



# LANGUAGE ACCESSIBILITY

This brief discusses language accessibility and serving language minority voters, including those with limited English proficiency (LEP). It aims to help election officials and other election stakeholders understand language assistance requirements that are mandated by the federal Voting Rights Act (VRA) and learn how other jurisdictions have approached language assistance.

## LANGUAGE PROVISIONS IN THE VOTING RIGHTS ACT

**The VRA** outlaws literacy- and language-based voting qualifications or prerequisites.

Section 203 recognizes widespread voting discrimination against Alaskan Native, American Indian, Asian, and Hispanic language minority citizens and seeks to eliminate it by requiring the provision of minority language materials and assistance related to the electoral process—oral and/or written—to language minority groups.

Other VRA sections, including 4(e) and 208, are also relevant to language access.

The most recent reauthorization of the VRA in 2006 extended Section 203 through 2032, and determinations were adjusted to occur every 5 years instead of 10.

The next round of determinations is expected in 2021.

The U.S. Election Assistance Commission (EAC) fulfills its role as a national clearinghouse for information on election administration in many ways, including by developing resources for election stakeholders. Clearinghouse Briefs aim to aggregate existing resources and provide a concise summary of an issue in the field of election administration.

## BY THE NUMBERS



**25.9 million** people in the U.S. with limited English proficiency in 2016.<sup>1</sup>



**66.6 million** people in the U.S. speak a language other than English at home.<sup>1</sup>



**263** jurisdictions and **3** states in the U.S. were covered by Section 203 in 2016. **53** jurisdictions were newly covered in 2016.<sup>2</sup>



**51** cases initiated by the Department of Justice (DOJ) raising claims under VRA language provisions.<sup>3</sup>

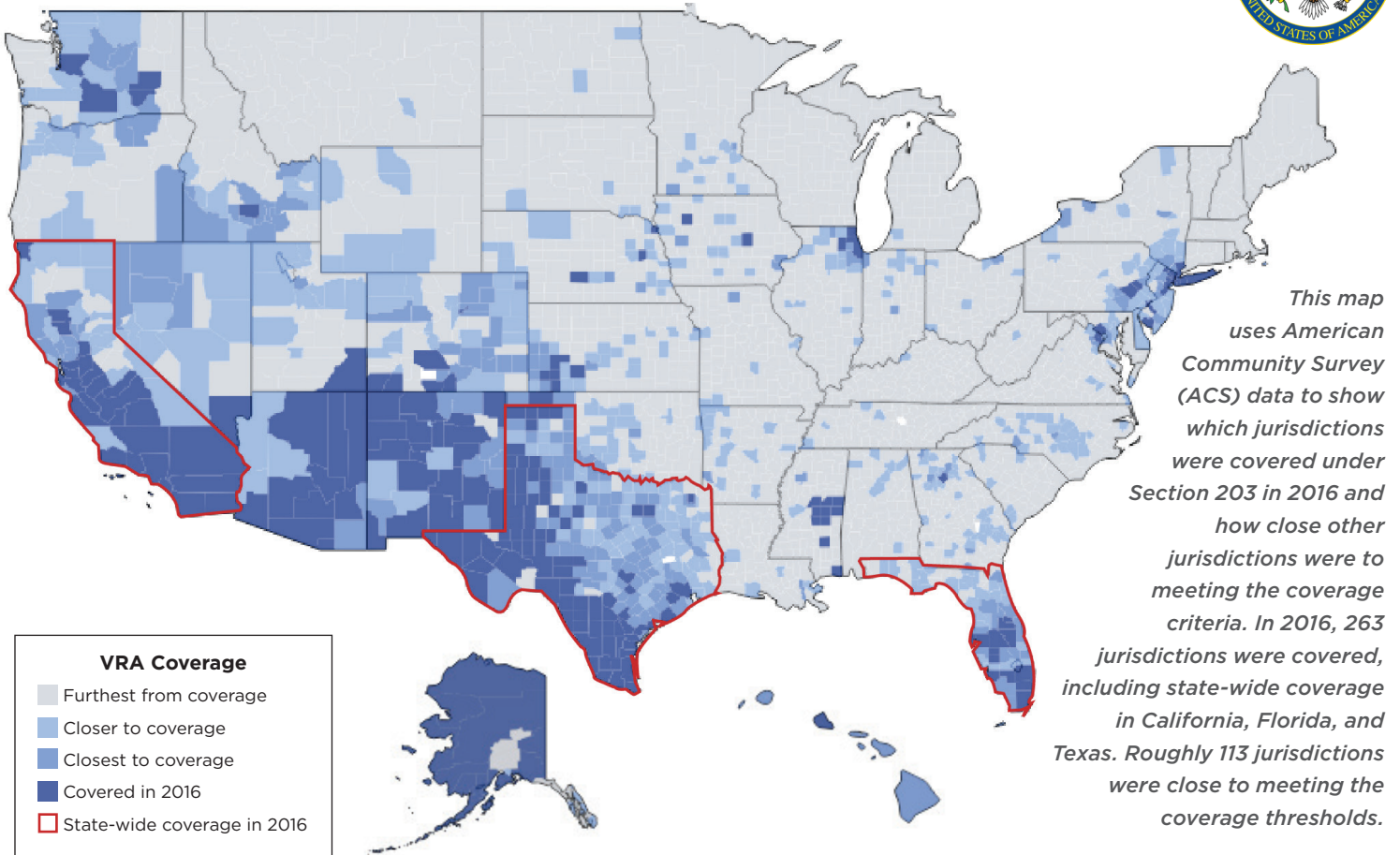
### Sources:

<sup>1</sup> 2017 American Community Survey 1-Year Estimates. [https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_16\\_1YR\\_S1601&p](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_16_1YR_S1601&p)

<sup>2</sup> [https://www.census.gov/rdo/data/voting\\_rights\\_determination\\_file.html](https://www.census.gov/rdo/data/voting_rights_determination_file.html)

<sup>3</sup> <https://www.justice.gov/crt/voting-section-litigation#sec203cases>

# Section 203 Coverage



## A JURISDICTION IS COVERED UNDER VRA SECTION 203 IF:<sup>4</sup>

> 10,000

The minimum number of LEP voting-age citizens who speak the same language.

OR

> 5%

The minimum proportion of LEP voting-age citizens who speak the same language.

AND

Illiteracy

The illiteracy rate of LEP citizens who speak the same language must exceed the national illiteracy rate.

## VRA SECTION 203 COVERAGE AND ENFORCEMENT

- » A list of covered jurisdictions is published in the Federal Register every five years, as determined by the U.S. Census Bureau.
- » When the list is published, coverage becomes effective immediately.
- » DOJ conducts outreach and offers guidance to covered jurisdictions to support compliance.
- » DOJ monitors compliance in covered jurisdictions, which can include the deployment of monitors to polling sites.

DOJ's role includes **informing** covered jurisdictions and language minority communities, **assisting** with questions regarding compliance, and **investigating** allegations and taking necessary **enforcement** actions. According to the DOJ,<sup>5</sup> keys to a successful language assistance program include outreach, bilingual election personnel, accurately translated and effectively distributed materials, timing, and contingency planning.

### Sources:

- <sup>4</sup> <https://www.justice.gov/crt/about-language-minority-voting-rights#provisions>
- <sup>5</sup> <https://www.justice.gov/crt/language-minority-citizens>

## Case Study:

### DON'T WAIT! ANTICIPATE.

Anticipating language group needs and proactively developing plans for assistance benefits both the elections department and its voters.

Through examination of ACS data, the elections department in Fairfax County, VA, identified growing Vietnamese and Korean language populations ahead of the 2016 determination for Section 203 coverage. Awareness that the county was close to being covered allowed the department to be proactive in providing assistance for both languages. Although the county was covered in 2016 for Vietnamese but not Korean, the elections department continues to provide assistance for both languages in order to better serve their voters and to be prepared for potential coverage of Korean in the future. Fairfax County has also been covered for Spanish since 2011.

Although not covered under Section 203, the elections department in Minneapolis, MN, provides language assistance and resources to a diverse population of voters with language needs. Knowing that language groups can change from year to year, the elections department uses alternative data sources—such as school district data and annual precinct visits—to stay educated on language needs and to ensure resources are distributed effectively. According to the department, this proactive approach has led to greater trust and buy-in from the language minority communities, which eases translation needs and poll worker recruitment efforts.



# Providing Effective Language Assistance

Effective language assistance is rooted in understanding the particular needs of your voters and developing a plan tailored to your jurisdiction. The following pages highlight three key sets of issues to consider when developing and executing a language assistance program. The resource index at the end contains additional resources that provide more information on the topics covered in this brief.

## 1 Engaging Your Language Communities

Conducting outreach early, often, and through multiple modes of communication can be one way to identify the needs of your language minority communities and raise awareness of the assistance that is available to them.

## 2 Translating Materials

When translating election materials and resources, consider what the specific needs of the language group are and what language assistance resources might already exist.

## 3 Providing Assistance During the Voting Process

Language assistance on and leading up to Election Day can take many forms. Recruitment of bilingual poll workers and language-screening processes help ensure that quality in-person assistance is available.

### WHAT CAN YOU DO TO ASSIST YOUR VOTERS WITH LANGUAGE NEEDS?

- ✓ **Leverage existing resources.**
- ✓ **Learn from peer election officials and other stakeholders.**
- ✓ **Work with the community to understand your voters' needs.**
- ✓ **Again, don't wait! Anticipate needs and develop a plan.**



# Engaging Your Language Communities

**Establishing working relationships with your language minority communities through active engagement and outreach can help your elections department develop its language program and ease the implementation process.**

## COMMUNITY OUTREACH AND ENGAGEMENT

Engage your language minority communities regularly throughout the language assistance process.

- 1** Early on, conduct outreach to gauge the level of assistance your language groups need and to better understand the specific challenges they face.
- 2** Throughout the development of language assistance processes and resources, engage language groups to build buy-in and to establish trusting relationships. Members of the language community can help review new materials or even provide translation assistance.
- 3** Even after language assistance processes and resources have been put in place, continue to engage your language minority communities. Continued engagement can ease bilingual poll worker recruitment efforts and, ultimately, make the language assistance program more sustainable.
- 4** Seek opportunities to be physically present and visible in areas with large concentrations of language minority voters, like organizing a voter registration table at relevant community events.

### TIP

**An outreach coordinator can monitor language access efforts and needs within the community, and serve as the point of contact within the elections department for language communities. Additionally, establishing a formal language advisory group can create a platform for regular engagement with language communities.**

### TIP

**A mobile-friendly, multilingual website that allows visitors to easily select between languages and keeps features consistent across languages can also strengthen accessibility of relevant materials to language communities.**

## PUBLIC INFORMATION AND VOTER AWARENESS

Take steps to raise awareness among language minority communities of the availability of materials and assistance. Instead of having voters seek out resources on their own, foster increased awareness by promoting available assistance and resources online and through the media, as well as prominently displaying these resources at polling sites.

- ▶ Make announcements over the language community's radio or television stations and social media.
- ▶ Publicize notices in language community newspapers.
- ▶ Partner with community organizations to conduct voter outreach at the organizations' popular events.

## UNDERSTANDING YOUR LANGUAGE COMMUNITIES

Demographic data—including Census data as well as state and local data sources—can be a good starting point for understanding your language communities. Tapping into this type of data can help your elections department better understand the geography of your language groups and detect shifts in language needs over time.





# Translating Materials

**Informed by engagement with your jurisdiction's language communities, accurate translation of written election materials—including paper and electronic ballots, voter registration forms, and mail ballot envelopes—is an essential component of effective language assistance.**

## TRANSLATION

The accurate and timely translation of voting materials is crucial to assisting language communities.

### Translation of election materials involves three basic steps:

- ▶ Finalizing the English-language version;
- ▶ Translating the English version into another language; and
- ▶ Reviewing and verifying the accuracy of the translations.

## PLAN AHEAD

The translation of resources requires additional time and resources. Planning ahead can mitigate last-minute deadlines and budget issues.

### Plain language:

Written translations should try to use plain language, as many language groups also include many low-literacy voters. Developing the English version of materials in plain language first will help ensure that the translated version will also be in plain language.

### Election glossaries:

A glossary of translated key election terms can help election offices standardize translations across written materials. Glossaries can also prove helpful to poll workers and others who provide oral language assistance.

The EAC and many election offices have created glossaries in several languages, which can serve as a helpful starting point.

## TIP

**Two key skill sets are needed to assist with translation activities:**

- » Plain language expertise to support editing English-language materials for LEP voters before translation.
- » Linguistic and cultural expertise to support the review of translations for accuracy and dialectal nuances.

**NOTE: Human translation is of much higher quality than electronic translation software.**

**Consider** that some languages are not written, requiring other forms of language assistance.

## KEY CONSIDERATIONS FOR TRANSLATING VOTING MATERIALS

### ▶ Turn to existing resources first.

Other departments, such as social services agencies, likely already provide assistance to language groups and may have existing resources or guidance for you to use. Similarly, election offices in other jurisdictions have existing templates, processes, and resources that you may be able to leverage—some examples are available in the resources index.

### ▶ Consider linguistic nuances.

Do the translations use the correct dialect? Does the language require special characters for printing? These and other language-specific considerations may have important implications for workflow and resource allocation.



# Providing Assistance During the Voting Process

**Establish your polling sites and voting processes with the needs of your language communities in mind.**

**Language assistance that supports voting can be provided in written and oral forms, including:**

- ▶ Multilingual signage at the polls, election offices, registration locations, and other sites that indicate language assistance is available.
- ▶ Translated ballots and voting materials, both paper and electronic.
- ▶ Interactions with bilingual poll workers.
- ▶ Telephone help lines.

## KEY CONSIDERATIONS FOR POLL WORKER RECRUITMENT AND TRAINING

- ▶ Actively engage your language communities. Outreach and engagement with language communities can make poll worker recruitment more sustainable by encouraging involvement.
- ▶ Prioritize recruitment of bilingual poll workers. Bilingual poll workers can serve both English-speaking individuals and those who speak another language.
- ▶ Conduct quality control of bilingual poll workers. Implement a face-to-face screening process for all bilingual poll workers. Those who are less than fluent may not be able to effectively serve language minority voters at the polls.
- ▶ Incorporate cultural sensitivity training into the training programs for all poll workers. Awareness of the challenges other cultures and language communities may experience to voting promotes a more accessible elections process.

Deaf and hard-of-hearing individuals may also face participation challenges and can benefit from sign language interpretation or other forms of voting assistance.

## PERSONAL ASSISTANCE

Some voters with language needs may not be comfortable interacting with poll workers with whom they are not familiar. In such cases, language minority voters should be allowed to bring an assistant of their choice into polling places, in accordance with VRA Section 208.

### TIP

**Bilingual poll workers** can wear large name tags or colorful badges that read "I Speak \_\_\_\_" in the translated language to easily identify themselves as assistants to language group members.

## VOTING SYSTEMS AND LANGUAGE ACCESSIBILITY

Different types of voting systems come with challenges to ensuring language accessibility.

### Paper Ballots

Paper ballots can be monolingual, bilingual, or multilingual. Consider the number of languages supported in a jurisdiction and the usability of the ballot.

### Digital Balloting Systems

Digital balloting systems (e.g., with a touchscreen interface) can offer a clear language selection to voters on the opening screen and a toggling function within the system for voters to switch from one language to another (instead of a bilingual display).

### Vote-by-mail

Mail voters do not have the opportunity to ask poll workers for clarification, so their voting packets need to include all of the necessary instructions and materials in a concise, organized design. A clearly indicated help line phone number with language assistance can also be useful.



# Resource Index



The resources in this index provide additional details and practical examples of the topics covered in this document. Click the title of the resource to read more.

## GENERAL INFORMATION ON LANGUAGE ACCESS

**Language Access:** The EAC website includes a page that compiles resources related to language accessibility. This includes translated election terminology glossaries and links to resources from federal, state, and local governments. The page also includes videos and presentations from EAC events on language access, including its 2016, 2017, and 2018 Language Access for Voters Summits.

**Bilingual Voting Assistance: Selected Jurisdictions' Strategies for Identifying Needs and Providing Assistance:** The U.S. Government Accountability Office produced a report in 2008 evaluating services provided to language minority voters.

## LEGAL CONTEXT:

### REQUIREMENTS, COVERAGE, AND IMPLEMENTATION

**About Language Minority Voting Rights:** The DOJ website has a concise discussion of VRA language minority rights provisions and the requirements that covered jurisdictions must meet.

**The Census Bureau & Section 203 Determinations:** A 2017 presentation by the U.S. Census Bureau that highlights how language minority designations are determined and how coverage has changed over time.

**2016 Determinations in the Federal Register:** The official listing of all jurisdictions covered under Section 203 in the most recent round of determinations in December 2016.

**Census Bureau Voting Rights Determination File:** Files and datasets from the U.S. Census Bureau relevant to the Section 203 Determination Process in 2016, 2011, and 2002.

**Language Challenges and Voting:** Prepared for the Presidential Commission on Election Administration in 2013, this document provides an overview of some of the legal and administrative issues associated with voting by language minorities.

## RESOURCES FROM THE DEPARTMENT OF JUSTICE

**Guidelines on the Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups:** DOJ guidance regarding how to implement VRA language minority provisions.

**Voting Section Litigation:** The DOJ website lists dozens of cases raising claims under VRA language minority provisions. Common reasons for DOJ enforcement actions include jurisdictions that did not provide critical election-related information in a covered language and failed to provide an adequate number of bilingual poll officials who were trained to assist voters.

**About Federal Observers and Election Monitoring:** The DOJ website provides information on federal observers and election monitoring, including its historical and legal background.



## Resource Index *continued*



### DESIGNING AND TRANSLATING VOTING MATERIALS

**Effective Designs for the Administration of Federal Elections:** This 2007 EAC report provides planning processes, evidence-based recommendations, and examples of voting materials created for language groups.

**Glossaries of Election Terminology:** The EAC provides glossaries of 1,834 elections-related terms and phrases that were translated and reviewed by multidialectal teams. Glossaries are currently available in Chinese, Japanese, Korean, Spanish, Tagalog, and Vietnamese.

**Election Phrases at a Glance:** The EAC created a series of phrase books containing phrases commonly used in elections administration and assistance. Glossaries are currently available in Bengali, Chinese, Hindi, Japanese, Khmer, Korean, Spanish, Tagalog, and Vietnamese.

### VOTING SYSTEMS AND LANGUAGE ACCESS

**Designing Election Systems For Language Access:** With support from the National Institute of Standards and Technology, the Center for Civic Design produced a white paper in 2017 that detailed the challenges associated with developing language-accessible election systems. The paper discusses topics such as the legal context of language assistance, the implementation of language assistance programs, and voting system design.

### EXAMPLES OF STATE RESOURCES

**Bilingual Requirements and Best Practices in Florida:** The Florida Department of Elections provides a slide deck from 2015 that expands on using data to examine your voter populations and processes for providing language assistance to voters.

**Language Access Toolkit:** The Maryland State Government offers a toolkit of practical strategies and examples for developing language access within agencies and jurisdictions that serve LEP residents.

### OTHER EAC LANGUAGE RESOURCES

**National Mail Voter Registration Form:** The EAC offers the National Mail Voter Registration Form in Arabic, Bengali, Chinese, French, Haitian Creole, Hindi, Japanese, Korean, Khmer, Portuguese, Russian, Spanish, Tagalog, and Vietnamese.

**Voter's Guide to Federal Elections:** The EAC offers a voter's guide in Cherokee, Chinese, Dakota, English, Japanese, Korean, Navajo, Spanish, Tagalog, Vietnamese, and Yupik.

The U.S. Election Assistance Commission (EAC) is an independent, bipartisan commission established by the Help American Vote Act of 2002. A primary role of EAC is to serve as a national clearinghouse for information on election administration.