

COMMUNITY VOICES:

IMPROVING ACCESS TO VOTING FOR CALIFORNIA'S LIMITED-ENGLISH COMMUNITIES

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Executive Summary

Findings

- **The federal Voting Rights Act requires jurisdictions with significant numbers of limited-English proficient (LEP) voters to provide these voters with assistance, including translated voting materials.** Despite this, voter registration and turnout rates remain lower for California's Asian and Latino communities (which have large LEP populations) than for whites and African Americans.

- **To better understand this, we conducted three community input sessions with groups of individuals who had served as bilingual poll workers, poll monitors, phone bankers and/or volunteers in voter mobilization/get-out-the-vote campaigns targeting limited-English proficient voters in California.** We sought to understand how language assistance programs are experienced on the ground and to gather ideas for improvements.

- **Participants reported that translated voter information materials are essential, but must be made less confusing and more accessible to all voters.** Many found descriptions of ballot measures, etc., to be too long, legalistic and laden with jargon that was confusing even in translation.

- **Some voters who want materials in other languages do not receive them and don't know how to obtain them.** Since 2008, voter registration forms have asked the voter's preferred language for election materials, but this mechanism clearly fails to reach a great many LEP voters.

- **LEP communities generally have less access to information about candidates and ballot issues.** Few campaign ads or mailers are translated, so LEP voters miss much of the debate. Poll workers told us that many LEP voters feel they have insufficient information.

- **Some LEP voters are uncomfortable asking for language assistance.** This appears to be more common in communities with smaller percentages of LEP voters, including the Filipino community. Poll workers saw great value in proactively making it clear that assistance is available, such as by actively greeting voters and wearing easily visible name badges indicating the languages they speak.

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Limited-English Proficient

A term used to refer to people who self-report that they speak English “less than very well” on U.S. Census surveys. This includes people who know some English but are not fully proficient.

• **Audio ballot machines and multi-lingual online voter registration tools are meant to serve LEP voters, but are currently underutilized.** Poll workers told us they had never seen any voter who wanted to use the audio machines. Many of our participants — presumably more engaged and informed than average voters — did not know that Californians can register to vote online in nine languages. In the period leading up to the November 2014 election, just 1.4 percent of online registrants registered in a language other than English.

• **LEP voters feel particularly detached from the ballot initiative process.** Voting materials are translated, but initiative petitions are not, leaving LEP voters completely cut out of the first stage of the process. Many are unfamiliar with ballot propositions and find them confusing.

• **Current law does not cover all ethnic groups who could benefit from language assistance,** including Arabic speakers and others.

Recommendations

• **Improve access to voter information for LEP voters. This should include writing ballot information in plain language and developing more robust systems for capturing voters’ language preferences.** Such measures could include a survey of voters who registered prior to 2008 and a system for voters to update their preferences while at the polls.

• **Campaigns should invest in voter outreach to LEP communities, and the state should incentivize campaigns to do so.** LEP communities are a largely untapped voter base.

• **Ensure that new technologies are developed with the audience in mind and accompanied by comprehensive outreach/public information strategy to connect the resource to those who need it.** Publicity for services such as online registration in multiple languages must be improved, and LEP voter input must be included in developing these strategies.

• **Clearly publicize the availability of bilingual poll workers and train poll workers to provide proactive assistance.**

• **Develop and strengthen reciprocal partnerships with community leaders and organizations.** Community-based groups are best situated to address social or cultural barriers such as stigma regarding language assistance, can be effective advocates for these communities and want to work with election officials. Officials should work with these groups and provide more detailed information on turnout rates by language and ethnicity. Officials should also implement a process for obtaining feedback from poll workers after each election.

• **Close gaps in exiting law to ensure that language assistance is provided at every stage of our voting process, and to all racial/ethnic groups.** This should include translation of initiative petitions and expansion of the number of languages in which assistance is provided.

Introduction

The U.S. has a deep history of discrimination against people of color when it comes to voting. Some practices, like poll taxes and grandfather clauses — which required certain voters to pay a fee, complete a literacy test, or prove their ancestry before voting — are widely known to have been used to suppress the vote of African Americans, especially in the South. What is less understood is how practices like literacy tests were also used in states like California to obstruct Chinese and other foreign-born United States citizens from exercising their rights at the polls.

In an effort to curb such practices and ensure fair access to voting for all, the Federal Voting Rights Act (VRA) was passed. In 1975, Section 203 was added to the VRA to specifically help facilitate the voting rights of limited-English proficient (LEP) Latinos, Asian Americans, American Indians and Alaska Natives, by requiring language assistance in certain jurisdictions.¹ A “covered” jurisdiction under Section 203 is one where there are a significant number of limited-English proficient (LEP) citizens of voting age who are members of a single language group — at least five percent of the voting age population, 10,000 people, or five percent of all residents of an Indian reservation — and where the illiteracy rate of the group is higher than the national illiteracy rate.² Language assistance enables citizens to engage in the voting process, from registering to vote to casting a ballot.

For covered jurisdictions, all critical voting materials used in elections must be translated into all covered languages,³ and oral assistance must be provided to voters through the recruitment and training of bilingual poll workers to assist voters at the polling place.⁴ The goal of federal regulations is to make the voting experience for LEP citizens as close to that of English-speakers’ experience as possible. Other materials are often translated to achieve this goal, including mailed voter information packets, public notices about elections, voter registration forms, information on how to vote, and media releases regarding the election.⁵

In California, assistance in as many as nine languages is currently required: Spanish, Chinese, Hindi, Japanese, Khmer, Korean, Tagalog, Thai and Vietnamese. (See box for details).

Language assistance policies have historically helped facilitate voter participation by LEP citizens when fully implemented. For instance, Hopkins (2011) found that Spanish language ballots have a positive effect on voter turnout (about a 2.1 percent increase), particularly in precincts with a larger contingent of Spanish speakers.⁶

Providing the minimum assistance required by law, such as translated voting material, enables LEP communities to become informed about the issues on the ballot and feel more confident about participating in elections. Obehler-Gee (2006) additionally found that language assistance coverage helps act as a signal booster for institutions like media, who influence elections by providing information to voters, thereby magnifying the positive effects of language assistance in informing, preparing and mobilizing LEP voters.⁷ While many election officials do their best to serve these communities and comply with the law, in some cases litigation has been needed to enforce the law.

California Covered Counties and Minority Languages
Based on 2010 U.S. Census data and pursuant to the Voting Rights Act, 27 of 58 California counties are currently required to provide language assistance as follows:
Alameda: Chinese, Tagalog, Spanish, Vietnamese
Colusa: Spanish
Contra Costa: Spanish
Fresno: Spanish
Glenn: Spanish
Imperial: Spanish
Kern: Spanish
Kings: Spanish
Los Angeles: Chinese, Tagalog, Spanish, Japanese, Korean, Thai, Khmer, Hindi, Vietnamese
Madera: Spanish
Merced: Spanish
Monterey: Spanish
Napa: Spanish
Orange: Chinese, Korean, Spanish, Vietnamese
Riverside: Spanish
Sacramento: Spanish, Chinese
San Benito: Spanish
San Bernardino: Spanish
San Diego: Chinese, Tagalog, Spanish, Vietnamese
San Francisco: Chinese, Spanish
San Joaquin: Spanish
San Mateo: Chinese, Spanish
Santa Barbara: Spanish
Santa Clara: Chinese, Tagalog, Spanish, Vietnamese
Stanislaus: Spanish
Tulare: Spanish
Ventura: Spanish

Source: Federal Register, published October 11, 2011

Other variables that contribute to the effectiveness of language assistance services to increase turnout include whether the communities served know about the services available, whether they are comfortable using them and whether those services are sufficient to meet their needs.

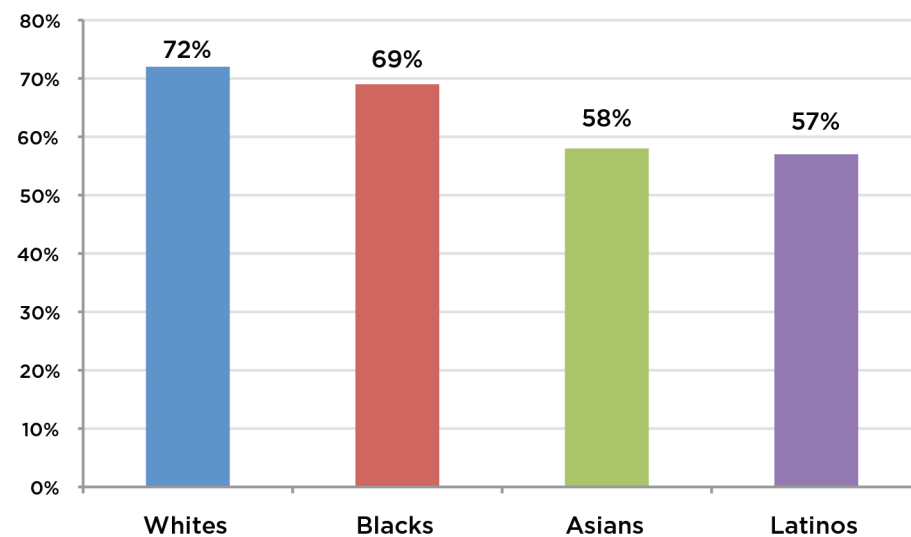
In 2004, the U.S. Department of Justice sued San Diego County for failing to provide sufficient language assistance to Filipino voters as required by law in *U.S. v. San Diego County (2004)*.⁸ After implementing a remedial plan to provide better assistance to these voters, the voter registration rates of Filipinos in San Diego increased by 20 percent.⁹

Ensuring that LEP citizens can have a say on matters that affect their lives is important. In 1998 when California Proposition 227, a measure to eliminate bilingual education, was on the ballot, neighborhoods where LEP residents made up 25 percent or more of the population and were covered for language assistance were 6.8 percent less likely to support the measure than neighborhoods where language assistance was not required.¹⁰

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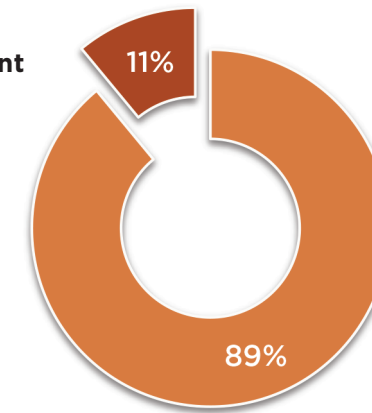
In California, the voter registration and turnout rates of Asians and Latinos continue to lag behind whites and African Americans. While 72 percent of whites reported being registered to vote in 2012, only 69 percent of blacks, 58 percent of Asians and 57 percent of Latinos were registered.¹¹ Language access plays a role in this, with large numbers of Asians and Latinos being LEP.

California Voter Registration and Turnout Rates



The LEP population is growing and changing. Between 1990-2010, California's LEP population grew 56 percent,¹² and now consists of about 2.6 million people or 11 percent of the state's citizen voting age population.¹³ In addition, several new languages have been added to the assistance required by federal law in recent years due to the growth of various immigrant populations, such as South Asians and Cambodians.

California's LEP Population is 11 percent of the Citizen Voting Age Population



English proficiency rates vary by language group. For instance, in Los Angeles County, 55 percent of Koreans, 53 percent of Vietnamese, 48 percent of Chinese and 41 percent of Latinos are LEP, while 21 percent of Filipinos and 22 percent of Japanese are LEP.¹⁴

We have laws that protect these voters, yet their voter participation rates remain low. To unpack what might be contributing to this trend, this study sought to:

1. Evaluate existing federal law and identify potential gaps in coverage; and
2. Understand California communities' perspectives on what works, what doesn't and what more is needed to ensure the services that are available reach those who need them.

Methodology

We first conducted a review of federal language assistance laws governing California elections and identified potential gaps in current law.ⁱ We then conducted three community input sessions to learn more about how these policies are experienced on the ground and to hear what additional ideas, if any, community members have for strengthening services for limited-English voters.

We sought to identify any misinformation or gaps between what is currently required and assumed to be provided and what is used or understood in the community, in order to inform recommendations for how to bridge that gap and connect services to the voters who need them. We did not attempt to assess local compliance with current law.

Each input session consisted of 8-10 participants who had served as bilingual poll workers, poll monitors, phone bankers and/or volunteers in voter mobilization/get-out-the-vote campaigns targeting limited-English proficient voters in California. Participants served as a proxy for information about what real and perceived barriers limited-English voters face when participating in our elections.

One session was held with Filipino community members in Alameda County, one with Korean community members in Orange County, and one consisted of a mix of Chinese, Spanish and Vietnamese-speaking bilingual poll workers in Los Angeles County.

ⁱ In California, state law extends limited language assistance coverage to additional jurisdictions that meet lower thresholds for number and proportion of LEPs. This study looks at the application of, knowledge of, and gaps in the federal law without evaluating the potential strengths and limitations of state law.

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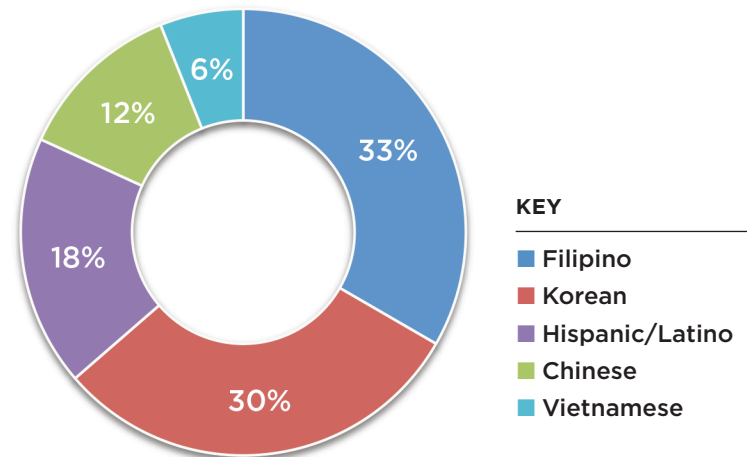
Participants were invited either through direct outreach from a community-based group they had worked with during the election or by email outreach.

Sessions were held in July and November 2014 and were conducted in English, with the exception of the Korean community input session, which was conducted with simultaneous translation in Korean. We chose to focus on Spanish, Chinese, Vietnamese and Korean language communities because they have some of the highest rates of limited-English proficiency in the U.S. We included the Filipino community for comparison purposes because this group has one of the lowest rates of limited-English proficiency among those currently covered in California.

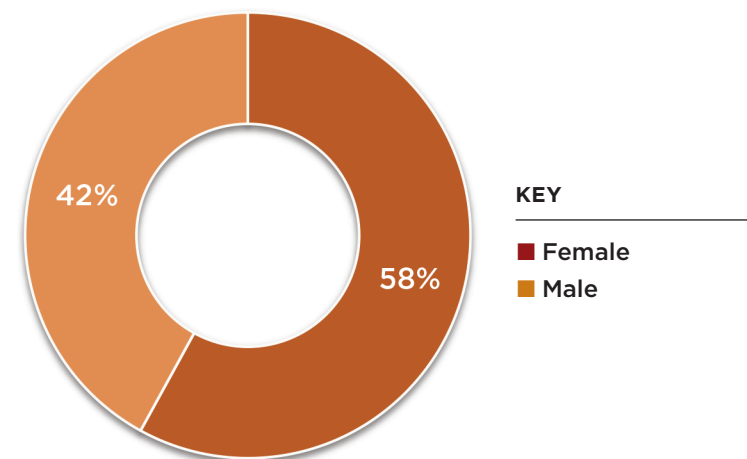
Participants were invited either through direct outreach from a community-based group they had worked with during the election or by email outreach from the Los Angeles County Registrar-Recorder/County Clerk's office if they had served as a bilingual poll worker in the county during November 2014.

Eighteen percent of our participants identified as Hispanic/Latino, 33 percent identified as Filipino, 30 percent as Korean, 12 percent as Chinese and six percent as Vietnamese. While California provides language assistance in nine languages other than English, representatives from the Japanese, Hindi, Khmer and Thai-speaking communities were not included in this study.

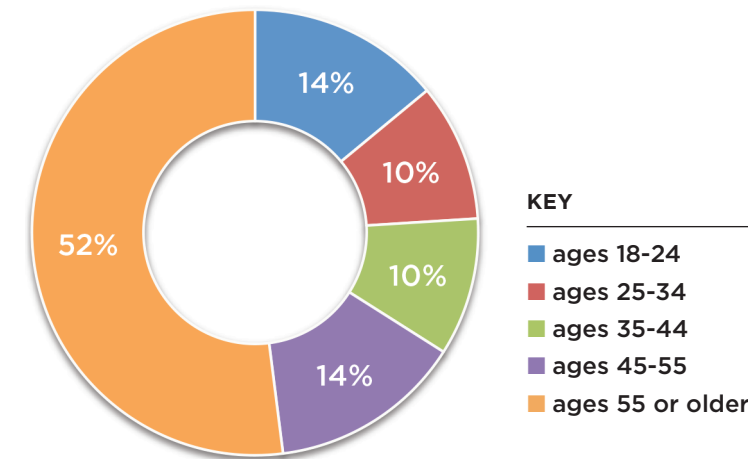
Study Participant Demographics by Race/Ethnicity



Study Participant Demographics by Gender



Study Participant Demographics by Age



Fifty-eight percent of the participants were female while 42 percent of participants were male. Fourteen percent of our participants were ages 18-24; 10 percent were ages 25-34; 10 percent were ages 35-44; 14 percent were ages 45-54; and 52 percent were 55 or older. While not precisely representative of California's limited-English population, our small sample represented a variety of backgrounds and experiences, and provided useful insight into the attitudes and experiences of limited-English communities.

Each session lasted two hours and consisted of focused group discussion. Participants were asked broad, open-ended questions, such as what they view as the primary challenges LEP populations in the participants' ethnic communities face when voting, what forms of assistance are the most helpful and why, and what ideas they have for improving services or ensuring services reach the communities who need them. They were also asked more specific questions about the accessibility and usefulness of translated voting information materials, use of bilingual poll workers and their experience helping voters at the polls, and the use of online voter registration, which was recently translated into all nine languages currently covered by federal law in California. In addition, participants completed a short survey at the end of the session to capture demographic information and provide an opportunity to provide additional written comments that they may not have felt comfortable sharing in the group format.

Findings

Translated voter information materials are essential, but must be made less confusing and more accessible to all voters.

Participants agreed that translating voter information materials into languages other than English was beneficial. Several said the simple fact that translated materials are available says a lot to the community about their value and makes them feel like they are at least "on the radar."

When asked about the usefulness and quality of the translated voter information materials, however, few found them completely adequate. Most indicated a need to make them less confusing and more accessible.

“ Sometimes I look at [the information] in English and I think one way but after I read the Korean, I think it says something different. There is a lot of legal jargon terms — all this weird legal jargon — we don't use it in everyday life and it's hard to understand what is really going on. Should I vote yes or no? I'm not sure. ”

“There’s so many letters, and small letters. If I have to use my glasses, I don’t even want to read it. It’s not eye-catching. If they can add pictures or graphics, something to make it more interesting, that would be better. Just get to the point, don’t make it a long story.”

In particular, participants found the state voter information guides to be “too long,” “unappealing” and “confusing” to voters. One Chinese participant explained that, in her opinion, the translation is not very clear in Chinese and the way some items are described, especially propositions, can confuse voters. A Korean community member added, “The legal jargon used in the voter guide is language that we would not normally use in Korean. The translations are hard. They should explain out things more simply but they use complex words.” One woman said, “Sometimes I look at [the information] in English and I think one way but after I read the Korean, I think it says something different. There is a lot of legal jargon terms — all this weird legal jargon — we don’t use it in everyday life and it’s hard to understand what is really going on. Should I vote yes or no? I’m not sure.”

Other participants called the voter guide “too long and too wordy” or found the information to be “very repetitive and a waste of paper.” One participant said, “Most of the Hispanics where I live, they are busy and don’t have time to read all the pages. It takes a long time to read. It’s too long, too much. I’ve seen it with my mom too, she doesn’t even read it.” Another participant said, “There’s so many letters, and small letters. If I have to use my glasses, I don’t even want to read it. It’s not eye-catching. If they can add pictures or graphics, something to make it more interesting, that would be better. Just get to the point, don’t make it a long story.”

Participants said shortcuts like bullet points of key information, visuals, and simple language that clearly and concisely explains the issues without the extra legal jargon would make the information more accessible. They wanted language that was more consistent with the type of language they use in their everyday lives in order to be more confident about what they were voting on.

The issues raised in these community input sessions mirrored findings from a prior Greenlining study conducted in 2012, in which voters of color across the state were asked to weigh in specifically on the usefulness of the state voter information guide. That study found similar complaints about English-language voting materials which voters called “too complex,” “confusing” and “full of legalese.”¹⁵ While participants in the study strongly objected to any notion that information be “dumbed down,” they unequivocally supported a change in language to something that was more familiar to the average person and asked for more visual cues or graphics to help point them to important information.

Some voters who want materials in other languages are not receiving them and don’t know how to obtain them.

Starting in 2008, California modified its voter registration forms to include an optional question asking for the voter’s preferred language for election materials. Voters can select from a list of languages currently supported by various counties, pursuant to federal regulation. Election officials then use that information to provide voting materials in the voter’s preferred language.

If a voter did not make a selection, his/her preferred language was not an option when they registered, registered prior to 2008 and thus could not note their preference at the time they registered, or for any other reason did not receive election materials in their preferred language, they can call the state and/or county election office to request the materials needed.

Yet, when we asked participants whether LEP members of their community access these services, participants said that many people who could utilize the resources do not receive information in their language and do not know how to obtain it.

Among participants who said they themselves prefer to receive voting information in a language other than English, some receive them automatically by mail, most likely as a result of their indicating a language preference when they registered to vote. Others said they continue to receive English materials and are unsure how to obtain translated materials on a regular basis, suggesting that the present system is challenging even for people who should be knowledgeable about it.

Some also admitted they did not realize voters could opt in to receive translated materials by indicating their language preference when registering to vote, even though several of them had helped register community members through voter registration drives. While having the language preference question on the registration card is extremely useful in getting accessible materials in the hands of many voters, it is not sufficient to ensure all LEP voters or those assisting voters know how to request and receive information in the appropriate language when their preferences haven’t been captured at the time of registration.

When participants said they would prefer to receive voting materials in their language but have only received them in English, we asked whether they had tried to obtain them in their preferred language. Most had not. One participant said, “I just do the best I can. I understand enough English.” The general response to this situation was to “make do,” even among those who said they were confused by some information in the English voter guides. A number of factors may be involved. It could be a cultural reluctance to ask for help or lack of familiarity with how to navigate government. Many voters may not pay attention to the election until the final days leading up to it, at which point it may be too late to receive the materials they need in time, even if they request them. This question deserves further study, as we were not able to examine it in detail.

LEP communities generally have less access to information about candidates and issues on the ballot.

Participants who engaged in phone banking and voter mobilization work reported the overwhelming majority of the people they talked to in their native language were very thankful for the information. One participant said, “A lot of people were saying thanks. A lot of people had confusion over propositions and not understanding what they mean. Most of the commercials are in English so they have to go by the government materials but it’s not always clear.” Another participant agreed, saying, “In English, I see commercials all the time, but I don’t think there are so many in Spanish.” “There is nothing really on Chinese TV,” said another. “You need more information on TV, newspapers, radio, flyers where people go often, even billboards, for all the languages.”

In addition to ballot measures, participants said they had insufficient information in other languages about the candidates as well: “Most candidate information is not translated, like the mailers and websites. We only get this one little paragraph in the [voter guide] to go on. It’s not enough to know who is the right person for the job. I see they have the [campaign] website [next to the candidate statement] for more information but it’s all in English.”

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“The key factor to help LEP voters is whether we (poll workers) open our mouth so the voter knows we are here to help. We need to greet them.”

Interestingly, poll workers from multiple sessions said the most common question asked by LEP voters at the polls is whom they should vote for or how they should vote on measures. Participants said that even though these voters come to the polls because they want to vote and know it is important, many still don't feel confident about their voting choice and want someone to help them. “The biggest problem is some Korean voters have no idea who to vote for, so they ask me. Of course, [the rules] are super strict and they would remove me if I tell them how to vote. You can't do that within 100 feet of the polls,” said one participant. Participants serving Spanish and Chinese communities agreed this is a common request they can't help with, but wish there could be more information available in other languages so LEP voters can be more confident to make their own decisions.

LEP voters vary in their comfort with asking for assistance at the polls.

All Filipino participants in our input sessions who said they had served as a bilingual poll worker reported that not one Filipino has ever asked them for help in Tagalog at the polls. When we asked the reason, participants shared that there is a stigma attached to not being proficient in English which prevents some from asking for help. One participant explained that English is taught in the Philippines and that Tagalog is only the primary language for about one third of the population. As a result, only about 23 percent of Filipinos in the U.S. are limited-English proficient. Coming from a community where a smaller portion of the group is LEP can make those who need assistance feel less comfortable asking for it. One participant said, “They have a fear of being looked down upon.” Another said, “They might feel embarrassed.”

To overcome this issue in their own voter mobilization efforts, one participant explained, “Generally for phone banks we use some form of Taglish [a mixture of English and Tagalog spoken by many Filipinos living both in the Philippines and outside of it].¹⁶ When you offer them the idea that they can get information in Tagalog, they get offended. They say, ‘What my English isn't good enough?’ When you use Taglish, it takes away some of that hurtful feeling and makes it more personal.”

Not all LEP groups necessarily face the same stigma. Poll workers who provided services in Spanish, Korean, Vietnamese and Chinese did not experience this problem, reporting that plenty of voters have approached them for assistance in those languages, even to ask for something as simple as where to drop off their vote by mail ballot. One participant did say that some voters seem more comfortable asking for help than others and do not necessarily approach him but accept his help after he approaches them.

Bilingual poll workers in our sessions reported a few practices they felt were really useful for overcoming some of the social, cultural and interpersonal barriers that may prevent some voters from asking for help. A Vietnamese participant from Los Angeles said, “The key factor to help LEP voters is whether we (poll workers) open our mouth so the voter knows we are here to help. We need to greet them.” A light-skinned Latino poll worker added, “I don't look Hispanic, I look white even though I am Hispanic. It's really important we greet them, and can even greet them saying ‘buenos dias’ or ‘buenas tardes’ to give them the clue that I can speak Spanish.”

Another participant said, in addition to signs at the tables that say what languages are available, individual name badges for bilingual poll workers that say what language(s) they speak were really useful in Los Angeles.

“The name tag really helped out. I didn't have to say ‘buenos dias’ to everyone. They see it when they see me. That's one of the positive things I saw that really helped out, was putting what language you speak on your name tag.” Similarly, in Orange County, a Korean participant said, “When the poll workers are active in approaching the voters, they are more comfortable asking for help. The big stickers identifying who speaks what is helpful so they know who to go to.” However, some poll workers say they do not necessarily greet voters in language, even if they see that the voter has picked up information in another language at the polls, because they are afraid to offend anyone.

In the case of the Filipino poll workers we spoke to, not being asked for help did not dissuade them from serving at the polls. “Even if no one needs help in Tagalog, it's important to have people who look like you at the polls,” said one participant. “That's why I volunteer.”

While audio ballot machines and multi-lingual online voter registration tools are meant to serve LEP voters, they are currently underutilized technologies.

Multi-lingual audio ballot machines

During our session with LA county poll workers, the undesirability of audio ballot machines came up several times. People who served as bilingual poll workers in Spanish, Chinese and Vietnamese all stressed that LEP voters refused to use the audio machines available at the polling sites. While these machines are placed at polling sites to assist voters who need language assistance and who are visually impaired, every bilingual poll worker who participated in our Los Angeles County session said that none of the voters they've interacted with over the years has ever wanted to use the audio ballot machine even though they offer it to them.

A few participants explained why they think this might be the case. One participant said, “The problem with audio machines is it just takes very long to go through the voting process. You actually have to hear each of the selections and of course you can press a button to skip over or move it quicker, but it is tough to go through the whole ballot being read to you. It takes longer. I'm not sure when LA introduced the audio voting machine, but no one I've encountered has ever used it.” This participant suggested an alternative to help address the time issue: “Maybe if all the machines had a button you could press when you want to listen to a specific section in another language that would make it go faster since most people know at least some English. That way, they don't have to sit there and listen through the whole ballot when they only need help with some words.”

Another poll worker mentioned that most LEP voters are older and speculated they may not be comfortable using the technology. “They prefer to speak to a live person and would rather wait for me to help them, than use the machine. Even when I am busy helping other people, they would rather wait,” she said.

All that said, it is worth noting that audio ballot booths are not exclusive to LEP voters, but are also meant to assist those who are visually impaired. Those voters may have a different perspective.

Online voter registration

In April 2014, the California Secretary of State did something unprecedented and created the first multi-lingual online voter registration tool in the country.

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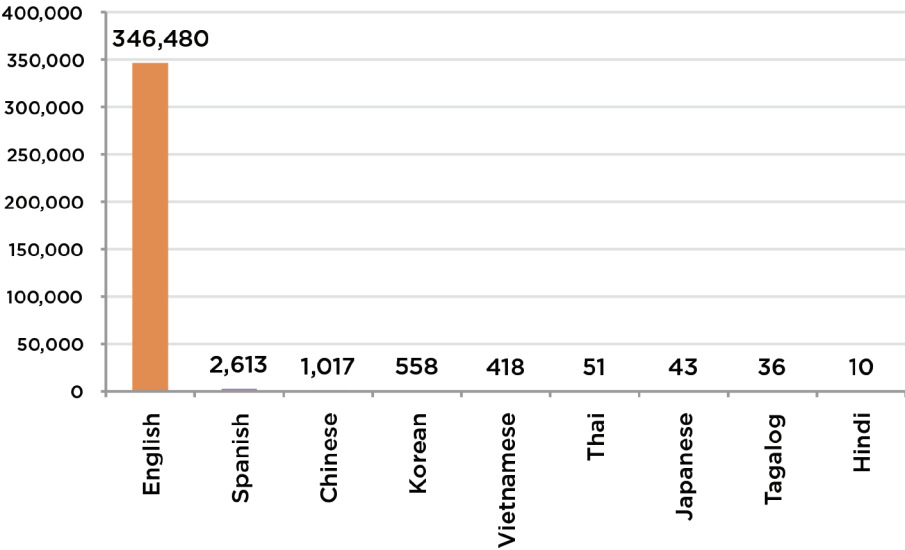
The tool now includes translations for all nine spoken languages in Californiaⁱⁱ, but in July and November, when our sessions were conducted, several participants remained unaware of the option to register online in languages other than English. For instance, one participant who has served as a Spanish bilingual poll worker for over 10 years said, “I knew you could get your registration form online, but I wasn’t sure if you needed proof of citizenship or that you could do it in other languages.” Another participant was actually misinformed about the online registration resource, saying “Oh yeah, my friend told me that the government — Sacramento — was now offering automatic voting online.”

While he didn’t have any other information about how one would vote online, he thought that is what was meant by online voter registration, or at least that is what his friend understood. We had to correct his understanding and inform him that while citizens can now register online, they cannot actually cast their ballot online.

All of the participants in our input sessions were community members actively engaged in mobilizing their communities to vote, and many served as bilingual poll workers. It is probably safe to assume that if these engaged community leaders were unaware of the new tool, many LEP citizens who could directly benefit were also unaware of the option to register to vote online. Reports provided by the California Secretary of State’s office illustrate the low usage rates of online voter registration in other languages, particularly Asian languages, compared to English.

From April 2014, when the translated pages launched, to November 2014, just after the election, 346,480 people registered to vote online in English, 2,613 people registered online in Spanish, 1,017 in Chinese, 558 in Korean, 418 in Vietnamese, 51 in Thai, 43 in Japanese, 36 in Tagalog and 10 in Hindi.¹⁷ Put another way, 1.4 percent of the total online registrants for the period registered to vote in a language other than English, even though 11 percent of the total eligible voters in the state are limited-English proficient. Efforts to better publicize this tool and connect with community partners doing voter mobilization work could reach more of the target population.

Online Voter Registration Applications Submitted by Language April-November 2014



ⁱⁱ Spanish, Chinese, Hindi, Japanese, Korean, Khmer, Tagalog, Thai, and Vietnamese

Online Voter Registration by Language April-November 2014

Language	Page Visits	Applications Submitted	Completion Rate
English	492,057	346,480	70%
Spanish	5,757	2,613	45%
Chinese	3,214	1,017	32%
Korean	1,611	558	35%
Vietnamese	1,083	418	39%
Thai	217	51	24%
Japanese	217	43	20%
Tagalog	261	36	14%
Hindi	372	10	3%
Khmer	0	2	Unknown
Total	504,789	351,228	69%

Source: Data received from California Secretary of State’s Office

One Korean participant mentioned that “a lot of people think because it’s a government site online it’s probably in English.” They do not assume that the information is in their language; they need to be informed of what is available.

Community leaders and poll workers want more opportunities to provide feedback and work strategically with election officials to increase turnout and improve services for LEP communities.

Participants in both the Filipino and Korean community input sessions said they would like to get regular reports from election officials about their community’s registration and turnout rates. Currently, the Secretary of State provides close-of-registration reports on a routine basis, which include the number of registered voters by county, party affiliation and age group, but it does not include race/ethnicity data or data for LEP populations. Having more detailed information, one participant suggested, would give their group some metrics and help them set goals so they know whether their voter mobilization and registration efforts are working and how to better target. Participants specifically want disaggregated information such as information about Filipino or Korean voter registration as opposed to total Asian registration.

One poll worker in our study also said, “Poll instructors should be required to fill out a feedback form about what went well and what didn’t throughout the day so that the [Registrar of Voters] gets that feedback.” Poll workers said there is no current system in place to provide feedback to the elections office, although several participants were interested in having some sort of follow up communication with the elections office after the Election. One poll worker said she submits feedback in writing even though no one has asked her for it, but she is not sure that it goes anywhere. Many saw value in having a system for input from those on the front lines on Election Day.

LEP voters feel particularly detached from the ballot initiative process.

The California ballot initiative process allows the citizens of California to make and unmake state laws, and to amend the California Constitution. As a result, California voters have the opportunity to vote on a number of issues as well as candidates. But this process is entirely unfamiliar to some immigrants, even those from countries that have democratic elections.

Having more detailed information, one participant suggested, would give their group some metrics and help them set goals so they know whether their voter mobilization and registration efforts are working and how to better target.

At present, the entire process of petitioning for signatures from voters to determine what issues will qualify for the ballot is conducted in English only.

The fact that there is no ballot initiative system in the Philippines came up several times in our discussion with Filipino community members. One participant said, “The whole idea of voting on initiatives is very foreign since that doesn’t happen in the Philippines.” Several others in the session agreed. Another participant said, “When I see my mom — I’ve been watching her vote since 1996 — it seems like it has to be a face because you only vote for candidates [in the Philippines] and it’s usually based on who you know or the personality. She doesn’t vote for propositions. I think this happens a lot for Filipinos, especially newer immigrants. These [values, attitudes, and habits] can be passed on to their kids.”

There was a consensus among Filipino participants that many Filipino voters do not understand why there are issues on the ballot or the importance of voting on them in California. Some participants said this can cause confusion among LEP Filipino voters and dissuade them from voting. Participants in other sessions agreed that a lack of information on propositions can dissuade some from voting and cause confusion, although those participants did not speak to any cultural differences that may exist between the election systems here and in other countries. The fact that LEP voters are effectively cut out of the signature-gathering process does not help matters.

At present, the entire process of petitioning for signatures from voters to determine what issues will qualify for the ballot is conducted in English only. The Voting Rights Act does not appear to extend language assistance to this process, which occurs before Election Day. Only after English-speaking voters have helped determine what issues will appear on the ballot is any information translated for the voter guide.

Current law does not cover all ethnic groups who could benefit from language assistance.

The electorate is steadily diversifying, with minority groups voting more in recent elections.¹⁸ Language assistance policies have not necessarily evolved to meet the needs of all. The Voting Rights Act specifically protects the voting rights of Latinos, Asian Americans, American Indians and Alaska Natives by providing language coverage for those groups because those ethnic groups had a documented history of discrimination at the time. As a result, other ethnic communities, such as Arab Americans and Armenians, who are typically classified as white by most demographic surveys, are not provided any government language assistance when voting.

A U.S. Census Bureau report found 37 percent of Arabic speakers in the U.S. over the age of five were LEP in 2011, a rate comparable to that of Tagalog speakers (Filipinos) in the U.S. who are covered by federal law and whose LEP rate was 33 percent in 2011.¹⁹ Given more recent history, post-September 11, Arab Americans have also been subject to discrimination and prejudice similar to what other minority groups have encountered, but fall outside the scope of Section 203 of the Voting Rights Act.

In addition, an estimated 81,000 Armenians living in Los Angeles between 2007-2011 were LEP, but translated information and assistance is not available for this language minority group.²⁰ From 1980-2010, the Armenian speaking population in the U.S. grew 139 percent.²¹

One poll worker from Los Angeles County said, “I live in Westwood and have always worked in precincts in my neighborhood. Our area has a lot of Persian

and Lebanese people, with some other Mid-Eastern communities as well. These are cohesive communities that I think would benefit from a little extra outreach from the county both before and on Election Day to encourage participation. I talked with a Farsi-speaking woman who said she isn’t registered to vote, though her husband and son are, because she feels her English isn’t good enough. That makes me sad for her [...]. So, how about more outreach to synagogues, churches and mosques to encourage getting out the vote? LA is full of immigrant pockets such as Ethiopians and Armenians that are not supported.”

Filipino participants in our sessions also suggested that the current determinations for what language or dialects are used for translated materials do not serve all Filipinos. One participant said, “There are many dialects in the Philippines. It is possible that not all Filipino Americans find the language assistance in Tagalog valuable or helpful because it is not the language spoken in their household.” Participants were curious how the state and/or counties decide what languages or dialects to use for translation. While we were not able to explore this issue in detail, it deserves further study.

Recommendations

1. Improve access to voter information for LEP voters

All voting information should be in plain language.

The Presidential Commission on Election Administration, formed shortly after the 2012 elections, recommends usability testing for all voting information and polling place materials with particular emphasis on adopting established “plain language” guidelines.²² Plain language refers to communication that your intended audience can easily understand the first time they read or hear it. Plain language guidelines, as outlined by the Federal Plain Language Action and Information Network, include best practices for connecting with your audience, organizing content to make it easier for the public to understand and retrieve, sentence construction and word choice, and style or graphic design choices that improve communication with your audience.²³ These best practices have been tested and proven to be effective.

Plain language benefits all voters, including English speakers who do not speak legalese in their everyday lives and those with cognitive learning disabilities as well as LEP communities. Because translations are based on the original English content, when information is technical, formal or full of legalese in English, a certified translator following standard codes of conduct for their profession will translate the material so that it retains the same presentation style, i.e. technical, formal and full of legalese. As several participants mentioned, most immigrant communities in California do not use this kind of jargon in their native language, so this process reduces the potential benefit for voters who need assistance when the language is too complex or incomprehensible.

Plain language best practices include writing sentences in active voice, using shorter sentences and words, selecting word choice based on what is most commonly used and understood by your audience as opposed to a more technical term, keeping the reading grade level of your text at a level appropriate for your intended audience, leaving enough blank space on the page so the eye is not overwhelmed, and more.

“ I talked with a Farsi-speaking woman who said she isn’t registered to vote, though her husband and son are, because she feels her English isn’t good enough. That makes me sad for her [...]. So, how about more outreach to synagogues, churches and mosques to encourage getting out the vote? ”

Rather than allowing voters to only select from a menu of currently supported languages, they could have the option to write in their preferred language even if it isn't currently supported.

Typically, using plain language can reduce the length of a text and make information more accessible and digestible for the audience, which would address several of the problems raised by community members in our study.

For comprehensive information and resources on adopting plain language, visit www.plainlanguage.gov.

Implement additional systems to capture voters' language preferences that do not require voters to go out of their way to obtain the resources they need.

While the inclusion of a language preference question on the voter registration card is an extremely useful tool for capturing the language preference of most voters who registered to vote after 2008, this alone is not enough.

Several things can be done to try to capture the language preference of voters who fall through the cracks. For example, a survey could be mailed to Asian and Latino registered voters who registered before 2008 inviting them to select a language preference.

To mitigate the need for additional surveys in the future, the registration card could also be updated to include a write-in option for language preference. Rather than allowing voters to only select from a menu of currently supported languages, they could have the option to write in their preferred language even if it isn't currently supported. Every five years or so, using U.S. Census data, jurisdictions are reevaluated and new determinations are made about what languages must be supported. Capturing language preference information on a routine basis, even from those whose language is not currently supported, could make the transition to provide services in new languages much smoother. Today, it takes a lot of public education and outreach to ensure communities know about a new language service. If election officials tracked this information regularly, when a new language is added they could simply begin mailing out information in the new language to voters who had already requested it.

Language preferences can and should also be captured at the time voters call an election office requesting materials in their preferred language, and the voter's record should be updated to enable voters to receive materials in their preferred language automatically for future elections. Based on the input we received, relying on calls to the election office to supplement voter record data regarding language preference probably won't reach most LEP voters if they do not seek out the information, but it would certainly benefit those who do reach out for it.

Lastly, voters could be given the option to update their language preferences while at the polls. Some Los Angeles County poll workers in our study indicated that voters can correct certain information that appears in the roster of voters, such as address or name, when they come to the polls. These workers were unsure how this information is used by the election office after Election Day and what the process is for updating voter records, but they reported that they are required to turn in the paperwork with any corrections. Assuming this information is used to update or correct voters' records, poll workers could also ask about if the voters' language preference is correct and indicate that on the roster they turn in to the county.

Hold candidates and ballot measure campaigns to a higher standard to help close voter information gaps in LEP communities.

While candidates and ballot measure campaigns can target and communicate with voters of their choosing in the ways they choose, it is the government's responsibility to ensure communities have fair access to information about elections and voting. It is clear from our participants' comments that most campaign advertisements, mailers and information are not routinely available in languages other than English.

One could argue that publicizing candidate or campaign websites in official voter guides or sample ballots when they are not accessible in other languages undermines that responsibility. Adopting a policy to only include candidate and proposition websites in official materials when they are accessible in all applicable languages required for the jurisdiction could incentivize campaigns to own their part in ensuring all voters have access to information about their campaign. For example, if an Assembly candidate is running in a jurisdiction where the government is required to provide assistance in Spanish and Chinese, a link to the candidate's campaign website should only be allowed if the website is available in those same languages. Other creative solutions could also help solve this problem.

2. Campaigns should invest in voter outreach to LEP communities.

LEP communities are a largely untapped voter base that could be leveraged to win more campaigns. The lack of information available about most candidates and ballot measures in languages other than English gives an advantage to campaigns that do direct mail or advertise to these voters in their native language. Phone-banking efforts are also well-received and voters are actually happy someone called them to give them information in their language because most of the time they hear from no one. More campaigns should consider as a standard practice staffing their phone-banking efforts with bilingual volunteers, having their websites translated, and investing in other strategies to target LEP individuals — who are not nearly as inundated with information about elections as English-speaking voters.

3. Ensure new technologies are developed with the audience in mind and accompanied by a comprehensive outreach/public information strategy to connect the resource to the people who need it.

LEP voter input should be included as part of the process for developing any new voter technologies to ensure it meets the needs of this community.

It only makes sense to develop tools that actually meet the needs of your target audience. In the case of audio ballot booths, it may be time to evaluate usage rates and conduct a more comprehensive study on why voters do not use them. Better understanding what works and what doesn't from the perspective of the people who need assistance will help officials develop better tools and reach more people. This input can also inform and improve ongoing technology projects, such as Los Angeles County's current efforts to develop a completely new voting system. Including LEP voters in the development stages can mitigate potential waste in time and resources spent developing something that doesn't meet community needs.

LEP communities are a largely untapped voter base that could be leveraged to win more campaigns.

Community-based groups are best situated to address social or cultural barriers such as stigma regarding language assistance and can be effective advocates for turning out these communities. Providing them the resources they need to be more effective is good for our democracy.

Better publicize online voter registration in multiple languages and implement a comprehensive outreach strategy.

It is evident that more is needed to ensure LEP communities know about this tool so that it can be more effective at closing the voter registration gaps in these communities. Any new tool or resource should be accompanied by a comprehensive public information and outreach plan aimed at the intended audience. A resource that sits on a shelf unused has little value.

4. Clearly publicize the availability of bilingual poll workers and train poll workers to provide proactive assistance.

All bilingual poll workers should be trained to proactively approach and assist voters, rather than waiting to be asked for help. Additionally, all poll workers should know who the bilingual poll workers are at their polling place so they can direct voters to the right person, and bilingual poll workers should continue to use large name badges or stickers that clearly state the languages they speak.

5. Develop and strengthen reciprocal partnerships with community leaders and organizations.

Include race/ethnicity data in official reports of voter registration and turnout.

Community-based organizations can improve their civic engagement efforts if they know how many members of their community are registered and how many have been missed. Most of these groups do not have the resources to purchase this information from a vendor. Meanwhile, the state regularly produces voter registration reports that include registration numbers and rates by county, party affiliation and age group.²⁴ These reports exist to provide a resource to the public, but do not include registration information by race/ethnicity or by language group, although election officials track this information. The Secretary of State should begin including information regarding registration by race/ethnicity (disaggregated to the extent possible) and by language group for each county.

Community-based groups are best situated to address social or cultural barriers such as stigma regarding language assistance and can be effective advocates for turning out these communities. Providing them the resources they need to be more effective is good for our democracy.

Implement a process for poll workers to provide feedback after an election.

Poll workers in our study had several ideas, suggestions, questions and comments concerning activities at the polls but reported that there was no formal process in place for providing that feedback to the county. This could greatly benefit county election officials as they seek to improve procedures.

Comprehensive strategies to promote new voter technologies, like online voter registration should include outreach to community leaders and poll workers.

Community leaders, voter engagement organizers and bilingual poll workers are some of the best messengers for getting underserved communities engaged in voting and for promoting tools like online voter registration. When they don't know about the tools, though, they cannot be effective. The Secretary of State should adopt a comprehensive outreach plan to promote online voter registration for LEP communities that includes strategic partnerships with ethnic media as well as community-based organizations.

6. Close gaps in exiting law to ensure language assistance is provided at every stage of our voting process, and to all racial/ethnic groups.

Extend language access to the ballot initiative process.

Preventing individuals from taking part in the initiative process based on their English-speaking abilities contradicts the spirit and intent of the Voting Rights Act. In fact, the lack of language assistance in the initiative process has been called a “modern day literacy test” and been compared to “white primaries” which historically excluded African Americans from primary elections even after they were granted the right to vote.²⁵

A lack of language assistance during the initiative process allows a number of problems to persist. First, it denies LEP voters their democratic right to weigh in on what should qualify for the ballot, since translated information is not available. It also puts these communities at increased risk of manipulation by paid signature gatherers who may speak the voter's language but misrepresent the issue in order to obtain a signature, because these voters have no way to verify the information they are told.²⁶ It puts proponent groups who try to qualify a measure for the ballot that would disproportionately benefit LEP communities at a disadvantage in terms of qualifying for the ballot because they lack the necessary tools to effectively organize their key voter bases for those issues, while proponent groups that support issues like English-only initiatives or ending bilingual education have an advantage.

Meanwhile, LEP voters make up a significant portion of the five most populous counties where initiative petitions are commonly circulated. LEP voting-age citizens make up 17 percent of Los Angeles County, 13 percent of Orange County, 9 percent of San Diego County, 15 percent of Santa Clara County and 10 percent of San Bernardino County.²⁷

Extending language assistance to the initiative process so that all voters, including LEP voters, can participate is critical.

Top 15 Counties by Number of LEP Citizens of Voting Age (CVAP)				
Rank	County	Total CVAP	Total LEP CVAP	LEP Share of Total CVAP
1	Los Angeles County	5,691,739	966,559	17.0%
2	Orange County	1,855,568	239,896	12.9%
3	San Diego County	2,026,532	184,462	9.1%
4	Santa Clara County	1,068,326	159,007	14.9%
5	San Bernardino County	1,220,091	121,491	10.0%
6	Riverside County	1,323,838	118,326	8.9%
7	Alameda County	963,416	117,267	12.2%
8	San Francisco County	594,178	109,198	18.4%
9	Sacramento County	936,263	73,875	7.9%
10	San Mateo County	456,007	58,227	12.8%
11	Contra Costa County	680,329	51,699	7.6%
12	Fresno County	531,220	48,995	9.2%
13	San Joaquin County	406,781	44,606	11.0%
14	Ventura County	516,114	44,546	8.6%
15	Kern County	478,567	35,024	7.3%

Source: American Community Survey 2009-2011

Our duty to provide fair access to elections does not end with basic compliance. The growth and diversity of California's LEP communities merits further attention.

Extending language assistance to the initiative process so that all voters, including LEP voters, can participate is critical. It could bridge the voter information and cultural gaps that exist among LEP voters concerning initiatives and address several other problems that arise when they are excluded from the process.

In 2012 and 2013, The Greenlining Institute sponsored California legislation that would have required the title and summary of California initiatives to be translated into all applicable languages consistent with the coverage required by the Federal Voting Rights Act when they are circulated in counties required to provide language assistance.²⁸ California should adopt the policy, California cities and counties with similar local initiative processes should also adopt a policy, as should all other states with an initiative process, to ensure LEP voters are able to participate in this important decision-making process.

Assess whether to broaden the scope of the Voting Rights Act to include other racial/ethnic groups who otherwise meet the criteria.

Policymakers should evaluate the original criteria that determined which racial/ethnic groups warranted protection under the Voting Rights Act and consider expanding protection to other racial/ethnic groups that face discrimination and could benefit from language assistance today. In addition, state and local election officials should conduct their own analysis of the LEP communities under their jurisdiction to determine whether services should additionally be provided to those groups (i.e. Farsi, Armenian, etc).

Conclusion

Ensuring compliance with current laws requiring language assistance for elections and voting remains critically important. When fully implemented, these policies have proven to be effective at increasing voter participation by LEPs. Yet our duty to provide fair access to elections does not end with basic compliance. The growth and diversity of California's LEP communities merits further attention. First, we must ensure the communities know about and utilize the services currently available to them. Second, we must continue to innovate and bridge the gaps that exist to ensure we provide services that provide LEP voters with an experience that is as close to that of English-speaking voters as possible.

From this study, we know current law is not sufficient to serve the needs of all racial/ethnic groups who require language assistance, nor does it go far enough to ensure that LEP voters can participate in both the process of deciding what ballot measures should become law and of deciding what measures should qualify for the ballot in the first place. Also, despite election officials' efforts, some services are currently underutilized, and specific changes in election administration can improve the use and effectiveness of various language assistance programs. By adopting the recommendations in this report, California can take steps to lead the nation by becoming a model of true inclusion. In contrast to vote suppression policies that plague several other states, California has an opportunity to be the counterexample.

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Acknowledgments

About The Greenlining Institute

Greenlining is the solution to redlining. We advance economic opportunity and empowerment for people of color through advocacy, community and coalition building, research, and leadership development.

About the Claiming Our Democracy Program

A strong and effective government is fundamental to achieving economic opportunity for communities of color. Government should serve the needs of an increasingly diverse America; it shouldn’t govern on behalf of wealthy special interests at the expense of ordinary people. To do this well, the voices and experiences of communities of color must be able to inform the dialogue. Greenlining’s Claiming Our Democracy program strives to ensure that communities of color and low-income Americans are able to make their voices heard in our electoral process and the halls of government.

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