
- (c) It is the intent of the Legislature to enact the California New Motor Voter Program to provide California citizens additional opportunities to participate in democracy through exercise of their fundamental right to vote.

**2262.** (a) The Secretary of State and the Department of Motor Vehicles shall establish the California New Motor Voter Program for the purpose of increasing opportunities for voter registration by any person who is qualified to be a voter under Section 2 of Article II of the California Constitution.

(b) This chapter shall not be construed as requiring the Department of Motor Vehicles to determine eligibility for voter registration and voting. The Secretary of State is solely responsible for determining eligibility for voter registration and voting.

**2263.** (a) The Department of Motor Vehicles, in consultation with the Secretary of State, shall establish a schedule and method for the department to electronically provide to the Secretary of State the records specified in this section.

(b) (1) The department shall provide to the Secretary of State, in a manner and method to be determined by the department in consultation with the Secretary of State, the following information associated with each person who submits an application for a driver's license or identification card pursuant to Section 12800, 12815, or 13000 of the Vehicle Code, or who notifies the department of a change of address pursuant to Section 14600 of the Vehicle Code:

- (A) Name.
  - (B) Date of birth.
  - (C) Either or both of the following, as contained in the department's records:
    - (i) Residence address.
    - (ii) Mailing address.
  - (D) Digitized signature, as described in Section 12950.5 of the Vehicle Code.
  - (E) Telephone number, if available.
  - (F) Email address, if available.
  - (G) Language preference.
  - (H) Political party preference.
  - (I) Whether the person chooses to become a permanent vote by mail voter.
  - (J) Whether the person affirmatively declined to become registered to vote during a transaction with the department.
  - (K) A notation that the applicant has attested that he or she meets all voter eligibility requirements, including United States citizenship, specified in Section 2101.
  - (L) Other information specified in regulations implementing this chapter.
- (2) (A) The department may provide the records described in paragraph (1) to the Secretary of State before the Secretary of State certifies that all of the conditions set forth in subdivision (e) of this section have been satisfied. Records provided pursuant to this paragraph shall only be used for the purposes of outreach and education to eligible voters conducted by the Secretary of State.
- (B) The Secretary shall provide materials created for purposes of outreach and education as described in this paragraph in languages other than English, as required by the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).
- (c) The Secretary of State shall not sell, transfer or allow any third party access to the information acquired from the Department of Motor Vehicles pursuant to this chapter without approval of the department, except as permitted by this chapter and Section 2194.
- (d) The department shall not electronically provide records of a person who applies for or is issued a driver's license pursuant to Section 12801.9 of the Vehicle Code because he or she is unable to submit satisfactory proof that his or her presence in the United States is authorized under federal law.
- (e) The Department of Motor Vehicles shall commence implementation of this section no later than one year after the Secretary of State certifies all of the following:
- (1) The State has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Section 20901 et seq.).
  - (2) The Legislature has appropriated the funds necessary for the Secretary of State and the Department of Motor Vehicles to implement and maintain the California New Motor Voter Program.
  - (3) The regulations required by Section 2270 have been adopted.
- (f) The Department of Motor Vehicles shall not electronically provide records pursuant to this section that contain a home address designated as confidential pursuant to Section 1808.2, 1808.4, or 1808.6 of the Vehicle Code.

**2264.** (a) The willful, unauthorized disclosure of information obtained from the Department of Motor Vehicles pursuant to Section 2263 to any person, or the use of any false representation to obtain any of that information or the use of any of that information for a purpose other than as stated in Section 2263, is a misdemeanor punishable by a fine not exceeding five thousand dollars (\$5,000) or imprisonment in the county jail not

exceeding one year, or both fine and imprisonment.

(b) The Secretary of State shall establish procedures to protect the confidentiality of the information acquired from the Department of Motor Vehicles pursuant to Section 2263. The disclosure of this information shall be governed by the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code), and the Secretary of State shall account for any disclosures, including those due to security breaches, in accordance with that act.

**2265.** (a) The records of a person designated in paragraph (1) of subdivision (b) of Section 2263 shall constitute a completed affidavit of registration and the Secretary of State shall register the person to vote, unless any of the following conditions is satisfied:

(1) The person's records, as described in Section 2263, reflect that he or she affirmatively declined to become registered to vote during a transaction with the Department of Motor Vehicles.

(2) The person's records, as described in Section 2263, do not reflect that he or she has attested to meeting all voter eligibility requirements specified in Section 2101.

(3) The Secretary of State determines that the person is ineligible to vote.

(b) (1) If a person who is registered to vote pursuant to this chapter does not provide a party preference, his or her party preference shall be designated as "Unknown" and he or she shall be treated as a "No Party Preference" voter.

(2) A person whose party preference is designated as "Unknown" pursuant to this subdivision shall not be counted for purposes of determining the total number of voters registered on the specified day preceding an election, as required by subdivision (b) of Section 5100 and subdivision (c) of Section 5151.

**2266.** A person registered to vote under this chapter may cancel his or her voter registration at any time by any method available to any other registered voter.

**2267.** This chapter does not affect the confidentiality of a person's voter registration information, which remains confidential pursuant to Section 2194 of this code and Section 6254.4 of the Government Code and for all of the following persons:

(a) A victim of domestic violence, sexual assault, or stalking pursuant to Section 2166.5.

(b) A reproductive health care service provider, employee, volunteer, or patient pursuant to Section 2166.5.

(c) A public safety officer pursuant to Section 2166.7.

(d) A person with a life-threatening circumstance upon court order pursuant to Section 2166.

**2268.** If a person who is ineligible to vote becomes registered to vote pursuant to this chapter in the absence of a violation by that person of Section 18100, that person's registration shall be presumed to have been effected with official authorization and not the fault of that person.

**2269.** If a person who is ineligible to vote becomes registered to vote pursuant to this chapter and votes or attempts to vote in an election held after the effective date of the person's registration, that person shall be presumed to have acted with official authorization and shall not be guilty of fraudulently voting or attempting to vote pursuant to Section 18560, unless that person willfully votes or attempts to vote knowing that he or she is not entitled to vote.

**2270.** The Secretary of State shall adopt regulations to implement this chapter, including regulations addressing both of the following:

(a) A process for canceling the registration of a person who is ineligible to vote, but became registered under the California New Motor Voter Program in the absence of any violation by that person of Section 18100.

(b) An education and outreach campaign informing voters about the California New Motor Voter Program that the Secretary of State will conduct to implement this chapter. The Secretary may use any public and private funds available for this and shall provide materials created for this outreach and education campaign in

languages other than English, as required by the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

**SEC. 4.** Section 2.5 of this bill incorporates amendments to Section 2102 of the Elections Code, as amended by Section 6.5 of Chapter 909 of the Statutes of 2014, proposed by both this bill and Senate Bill 589. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2016, (2) each bill amends Section 2102 of the Elections Code, as amended by Section 6.5 of Chapter 909 of the Statutes of 2014, and (3) this bill is enacted after Senate Bill 589, in which case Section 2 of this bill shall not become operative.

**SEC. 5.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

## **Agenda Item 7. Future Meeting Dates**

### **Language Accessibility Advisory Committee**

#### **Proposed Meeting Dates**

**(Subject to Change)**

- Friday, May 20, 2016 at 1:00 p.m.
- Friday, June 17, 2016 at 1:00 p.m.
- Friday, August 19, 2016 at 1:00 p.m.
- Friday, October 21, 2016 at 1:00 p.m.
- Friday, November 18, 2016 at 1:00 p.m.