



## **EAC Decision on Request for Interpretation 2007-04, 2005 VVSG Vol. 1 Section 3.1.3**

### ***Date:***

October 29, 2007

### ***Question:***

Vol. 1 Section 3.1.3 of the 2005 VVSG requires that voting equipment shall be capable of presenting the ballot, ballot selections, review screens and instructions in any language required by state or Federal law. Clarification is requested on the following:

- Which parts of the ballot or ballot selections require language translation?
- Do the requirements apply equally to all languages?
- Do systems that only support languages that use Roman alphabets need to provide translations of candidate names, parties, and office titles?

### ***Section of Standards or Guidelines:***

Section 3.1.3 of the 2005 VVSG Vol. 1 (Alternative Languages) reads:

*“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.”*

### ***Background:***

The above referenced section of the 2005 VVSG is intended to support language accessibility requirements under both Federal (Section 301(a)(4) of the Help America Vote Act and Section 203 of the Voting Rights Act) and state law. To accomplish this, Section 3.1.3 requires that voting equipment have the **capability** of presenting all ballot information necessary for the voter to be able to cast an appropriately informed and meaningful ballot in an alternative language. This means a voting system shall be capable of providing all information presented to the English-literate voter, including all instructions, warnings, contest choices and vote verification information, to an alternative language voter when required, regardless of whether the alternative language is written or spoken (See Section 3.2.7 (English Proficiency) of Volume 1 of the 2005 VVSG, “(f) or voters who lack proficiency in reading English, or whose primary language is unwritten,

the voting equipment shall provide spoken instructions and ballots in the preferred language of the voter, consistent with state and Federal law....”).

The VVSG does not speak to the issue of alternative language compliance under Federal or State law. It sets no requirements as to which ballots require alternative language or what portion of the ballot is to be translated. Instead, it speaks to capability. If a voting system supports a language, the system must be capable of presenting all ballot information in that language.

***Conclusion:***

In conclusion, we interpret Section 3.1.3 of the 2005 VVSG to require voting systems to have the **capability** of providing all ballot information, including all portions of the ballot, all instructions, warnings, and vote verification information in the appropriate manufacturer supported alternative languages. In addition, we find that Section 3.1.3 applies equally to all languages, both written and spoken. The VVSG requires only that systems be capable of providing alternative language ballots and voting, it sets no requirements as to which ballots require alternative language or what portion of the ballot is to be translated.