EAC Decision on Request for Interpretation 2008-04
2002 VSS Vol. I, Section 2.3.1.3.1a Ballot Production
2005 VVSG Vol. I, Section 2.2.1.3a Ballot Production

Date:

July 30, 2008

Question(s):

Can a voting system meet the requirements of this standard by claiming support for a subset of languages required under Section 203 of the Voting Rights Act, or must every voting system submitted for certification testing support all languages required under Section 203?

Section of Standards or Guidelines:

2002 VSS Volume I, Section 2.3.1.3.1a, and 2005 VVSG Volume I, Version 1.0, Section 2.2.1.3a.

Background:

Volume I, Section 2.3.1.3.1(a) of the 2002 VSS (Ballot Production, Common standards) states that all voting systems shall provide a capability to ensure that: "the electronic display or printed document on which the user views the ballot is capable of rendering an image of the ballot in any of the languages required by The Voting Rights Act of 1965, as amended[1]."

Volume I, Section 2.2.1.3a of the 2005 VVSG similarly states "The electronic display or printed document on which the user views the ballot is capable of rendering an image of the ballot in any of the languages required by the Voting Rights Act of 1965, as amended."

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[1]Under Section 203 of the Voting Rights Act, political subdivisions determined by the Bureau of the Census to meet the coverage requirements of that provision are required to provide assistance to language minorities who are American Indian, Alaskan Native, Asian American or of Spanish heritage. Coverage determinations made by the Bureau of the Census include political subdivisions in which the major written language covered is one or more of the following: Spanish, Chinese, Japanese, Ilocano, Tagalog, Korean, and Vietnamese. Most Alaskan Native and American Indian languages are historically unwritten, and in that case, jurisdictions covered for those languages only have to provide oral information and assistance.

This Section of the VVSG is also impacted by the requirements noted in Section 3.1.3 of the 2005 VVSG. Section 3.1.3 states:

"The voting equipment shall be capable of presenting the ballot, ballot selections, review screens and instructions in any language required by state or Federal law."

Conclusion:

While the voting system need not offer every language covered by Section 203 of the Voting Rights Act, the system must be tested and shown to have the *capability* to present or display any of the covered languages noted above. Because both Standards documents use the terms "..is capable of…" or "…shall be capable of presenting the ballot…" the sections of the standards cannot be interpreted any other way.

Basic Test Methodology

Voting systems shall be tested to validate their ability to format and display voter targeted messages in a form consistent with all covered languages. (Incorporate the accents and special characters for Spanish or other languages, display translated text as an image, etc.) The VSTL shall also provide a statement in the test report that identifies the level to which the language testing was performed. When appropriate, the VSTL will insert a disclaimer in the report that the translation content was not validated and that jurisdictions need to validate the content and accuracy of all translations.

For DREs, basic functional testing of the ballot logic shall be repeated for at least one of the set of languages in each of the significant language groups where the manufacturer supports such language groups. For the purpose of this test procedure, the functional language groups are:

- the default language (English),
- a secondary language using a Western European font (usually Spanish),
- ideographic language (such as Chinese or Korean),
- non-written languages requiring audio support.

In addition, a sample of audio ballots in each group should be checked with at least one audio set exercising full ballot logic and navigational choices including shortcuts to exit or skip candidates or races.

For mark sense/paper ballots, the additional functional tests may be waived if one of the following is true:

- the operational test deck contains all ballot styles including the alternate language ballots as separate styles.
- it can be demonstrated that the ballot layout is not altered due to a change in language choice. (i.e., all ballot coding and voting mark sense target locations are the same regardless of ballot choices.)

Effective Date:

Immediate – for all systems not having an approved test plan prior to the date of publication.