

Executive Summary

Language Provisions Under the Voting Rights Act: Effectiveness and Implementation

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- **Sections 4(f) and 203 of the Voting Rights Act**
 - In 1975 Congress extended the protections of the Voting Rights Act (VRA) to three linguistic minority groups—Asian-Americans, Hispanics and Native Americans.
 - The VRA’s amendments in sections 4(f) and 203 require that all election materials and services be available in translation in localities where linguistic minorities made up more than 10,000 or over 5 percent of the total voting age citizens in a single political subdivision, as determined by the Census Bureau.
 - In June of 2013 the Supreme Court’s *Shelby v Holder* decision struck down Section 4(b) of the VRA, which defined the coverage formula for implementation of the act under Section 5.
 - Sections 4(f) and 203, which utilize a distinct coverage formula, survived intact.

- **Variation in Section 203 Implementation**
 - One in seven of the individually covered jurisdictions surveyed in the study could not offer, upon request, registration materials in languages other than English, as required under the law.
 - One in four of the individually covered jurisdictions in the study indicated they did not have personnel present who could offer aid in the languages indicated under the Voting Rights Act.
 - One third of the individually covered jurisdictions in the study failed to provide *either* the translated materials or assistance by bilingual personnel required by law.

- **Does Variation in Implementation Have Consequences?**
 - *Implications of Coverage for Voter Registration*
 - All other things equal, a county covered under Section 203 has Latino voter turnout that is 15 percent higher than non-covered counties.
 - Counties providing Spanish-language staffing see Latino registration that is 6 percent higher than those without Spanish-conversant staff.

- Counties providing Spanish-language materials have Latino registration that is about 4 percent higher than in counties that do not provide these materials.
- Everything else equal, every ten years a county is covered by Section 203 increases Latino registration rates by 2 percent.
- ***Implications of Coverage for Voter Turnout***
- All other things equal, a county covered under Section 203 has Latino voter turnout that is 11 percent higher than non-covered counties.
- The availability of Spanish-language staffing is associated with a 4 point increase in Latino turnout.
- The provision of Spanish-language registration materials is correlated with a 6 point increase in Latino voter turnout.
- Every ten years covered by Section 203 is correlated with a 2 percent increase in Latino voter turnout.
- **Explanations for the Variation in Section 203 Implementation**
 - There are four possible explanations for differences in implementation across covered jurisdictions: 1) cost of enforcement, 2) host jurisdictions' political ideology (e.g. Republican vs. Democratic local or state majorities), 3) oversight by local actors (e.g. Latino elected officials), and 4) ex post sanctions (DOJ enforcement against non-compliant counties).
 - Findings suggest that host jurisdictions' political ideology has the greatest effect on implementation. States whose voters support the Republican Party in presidential elections more than one standard deviation from the mean are 19 percentage points less likely to provide bilingual personnel in registrars' offices, all other factors held equal.
 - States with Republican governors are 27 percentage points less likely to provide bilingual personnel at registrars' offices than states with Democratic governors, all else held equal.
 - These findings suggest that it is the executive branch, and its enforcement of electoral law, that matters more in determining non-enforcement of provisions of the Voting Rights Act.
- **The Need for More Effective Oversight**
 - Implementation of the VRA, not only coverage under the VRA, matters.
 - Local shirking of responsibilities under the VRA requires better monitoring and oversight by the Department of Justice.