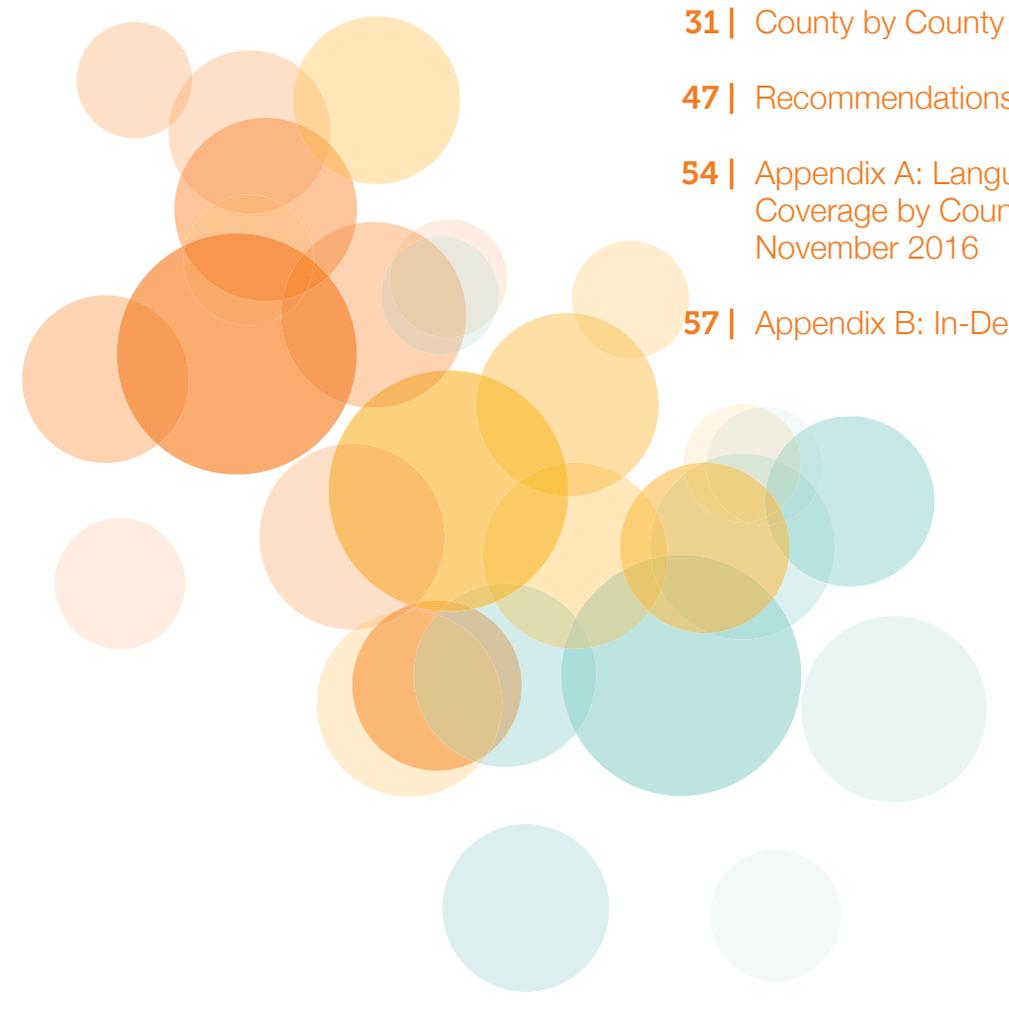


VOICES OF DEMOCRACY

The State of Language
Access in California's
November 2016
Elections



Findings from *Asian Americans
Advancing Justice - California's
November 2016 Poll Monitoring
and Recommendations for
Improving Access for Limited-
English Proficient Voters*



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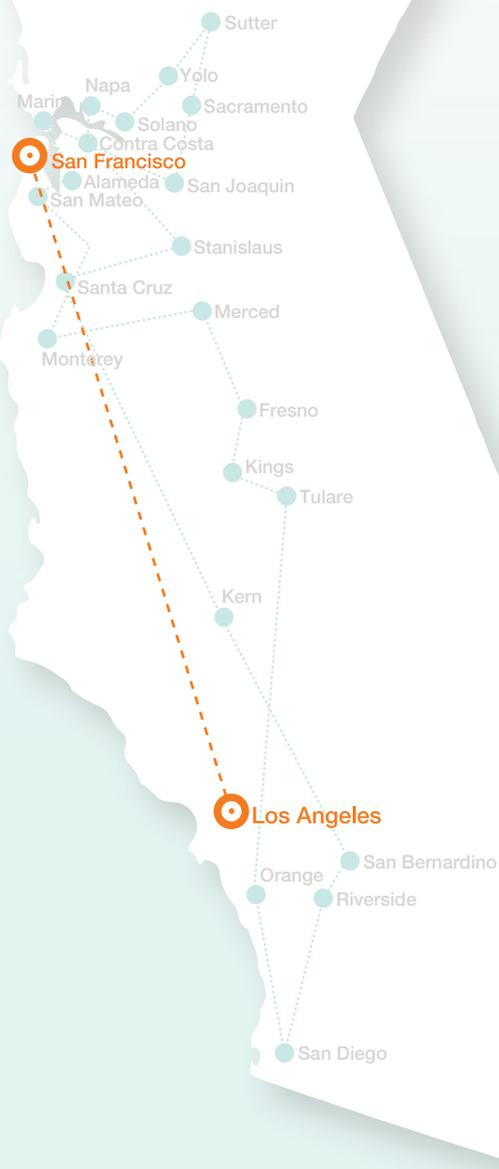
ensuring an inclusive democracy

EXECUTIVE SUMMARY

*Asian Americans Advancing Justice – California (“Advancing Justice – California”) operated one of the nation’s largest poll monitoring programs during the November 2016 elections, sending volunteer poll monitors to **1,286 polling places** across the State of California. In this report, we summarize the language access legal requirements that are placed on California elections officials by federal and state law, provide data on county elections offices’ performance meeting those requirements, identify statewide trends that emanate from that data, and provide recommendations on how California could go further to ensure even greater access to our democracy for immigrant and limited-English proficient (LEP) voters. As the most diverse state in the nation, with rapidly growing Asian American and Latino communities, **California has an obligation to do all it can to lower language barriers to voting and to ensure an inclusive democracy.***

Our findings show:

- California elections officials excelled in their compliance with the most significant language access protections in Section 203 of the federal Voting Rights Act: translated ballots and bilingual poll workers serving minority language communities meeting thresholds specified in the federal law. Just 3.7 percent of translated ballots required by Section 203 were missing statewide and just 8.2 percent of the polling places visited had no bilingual poll workers available to serve LEP voters.
- Elections officials have considerable room to improve when complying with the language access provisions of California state law, which requires translated “facsimiles” of the ballot be offered to a broader range of communities than under Section 203 and requires county elections offices to make “reasonable efforts” to recruit bilingual poll workers to serve the same.
- Twenty-five percent of facsimile ballots required by state law were not available, an alarmingly high rate. Some large, diverse counties had as many as 40 percent of their facsimile ballots



● *Advancing Justice – California* is composed of two Asian American civil rights organizations, Asian Americans Advancing Justice – Asian Law Caucus (“Advancing Justice – ALC”) and Asian Americans Advancing Justice – Los Angeles (“Advancing Justice – LA”).

missing. Poll workers often had difficulty identifying and posting a required facsimile when asked, admitting in some cases that they did not know what the facsimile ballot was.

- While bilingual poll workers were provided at a high rate, most of that success was driven by county elections offices’ recruitment of individuals who spoke federally-covered Section 203 languages. In the instances in which the state law required county elections officials to make “reasonable efforts” to recruit a bilingual poll worker, a bilingual poll worker was only present 38 percent of the time.
- Language access best practices were piloted by a number of California counties in 2016, to good effect. Unfortunately, where those best practices were implemented they are often implemented inconsistently.

- A surprising number of poll workers attempted to ask voters for identification when in fact none was required. This has the power to disenfranchised eligible voters and deserves attention from the county elections officials in the counties in which the problem was concentrated.
- State law’s requirements, even when complied with, do not provide an adequate degree of language assistance to LEP voters, with the facsimile ballot in particular being a flawed tool to serve voters. Improvements to the state law’s language access requirements are needed if California’s democracy can be expected to expand as the size and diversity of the state grows.

The percentages here, and throughout this report, show rates of compliance at the polling places visited by Advancing Justice – California, not at all polling places in the state or in a county.

We wish to thank the community organizations who partnered in our work in 2016:

Asian American Resource Center, Asian Resources, Canal Alliance, Chinese American Council of Sacramento, Community Health for Asian Americans, Community Partnerships for Families of San Joaquin, Congregations Building Community, Day Worker Center – Community Action Board, Dolores Huerta Foundation, Donaldina Cameron House, El Concilio, Family Bridges, Filipino Advocates for Justice, Jakara Movement, Little Manila Foundation, Merced Organizing Project, Mi Familia Vota, Migrante, Orange County Asian and Pacific Islander Community Alliance, and the Southwest Center for Asian Pacific American Law.

We would also like to thank the volunteers who made our poll monitoring possible and the organizations who did tremendous work to recruit, train, and support them, including:

Lawyers Committee for Civil Rights of the San Francisco Bay Area, National Asian Pacific American Bar Association, Asian Pacific American Bar Association, CWLS APALSA, Filipino Lawyers of San Diego, Japanese American Bar Association, Korean American Bar Association, Orange County Asian American Bar Association, Pan Asian Lawyers of San Diego, and South Asian Bar Association of San Diego.

Most importantly, we wish to thank the **James Irvine Foundation**, whose generous financial support made this project possible.



1.
BACKGROUND

“[T]o exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights.”

— United States Supreme Court, Reynolds v. Sims (1964)

When Lyndon B. Johnson signed the Voting Rights Act (VRA) into law on August 6, 1965, he remarked, “This right to vote is the basic right without which all others are meaningless. It gives people, as individuals, control over their own destinies.”¹ With the VRA’s passage, legal barriers that disenfranchised voters were outlawed and measures were put in place to protect voters’ access to the ballot box for decades to come. This seminal moment was made possible by activists who, in places like Selma, Alabama, mobilized by the thousands in the face of violent opposition. It was also the culmination of a fight ongoing since this nation’s founding for a fully open and representative democracy. In the first election in the United States’ history, only United States-born white male landowners could vote. This meant at the time just 6 percent of Americans were eligible to cast a vote for George Washington. Over the course of the following two hundred years, the vote was expanded slowly and haltingly, including over time white immigrants, African American men, and women. Voting rights were not granted to all Asian immigrants until the passage of the 1952 Immigration and Nationality Act.²

The fight for an inclusive democracy continues today. With portions of the VRA now gutted due to the Supreme Court’s *Shelby County v. Holder* decision in 2013 and voting rights in retreat in much of the country, we must redouble our efforts to create democratic systems accessible to all and, in California, to show the rest of the nation what it means to get voting rights right.

1. Lyndon B. Johnson, “Remarks on the Signing of the Voting Rights Act” Speech, August 6, 1965.

2. Terry Ao Minnis and Mee Moua, *50 Years of the Voting Rights Act: An Asian American Perspective*, August 4, 2015.



2.

LANGUAGE ACCESS LEGAL REQUIREMENTS



According to the U.S. Census Bureau, California is home to 6.8 million individuals over 5 years old who are limited-English proficient.³ California's two fastest-growing populations – Asian Americans and Latinos – are the groups least likely to vote and the groups most likely to be limited-English proficient. Just 18 percent of eligible Asian Americans and 17 percent of eligible Latinos turned out to vote in the 2014 general election, compared to 40 percent of eligible non-Asian Americans and Latinos.⁴

A number of factors play a role in generating these stark turnout disparities; one is language barriers. Of California's Asian Americans, 72 percent speak a language other than English at home and 34 percent speak English less than very well.⁵ Of California Latinos, 77 percent speak Spanish in the home, and 37 percent speak English less than very well.⁶ In the 2008 elections in Los Angeles County, an estimated 60 percent of Korean American voters, 50 percent of Vietnamese American voters, 33 percent of Filipino American voters, and 30 percent of Chinese American voters used some form of language assistance when casting a ballot.⁷ For some in this rapidly growing segment of the electorate, having adequate language assistance in the voting process may determine whether they are able to cast an effective ballot and exercise their most basic right.

3. U.S. Census Bureau, *2010-2014 American Community Survey 5-Year Estimates*.

4. *California Civic Engagement Project, UC Davis Center for Regional Change, California's Latino and Asian American Vote: Dramatic Underrepresentation in 2014 and Expected Impact in 2016, Policy Brief Issue 10, July 2015, 2.*

5. U.S. Census Bureau, *2006-2010 American Community Survey 5-Year Estimates*.

6. *Id.*

7. *Asian Pacific American Legal Center, Asian Americans and the Ballot Box: The 2008 General Election in Los Angeles County, 2011, 24.*

Language assistance under federal law (Section 203 of the VRA)

Ten years after its passage, the Voting Rights Act was expanded to include protections for language minorities, at a time when institutional language barriers resulted in extremely low voter turnout among immigrant communities. A Chicano activist from Texas, where election offices only printed voting materials in English and voting laws actively discriminated against non-whites, testified at a congressional hearing on language access in voting that 60 percent of Spanish-speaking citizens in the county where he was from couldn't read English, and 30 percent couldn't speak it. "For Chicanos," said Modesto Rodriguez, "it was made easier to get to a war zone than to a voting booth."⁸

Within the halls of Congress the effort to expand the Voting Rights Act was spearheaded by Congresswoman Barbara Jordan, the first Black woman elected to Congress from the South. Jordan argued that the failure to provide language assistance constituted a literacy test comparable to those that disenfranchised Black voters in the South for decades.⁹ Section 203 of the Voting Rights Act, and the assistance for minority language communities it guarantees, was signed into law on the Voting Rights Act's second reauthorization, on August 6th, 1975.

Who receives coverage

For a minority language community to receive "coverage" under Section 203 of the VRA, the following threshold must be met:

- There must be more than 10,000 limited-English proficient voting age citizens in the minority language community in the jurisdiction, or the limited-English proficient voting age

citizens in the minority language community must be more than five percent of all voting age citizens in the jurisdiction; and

- The illiteracy rate of the minority language community must be higher than the national illiteracy rate.¹⁰

What does coverage entail

- According to the Department of Justice, if a county is covered for a minority language under Section 203, "All election information that is available in English must also be available in the minority language so that all citizens will have an effective opportunity to register, learn the details of the elections, and cast a free and effective ballot."¹¹ This means that everything from voter registration cards, to ballots, to informational signs, to voter guides must be translated accurately into the covered language. **Essentially, Section 203 coverage makes an election fully bilingual.**
- Oral language assistance is mandated as well, though the law contains no hard formula for provision of bilingual poll workers. The US Department of Justice (DOJ) states that in its enforcement actions it seeks to determine if counties have provided a "sufficient number" of bilingual poll workers who speak covered languages to assist LEP voters on Election Day.¹²

A California jurisdiction that fails to provide adequate language assistance can find itself on the receiving end of legal action taken by the federal Department of Justice (DOJ), which monitors compliance in counties covered by Section 203. Since 2000, the DOJ has brought enforcement actions against Napa County¹³,

Alameda County, San Diego County, Riverside County, Ventura County, and San Benito County, as well as a number of other California cities, for failure to provide adequate language assistance in voting.¹⁴

Impact of Section 203

When implemented correctly, the language access requirements of Section 203 can have dramatic impacts on LEP voter registration and participation.

- **Harris County, TX:** After a 2004 settlement with the DOJ, Harris County improved the language assistance it was providing the Vietnamese community. Turnout among

Vietnamese American voters soon doubled, which helped lead to the first election of a Vietnamese American to the Texas state legislature.¹⁵

- **San Diego County, CA:** After a 2004 settlement with the DOJ required the County to improve its language access efforts, voter registration rates among Latinos and Filipino Americans increase by more than 20 percent and the voter registration rate among Vietnamese Americans registration increased by 40 percent.¹⁶

14. "Cases Raising Claims Under The Language Minority Provisions Of The Voting Rights Act," Department of Justice. Accessed February 15, 2017.

15. Statement of Karen Narasaki, Asian American Justice Center, September 24th, 2008, H.R. REP. NO. 109-478 at 18-19.

16. Alberto R. Gonzales, U.S. Attorney General, "Prepared Remarks at the Anniversary of the Voting Rights Act, Lyndon B. Johnson Presidential Library, Austin, Texas," August 2, 2005.





Language assistance under California law

The vast majority of Californians who need language assistance when voting receive it under Section 203 of the federal Voting Rights Act. But in a state as populous and diverse as California, the thresholds needed to receive Section 203's coverage are so high that they leave unprotected some of California's very sizable immigrant communities, including Filipino Americans and Punjabi Americans in the Central Valley and Latinos on much of the coast. The California Elections Code has language access requirements that seek to serve the communities that are not large enough to qualify for Section 203 coverage. But while the thresholds needed to receive coverage are lower, the assistance state law guarantees is far less meaningful.

Who receives coverage

For a minority language community to receive coverage under the California Elections Code, the following threshold must be met:

- Three percent or more of the voting age residents within a precinct must be members of the minority language community and have difficulty voting in English without assistance.¹⁷

What does coverage entail

- California Elections Code Section 14201 requires that a copy of the ballot and voter instructions, translated into the language of the LEP language minority, be posted in a "conspicuous" location in the polling place where the 3 percent threshold is met. This translated copy of the ballot is known as a "facsimile" ballot. It cannot be voted on; a voter can only view it while voting on an English ballot.
- California Elections Code Section 12303(c) requires the elections office to make "reasonable efforts" to recruit poll workers bilingual in the language of the LEP language minority to work the polling place where the 3 percent threshold is met. The term "reasonable efforts" is not defined.

State law does NOT require the following:

- Any other translated voting materials.
- Any translated signage in the polling place, including translated signage that might guide voters to facsimile ballots.
- Training of poll workers on how to handle and when to offer facsimile ballots.
- Voter education prior to Election Day or translated content in the county sample ballot that would inform voters that the facsimile ballot is available.
- Any translated services or materials for vote-by-mail voters.

¹⁷ Cal. Elec. Code § 14201. A precinct can be as large as a neighborhood, with hundreds of people, or as small as a city block, with just a few dozen.



**VOTE
HERE**

Bumoto Dito

투표하는 곳

Vote Aquí

Bỏ phiếu ở đây

在此投票

3.

METHODOLOGY



The goal of Asian Americans Advancing Justice – California’s 2016 poll monitoring program was to integrate an almost year-long effort to watchdog how county elections offices implemented their language access requirements with a capacity-building and civic engagement campaign rooted in immigrant communities around the state.

In the months before Election Day, Advancing Justice – California met with elections officials to determine how they complied with their federal and state law requirements. We also used those meetings to advocate for the implementation of language access best practices; we later built on that advocacy with statewide webinars on best practices for recruiting bilingual poll workers, outreaching to diverse communities, and providing translated resources and information to LEP voters. Advancing Justice – ALC worked with 17 counties in Northern California and the northern half of the Central Valley while Advancing Justice – LA worked with eight counties in Southern California and the southern half of the Central Valley. Together, the counties we engaged in are home to almost 90 percent of the California population.

While we were working with elections officials, we were also building relationships with community-based organizations embedded in immigrant communities around the state, to do voter education work and to engage them in our language access efforts.

On Election Day itself, Advancing Justice – California ran one of if not the largest field poll monitoring programs in the nation. Advancing Justice – California recruited 576 volunteers and visited 1,286 polling places across our 25 counties.

The section below outlines the methodology of some key parts of our poll monitoring preparations and execution.

ONE | Selecting counties of focus

In previous election cycles, Advancing Justice – California sent poll monitors to evaluate counties that had federal Section 203 coverage for Asian languages, limiting the scope of our poll monitoring to Bay Area counties, the largest Southern California counties, and Sacramento County. In 2016, we expanded: Advancing Justice – California sent poll monitors to any county that received coverage for an Asian language under federal or state law, making it the first time Advancing Justice – California monitored in the Central Valley, the Inland Empire, outer Bay Area counties, around Sacramento, and the coastal counties both north and south of the Bay Area. All together, 25 counties were selected.¹⁸ While Asian language coverage was the criteria for selection, all of these counties also had some form of Spanish language coverage and Advancing Justice – California was proud to work to ensure Spanish language compliance as a major part of our efforts.

For a full list of the counties monitored and their languages covered under federal and state law, please see Appendix A.

TWO | Partnering with community-based organizations

Advancing Justice – California engaged 20 community based organizations (CBOs), each serving one or more minority language communities receiving language assistance in voting under state or federal law. We approached possible CBO partners with a small subgrant if they could partner with us on the following: (1) distributing to their community members translated Know Your Voting Rights (KYVR) materials created by Advancing Justice –

California, (2) hosting at least one training for community members, led by Advancing Justice – California, to explain the process of registering to vote and voting and to educate community members about their voting rights, (3) advising local elections officials on how best to outreach to and recruit bilingual poll workers from local minority language communities, and (4) recruiting volunteers for Advancing Justice – California’s Election Day poll monitoring program.

KYVR materials were translated into 13 different languages. They were geared toward helping first-time voters, immigrant voters, and limited-English proficient voters understand their eligibility to register, how to register, how to request translated materials, how to exercise their right to vote on Election Day, and how to respond to any problems encountered while at the polling place. The KYVR materials were shared in hard copy, posted on our website, and distributed electronically to a wide range of organizations.

Much of the same information was also shared in our KYVR presentations. These presentations were delivered at community settings across the state in multiple languages, including in Spanish at a day worker center in Santa Cruz, in Cantonese at a Chinese American senior center in Oakland, and in Punjabi at several Sikh temples in Fresno.

THREE | Selecting precincts to monitor

Advancing Justice – California used an extensive set of criteria to select the polling places to which we would send poll monitors, including size of the LEP community, diversity of the LEP community, the size of the overall voting population at the polling place, whether the precinct or the town it was in had unique challenges (i.e. very low income, low literacy levels, history of discrimination or inconsistent language compliance, etc.), and whether the precinct

was home to sizable language populations not speaking one of the covered languages (e.g. Hmong or Punjabi).

FOUR | Recruiting, training, and assigning poll monitors

Poll monitor volunteers generally fit into four categories: community members recruited by partner CBOs, students recruited on visits to university campuses, Advancing Justice staff, and attorneys recruited with the assistance of the Lawyers Committee for Civil Rights of the San Francisco Bay Area, local bar associations, and pro bono partner firms. Non-attorney volunteers were paid a small stipend for their participation.

In order to serve as a poll monitor, a volunteer had to attend a 90-minute training. In addition to the training, poll monitors were given a guidance document from the Secretary of State stating poll monitors’ right under state law to inspect polling places, a guide to commonly seen scenarios on Election Day, the contact info for their polling place partners, and their polling place assignments. They were also given hotlines they could use to contact our headquarters if on Election Day problems arose that they could not solve.

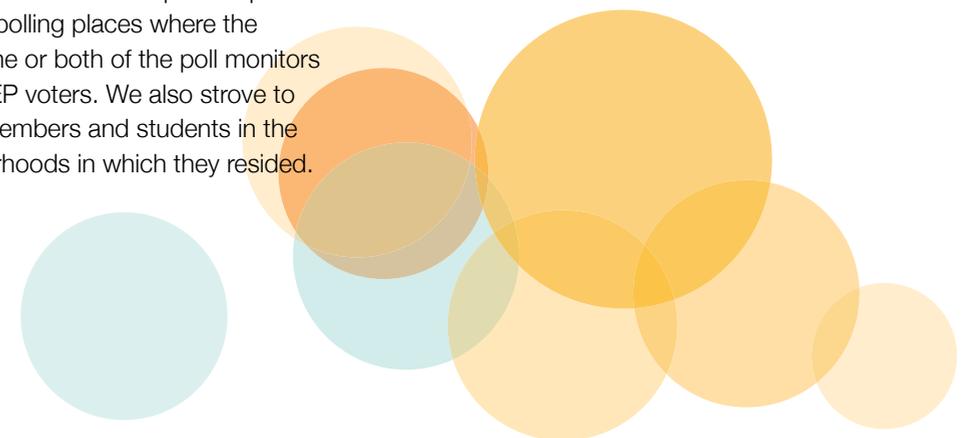
In Northern California, each poll monitoring team was composed of two people, with most including one attorney and one community member or student. In Southern California, poll monitors went to their assigned poll sites on their own. All efforts were made to place a poll monitoring team in polling places where the language skills of one or both of the poll monitors could serve local LEP voters. We also strove to place community members and students in the towns and neighborhoods in which they resided.

FIVE | Election Day

Poll monitors arrived at each polling place equipped with information on what language assistance was required at that polling place and with a customized checklist. The checklist asked poll monitors to determine what translated materials were present, what languages poll workers spoke, whether poll workers were asking for identification inappropriately, whether the polling place was accessible to people with disabilities, whether voter harassment or intimidation was happening, and more.

As poll monitors encountered problems, they sought to address them with poll workers and noted them in the checklists. Any problems that could not be resolved were escalated to attorneys from Advancing Justice – California and other partner organizations, who would in turn engage county elections officials to report the problems and find solutions.

Following the election, all checklists and additional data were inputted and analyzed for trends.



¹⁸ Santa Clara County was handled by a partner organization, Asian Law Alliance, and is thus left out of this analysis.



4.

STATEWIDE TRENDS

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*The section summarizing our data begins on page 22.
As noted there, all percentages throughout this report show rates of
compliance at the polling places visited by Advancing Justice – California,
not at all polling places in the state or in a county.*

Translated Section 203 ballots provided consistently

California counties appeared to take their central responsibility under Section 203 – the provision of translated, voteable ballots – seriously in 2016. Most counties provided “Section 203 ballots” reliably; several counties did not have a single polling place with a missing Section 203 ballot, including some populous, diverse counties in which we visited very large numbers of polling places. In total, 3.7 percent of required Section 203 ballots were missing statewide.

Compliance with facsimile ballot requirements very subpar

Compliance with state law requirements was substantially worse than compliance with federal law requirements. Across the 25 counties we monitored, 25 percent of facsimile ballots mandated by state law were not available, an alarmingly high rate. Some large, diverse counties had as many as 40 percent of their facsimile ballots missing. Poll workers were often unable to post a required facsimile when asked because they admitted they did not know what the facsimile ballot was. Those that did know sometimes did not know when they were supposed to offer it to voters. Our poll monitors found facsimiles behind tables, still in boxes, under piles of other papers, or in hard-to-find locations in polling places. When a polling place was crowded and poll workers had limited room to post materials and signage, facsimile ballots appeared to be one of the first things they deprioritized.

Comparing the availability of Section 203 ballots and facsimile ballots provides quite the contrast. While just 1-in-27 Section 203 ballots were missing, 1-in-4 facsimile ballots were.

Translated supplementary Section 203 materials frequently missing

Despite strong compliance with Section 203's requirement for translated ballots, counties were less consistent in providing the additional materials LEP voters might need when voting on those ballots. Roughly 22 percent of polling places visited by Advancing Justice – California poll monitors did not display one or more of what we call the “supplementary Section 203 materials,” i.e. translated copies of the Voter Bill of Rights, state voter guide, and county sample ballot. This was true even in counties that saw the strongest performance with provision of Section 203 ballots. In some cases, poll workers were unfamiliar with what these materials were and why they were required.

Inconsistent implementation of language access best practices

Counties around the state piloted best practices on language access. Yolo County, Solano County, and Sutter County, among others, made facsimiles available in loose leaf at polling places so voters could take a copy into the voting booth instead of standing and using a facsimile posted on a wall. Contra Costa County put translated signs up in voting booths in polling places covered by Section 14201 letting voters know that facsimile ballots were available and put translated content in its standard county sample ballot, mailed to voters ahead of Election Day, letting LEP voters know that facsimiles might be available to them. Santa Cruz County continued its tradition of providing a voteable, electronic Spanish ballot instead of a Spanish facsimile. Several counties put up signs letting voters know the languages in which they could receive assistance from poll workers. Many tried giving their bilingual poll workers name tags, stickers, ribbons, or buttons to help identify their language skills for voters.

But while some counties made great strides in this area, there remains a great deal of room for improvement in the implementation of best

practices overall. Of polling places statewide that had bilingual poll workers, 32 percent had bilingual poll workers who failed to wear name tags, stickers, or something similar identifying the languages they spoke. In Northern California and the upper half of the Central Valley, our poll monitors found that, in polling places that had bilingual poll workers, 33 percent had no translated signage indicating to voters the languages in which they could receive assistance. Also in Northern California and the upper half of the Central Valley, 41 percent of polling places that required at least one facsimile ballot had no translated signage pointing voters to the facsimile(s).

Effective recruitment of bilingual poll workers overall, but additional emphasis needed on state law languages

Of the polling places Advancing Justice – California poll monitors visited, which were consistently in areas with concentrations of LEP speakers and which were home to diverse communities, almost 92 percent had at least one bilingual poll worker. This suggests California elections officials largely succeeded in recruiting bilingual poll workers and placing them in areas of need.

The vast majority of bilingual poll workers available to voters had language fluency in a language that was covered by Section 203 in the county in which they were located. County elections offices appeared to put far less importance on recruiting bilingual poll workers who spoke languages covered by Section 12303(c) of the California Elections Code, which requires counties to make “reasonable efforts” to recruit poll workers that speak languages meeting state law’s 3 percent threshold. Of the 17 Northern California counties we worked with in 2016, 13 said in mid-2016 they had never staffed or only irregularly staffed bilingual poll workers in precincts covered by Section 12303(c). This was born out on Election Day.

In the instances in which Section 12303(c) required elections officials to make “reasonable efforts” to recruit a bilingual poll worker, a bilingual poll worker was only present 38 percent of the time.

Voter ID trend that raises red flags

California may have a previously unrecognized Voter ID problem.

States across the country have instituted mandatory Voter ID laws that require voters to show identification before being able to cast a ballot. Such laws disenfranchise voters who do not have identification, disproportionately including people of color, low income people, and young people. Fortunately, California law only requires identification when voting in one instance: when a person is voting in California for the first time and did not provide any form of identification when registering to vote.

Despite this, our poll monitors encountered 41 polling places where identification was being asked for inappropriately. Identification was asked

for when it should not have been at 10 percent of Stanislaus County polling places (six of 60 visited), 4.9 percent of San Mateo County polling places (two of 41 visited), 4.5 percent of Fresno County polling places (five of 111 visited), 4.4 percent of Los Angeles County polling places (12 of 274 visited), and 3.6 percent of San Joaquin County polling places (three of 83 visited).

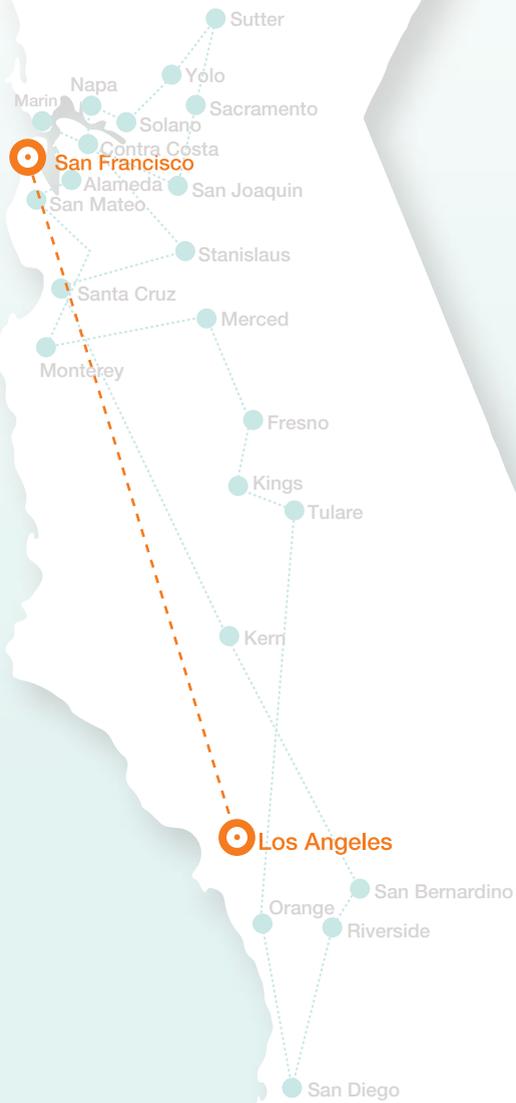
Some poll workers (mistakenly) appeared to think they were safeguarding the integrity of the election process by asking for identification, while others said they were only asking for identification because having a drivers license to look at is the easiest way to confirm a voter's address. Regardless of motives, poll workers are creating a Voter ID requirement that risks disenfranchisement. Some poll workers asked for identification only when they had difficulty understanding or spelling a voter's name; this practice in particular creates a Voter ID requirement for only immigrant voters and/or voters who have non-Anglo names.



VOICES OF DEMOCRACY

Language Access Map of California

This map indicates the languages in which California counties were required to provide assistance under federal and state law in 2016. It is limited to the 25 counties in which we monitored.



KEY

Languages covered by Section 203

Languages covered by state law

ALAMEDA

Spanish, Chinese, Filipino/Tagalog, Vietnamese, Hindi, Japanese, Khmer, Korean

CONTRA COSTA

Spanish, Chinese, Hindi, Japanese, Korean, Filipino/Tagalog, Vietnamese

FRESNO

Spanish, Chinese, Hindi, Japanese, Khmer

KERN

Spanish, Filipino/Tagalog, Hindi

KINGS

Spanish, Filipino/Tagalog

LOS ANGELES

Spanish, Chinese, Filipino/Tagalog, Japanese, Khmer, Korean, Thai, Vietnamese, Hindi

MARIN

Spanish, Chinese, Korean, Vietnamese

MENDOCINO

Spanish, Chinese

MERCED

Spanish, Hindi

MONTEREY

Spanish, Chinese, Korean, Filipino/Tagalog, Vietnamese

NAPA

Spanish, Chinese, Filipino/Tagalog

ORANGE

Spanish, Chinese, Korean, Vietnamese, Filipino/Tagalog, Japanese, Khmer, Hindi

RIVERSIDE

Spanish, Chinese, Filipino/Tagalog, Korean, Vietnamese

SACRAMENTO

Spanish, Chinese, Hindi, Japanese, Korean, Filipino/Tagalog, Vietnamese

SAN BERNARDINO

Spanish, Chinese, Filipino/Tagalog, Khmer, Korean, Vietnamese

SAN DIEGO

Spanish, Chinese, Filipino/Tagalog, Vietnamese, Japanese, Khmer, Korean, Hindi

SAN FRANCISCO

Spanish, Chinese, Filipino/Tagalog (treated as a Section 203 language due to local law), Japanese, Korean, Vietnamese

SAN JOAQUIN

Spanish, Chinese, Hindi, Khmer, Filipino/Tagalog, Vietnamese

SAN MATEO

Spanish, Chinese, Hindi, Japanese, Filipino/Tagalog

SANTA CRUZ

Spanish, Chinese, Filipino/Tagalog

SOLANO

Spanish, Chinese, Filipino/Tagalog

STANISLAUS

Spanish, Hindi, Khmer

SUTTER

Spanish, Hindi

TULARE

Spanish, Filipino/Tagalog

YOLO

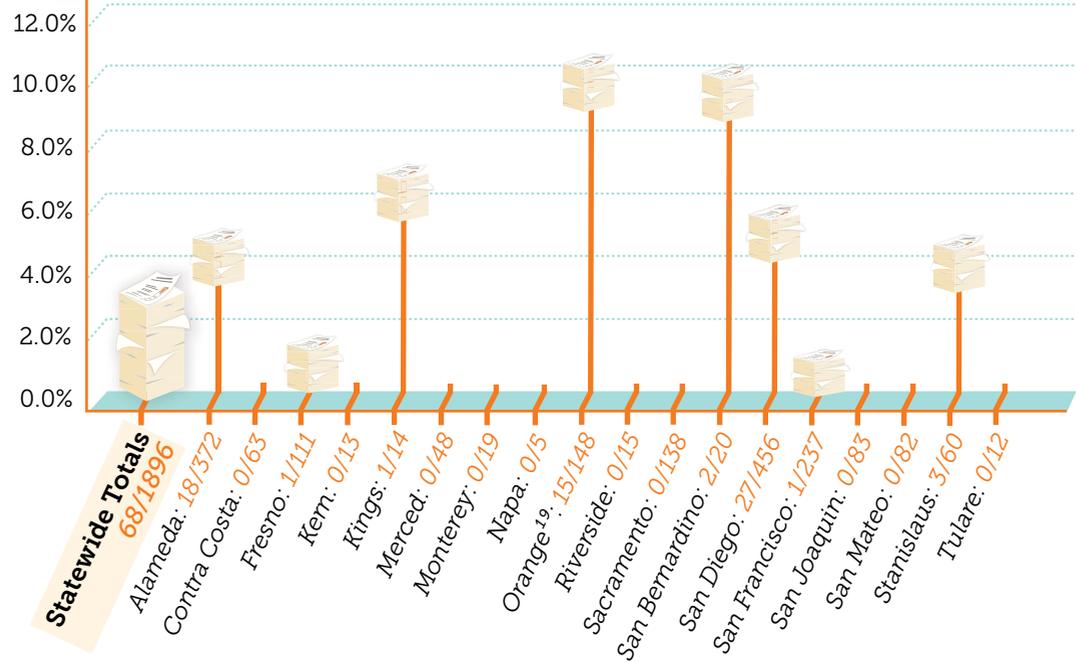
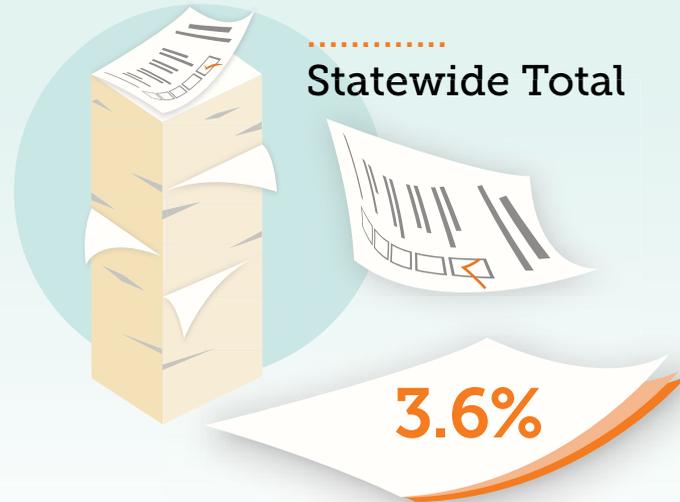
Spanish, Chinese, Hindi, Filipino/Tagalog



THE DATA

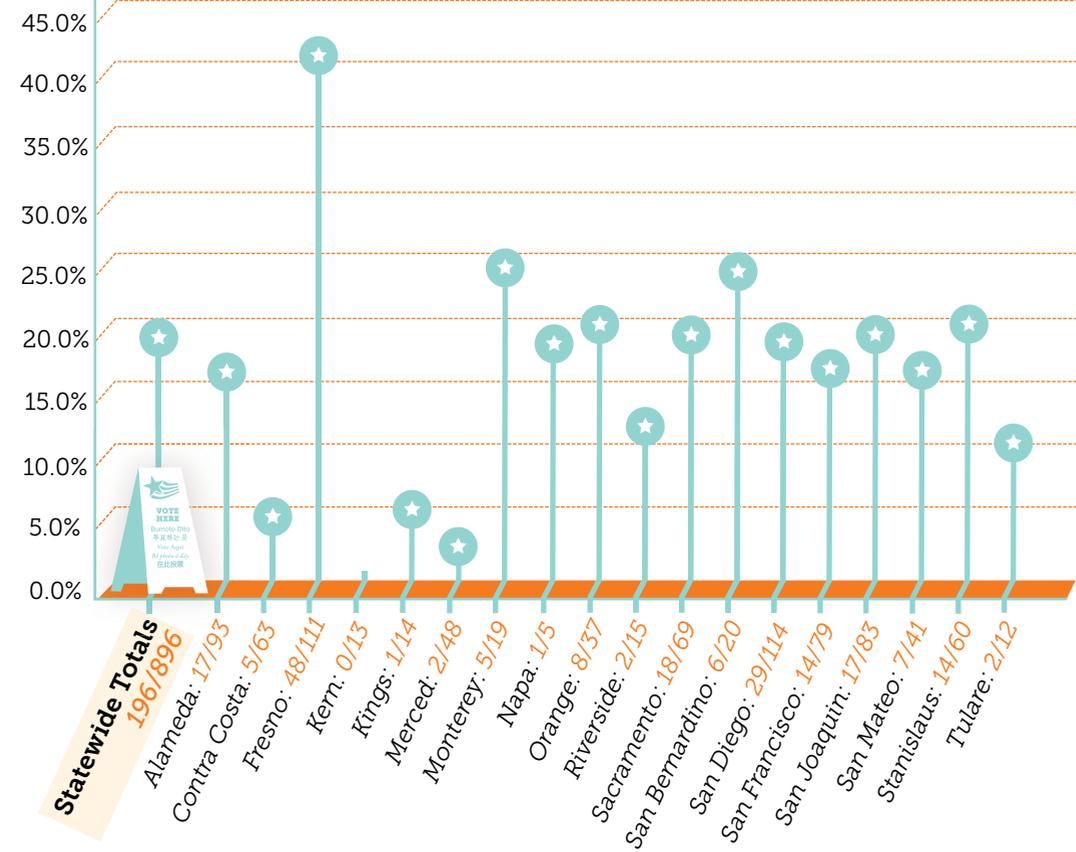
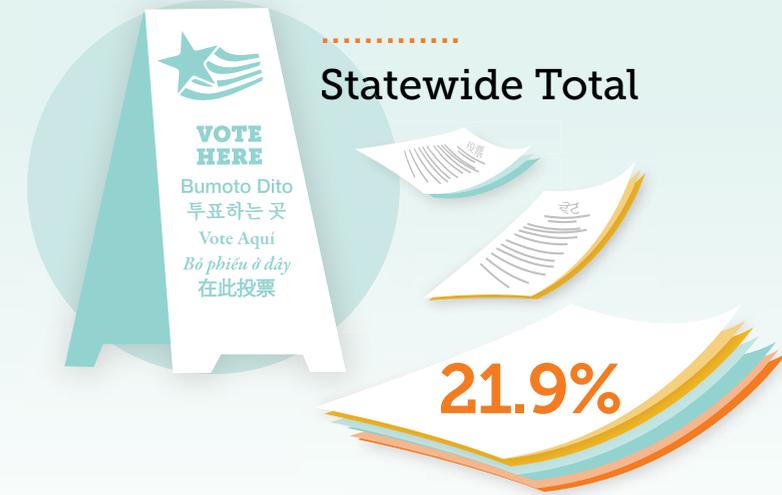
- The data presented here was collected by Advancing Justice – California’s poll monitors, many of whom were community volunteers. It comes with several caveats.
- Because this data comes from hundreds and hundreds of poll monitor checklists, filled out on Election Day sometimes while addressing difficult problems or assisting voters, there is a margin of error that is associated with this data. Small imperfections aside, however, we trust all of the general conclusions the data help to illuminate.
- In some counties, small sample size leads to exaggerated percentages; we advise that readers look at a county’s percentages in comparison to other counties and the statewide average but to also be conscious of the size of the sample in each case.
- The percentages here, and throughout this report, show rates of compliance at the polling places visited by Advancing Justice – California, not at all polling places in the state or in a county.
- Some counties take approaches to a specific part of language assistance that make their inclusion in one or more of the charts below unnecessary. For example, San Joaquin County places a facsimile in every language in every polling place in the County. As a result, San Joaquin County is not included in the chart that illustrates the rates at which counties placed facsimile ballots in the polling places requiring them under Section 14201 of the state’s Election Code.
- Because of LA County’s size and diversity, its approach to providing language assistance to voters differs from other counties. As a result, we present LA County’s data in a separate section below.
- All data is available in table format in Appendix B.

Percentage of Section 203 ballots missing upon poll monitor (PM) arrival – regular or provisional



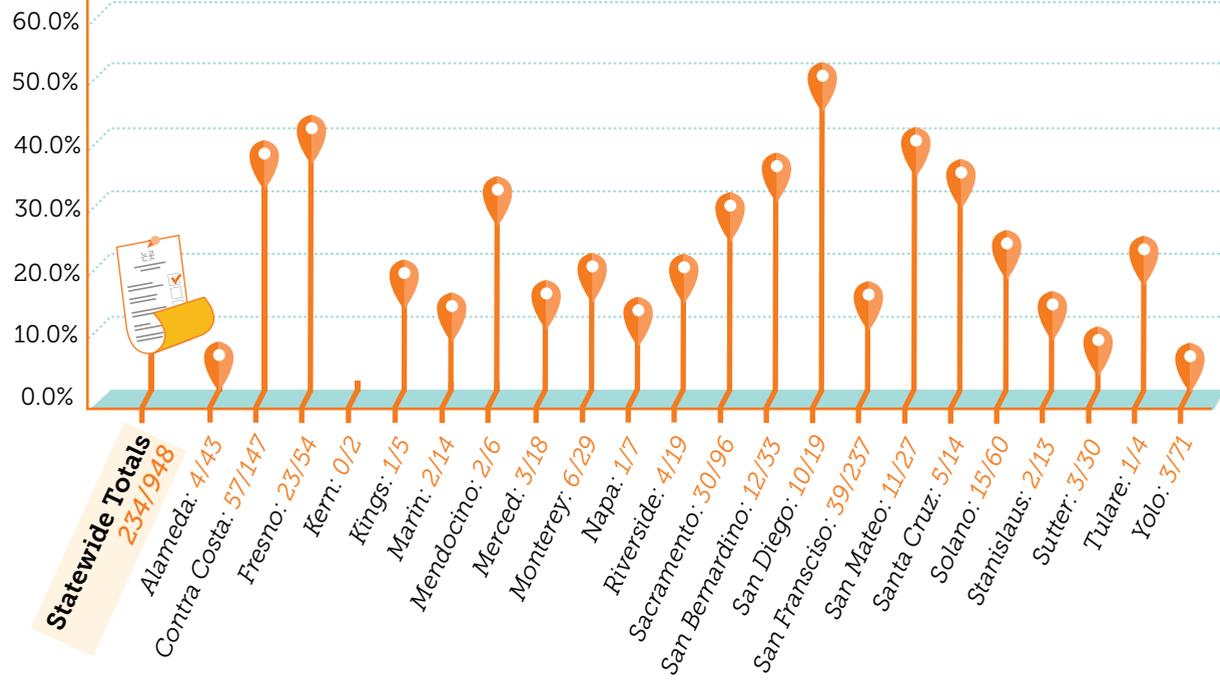
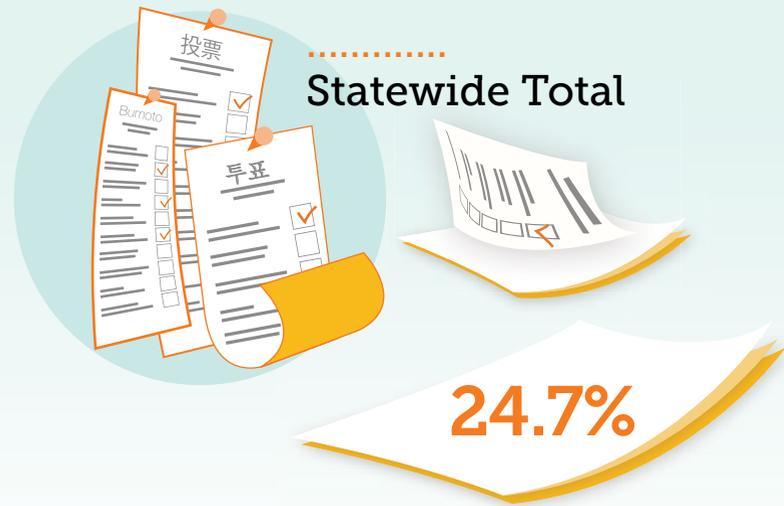
19. While some paper copies of Section 203 ballots were missing in Orange County, translated Section 203 ballots were consistently available in electronic format.

Percentage of polling places missing at least one of the supplementary Section 203 materials²⁰ upon PM arrival

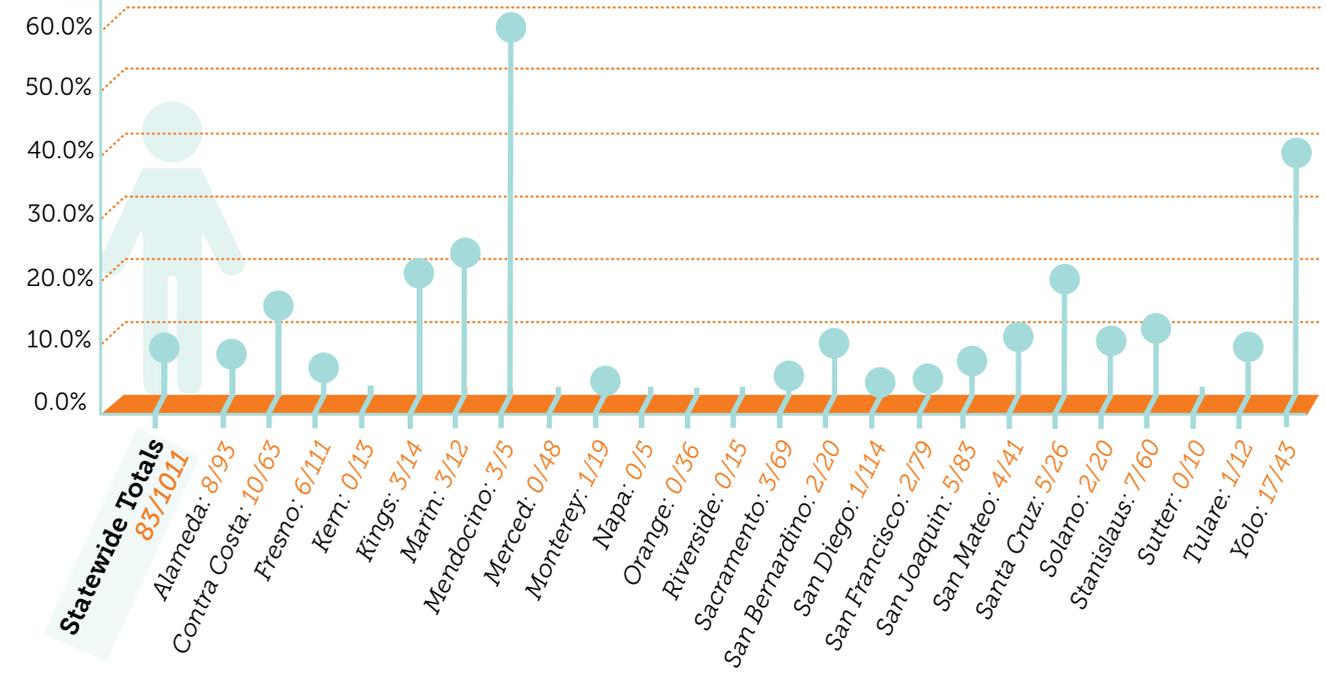
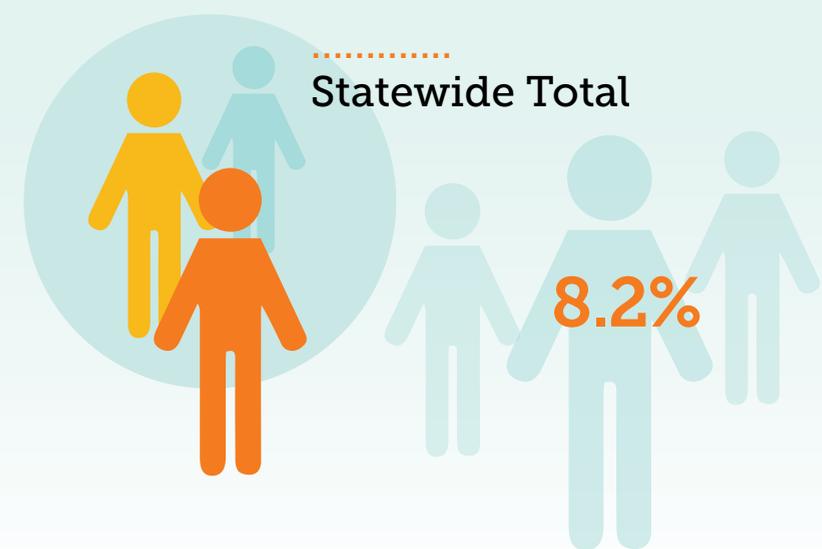


20. Section 203 supplementary materials refers to translated copies of the Voter Bill of Rights, the state voter guide, and the county voter information guide.

Percentage of facsimile ballots missing upon PM arrival



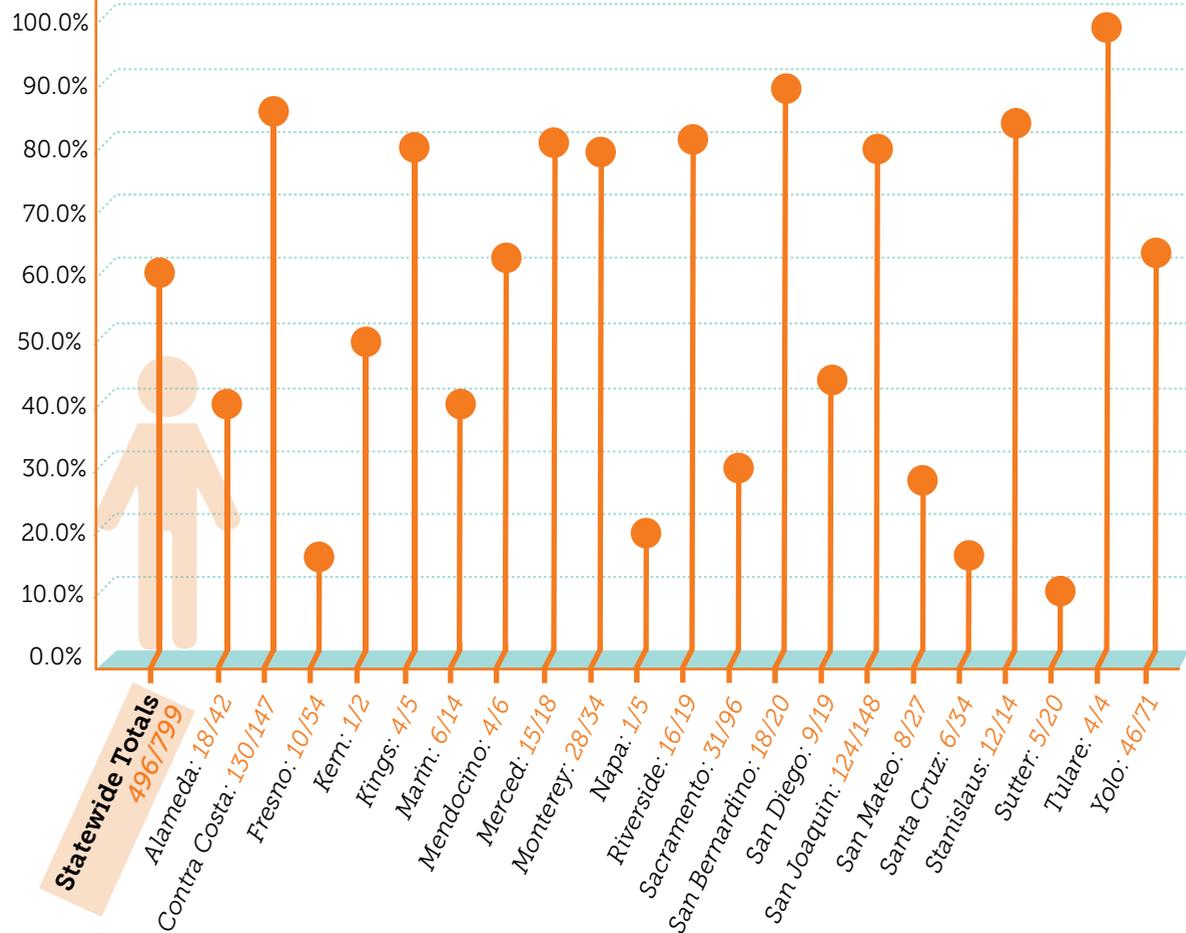
Percentage of polling places without a single bilingual poll worker



Percentage of instances in which counties had an obligation to make "reasonable efforts" to recruit bilingual poll worker under state law but no bilingual poll worker was available

Statewide Total

62.1%



Section 12303 of the California Elections Code requires that when a minority language community exceeds 3 percent of a precinct, the county elections official make "reasonable efforts" to recruit a poll worker who speaks the language of that community.

Population Who Is Limited English Proficient for Those 5 Years of Age & Older by Ethnic Group

California 2006–2010

48% Korean

43% Chinese

52% Vietnamese

41% Thai

43% Cambodian

23% Hindi

18% Japanese

19% Filipino



34%

of all Asian Americans in California are LEP and have some difficulty communicating in English



72%

of Asian Americans in California speak a language other than English at Home

Upholding Section 203

San Diego County, CA — in 2004, the US Department of Justice sued the County to mandate compliance



20%

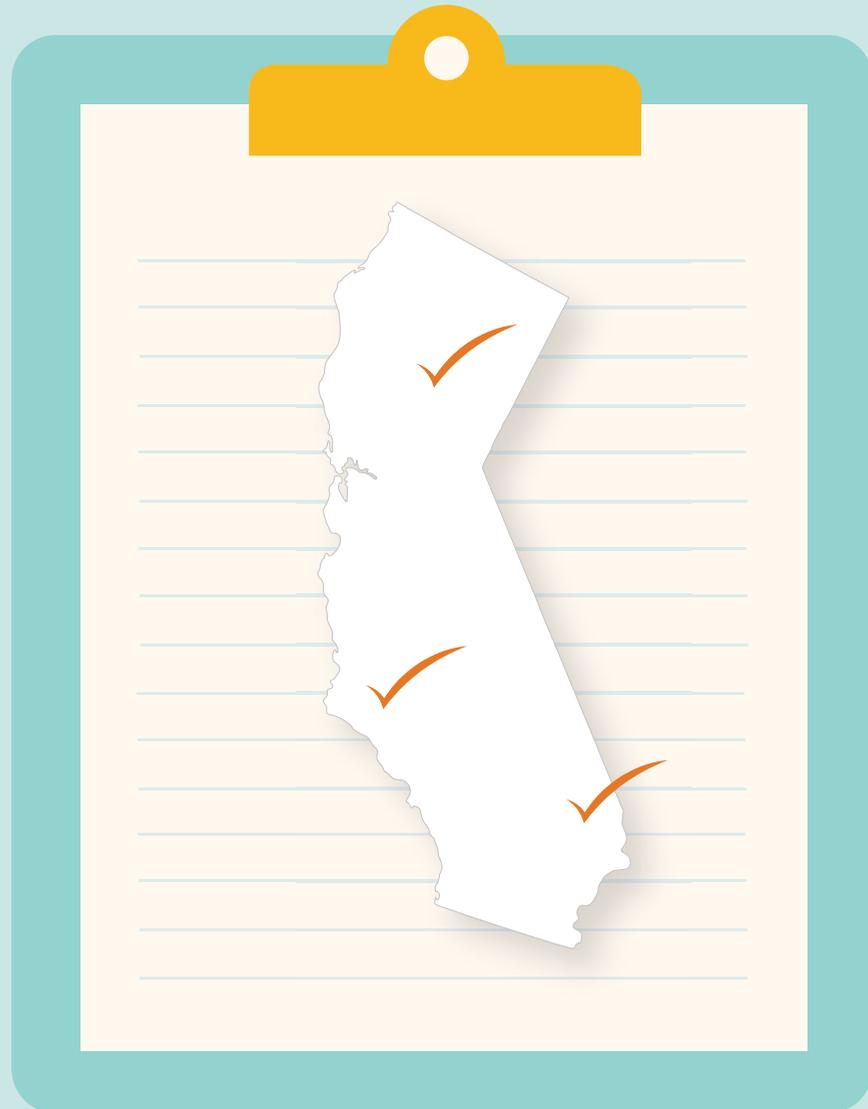
VOTER REGISTRATION RESULTS

Voter registration rose by more than 20% for **Filipino Americans**



40%

Voter registration rose by more than 40% for **Vietnamese Americans**



5.

COUNTY BY COUNTY RESULTS



After the November 2016 elections, each county elections office was sent a lengthy report by Advancing Justice – California on the office’s performance with regard to language access and other issues. We provide condensed versions of those reports here, with a few select incidents from each county.

ALAMEDA COUNTY

Partner Community Based Organizations (CBOs): Family Bridges, Filipino Advocates for Justice

Poll monitors from Advancing Justice – ALC visited 93 Alameda County polling places. We saw a mixed performance with regard to the County’s implementation of federal and state language access laws. Nearly 5 percent of required Section 203 ballots were missing when our poll monitors arrived. This above-average non-compliance rate was driven by a handful of polling places where poll workers said they had been trained to display Spanish and Chinese Section 203 ballots but not Vietnamese and Filipino/Tagalog ones. Nine Section 203 ballots could not be found or were not displayed even after our poll monitors inquired about them, a higher number than any other county.

By contrast, Alameda County performed better than most counties in the state with regard to its facsimile ballot requirements. Just 9 percent of facsimile ballots we expected to find in Alameda County polling places were missing and in each of those instances the missing document was eventually posted.

Over 90 percent of polling places visited had at least one bilingual poll worker. Performance recruiting speakers of the County’s state law languages could improve. For example, seven out of nine polling places visited that required a Japanese facsimile had no Japanese-speaking poll worker and five out of 11 polling places visited that required a Korean facsimile had no Korean-speaking poll worker.

Alameda County excelled with regard to best practices that make bilingual poll workers visible to voters. Of the Alameda County polling places with bilingual poll workers, only 3.5 percent had bilingual poll workers who failed to wear name tags indicating what languages they spoke and just 19 percent of the Alameda County polling places with bilingual poll workers did not have a sign posted indicating the languages in which poll workers could serve voters.

Our poll monitors did encounter other problems, including several long lines, polling places that were too small, and a small number of malfunctioning voting machines.

- **Marina Community Center, 15301 Wicks Blvd, San Leandro, CA:** Poll worker refused to put out Filipino/Tagalog and Vietnamese ballots. Claimed she was instructed to only put out Spanish and Chinese.
- **Christ Presbyterian Church, 890 Fargo Ave, San Leandro, CA:** Number of elderly Chinese voters needed language assistance. None of the poll workers present spoke Chinese.
- **8504 International Blvd, Oakland, CA:** Poll workers told monitors to stay outside the polling place and refused to let them go inside to observe.

CONTRA COSTA COUNTY

Partner CBO: Community Health for Asian Americans (CHAA)

Poll monitors from Advancing Justice – ALC visited 63 Contra County polling places. All 63 Contra Costa polling places had Section 203 Spanish-language ballots properly displayed upon poll monitor arrival and only a small handful of polling places were missing some form of Section 203 supplementary materials (five polling places total, or 8 percent). Simultaneously, however, nearly 40 percent of Contra Costa polling places visited did not properly display facsimile ballots. A number of Contra Costa poll workers told our poll monitors that they were unfamiliar with facsimiles and did not know they were meant to be posted.

The vast majority of Contra Costa polling places visited had at least one bilingual poll worker, but the County could improve substantially in recruiting bilingual poll workers who speak the six Asian languages receiving state law coverage in the County. Among polling places our poll monitors visited, 56 out of the 61 polling places that required a Chinese facsimile had no Chinese-speaking poll worker, 41 out of 51 polling places that required a Filipino/Tagalog facsimile had no Filipino/Tagalog-speaking poll worker, 16 out of the 18 polling places that required a Hindi facsimile ballot had no Hindi-speaking poll worker, none of the ten polling places that required a Japanese facsimile had a Japanese-speaking poll worker, none of the three polling places that required a Korean facsimile had a Korean-speaking poll worker, and none of the four polling places that require a Vietnamese facsimile had a Vietnamese-speaking poll worker.

- **Sheldon Elementary School, 2601 May Rd, Richmond, CA:** Space too small. Voters voting on tables outside.
- **40 Muir Rd, Martinez, CA:** Polling place was too small and packed with people. Signage not posted. People voting outside on the steps. Lead poll worker indicated they had translated materials “in the back” but they would display them when they had more time.
- **Delta View Elementary, 2916 Rio Verde Dr, Pittsburg, CA:** Lead poll worker said they got insufficient training about facsimiles and how to use them.

FRESNO COUNTY

Partner CBOs: Mi Familia Vota, Jakara Movement

Poll monitors from Advancing Justice – ALC visited 111 Fresno County polling places. Fresno County excelled in two major areas of providing language assistance: provision of Section 203 ballots and recruitment of Spanish-speaking and Punjabi/Hindi-speaking bilingual poll workers. Almost every Fresno County polling place we

visited, 110 out of 111, had the required Section 203 ballots available to voters. A similarly commendable 106 of the 111 polling places visited had bilingual poll workers present.

In other respects, Fresno County could make strides. Roughly 43 percent of polling places failed to display Spanish copies of all supplementary Section 203 materials. In 54 percent of polling places in which bilingual poll workers were present, the bilingual poll workers were not wearing name tags identifying their language skills.

There is also room for improvement with the County’s state law requirements. A very high 43 percent of state-mandated facsimile ballots were not properly displayed upon our poll monitors’ arrival. Among polling places visited, four out of nine polling places that required a Chinese facsimile ballot had no Chinese-speaking poll worker, none of the three polling places that required a Japanese facsimile had a Japanese-speaking poll worker, and three out of the seven polling places that required a Khmer facsimile had no Khmer-speaking poll worker. The County deserves enormous credit for its outreach to the Indian American community, however: just three out of the 35 precincts that required a Hindi facsimile ballot had no Hindi- or Punjabi-speaking poll worker.

- **2101 N Fruit Ave, Fresno, CA:** Poll monitors observed two Spanish speakers not being offered Spanish materials. When poll monitor told voters that they could ask for a Spanish ballot, poll monitor was reprimanded and told she could not talk to voters inside the polling place. One Spanish speaker left frustrated but returned with an assister. Assister was told she could only fill out pink provisional form for voter and that she could not help with ballot.
- **4863 E Tulare Ave, Fresno, CA:** Poll worker reportedly disrespectful and rude to voters. Asked one voter, “How many times have you been here today?”

- **245 E Garrett Ave, Fresno, CA:** Poll workers asked all voters for identification.
- **1917 S Chestnut Ave, Fresno, CA:** Poll workers asked all provisional voters for identification.
- **2475 W Mountain View Ave, Caruthers, CA:** Poll workers uncomfortable with poll monitor presence. Asked poll monitors to stand in a corner by the door, then asked them to leave. When poll monitors asserted their legal right to be in the polling place, allowed to stay.

KERN COUNTY

Partner CBO: Dolores Huerta Foundation

Advancing Justice-LA coordinated with Dolores Huerta Foundation on poll monitoring efforts in 13 precincts throughout Kern County. Every precinct monitored had Section 203 ballots in Spanish. Additionally, 100 percent of the precincts monitored displayed the sample ballots, voter bill of rights, and statewide voter guide in Spanish. All polling places had visibly displayed directional and “Vote Here” signs in Spanish outside of the polling location.

Kern County had at least one Spanish-speaking poll worker at every polling place the monitors observed. Of the two precincts observed that required a Filipino/Tagalog facsimile ballot, one had a Filipino/Tagalog-speaking poll worker. While every precinct had a bilingual poll worker, 23 percent of them had poll workers not wearing badges identifying the languages they spoke.

- **Bakersfield New Life Center, 4201 Stine Rd, Bakersfield CA:** Poll workers asked voters for identification unnecessarily.

KINGS COUNTY

Partner CBO: Dolores Huerta Foundation

Advancing Justice-LA coordinated with Dolores Huerta Foundation on poll monitoring efforts in 14 precincts in Kings County. One out of 14 precincts visited did not have its Section 203 Spanish ballot displayed upon poll monitors’ arrival. Similarly, all but one precinct displayed

all of their supplementary Section 203 materials. Facsimile ballots in Filipino/Tagalog were posted at all but one of the five polling places where they were required.

Kings County experienced some difficulty in its recruitment of bilingual poll workers. Roughly 21 percent of the precincts monitored did not have a Spanish speaking poll worker and 80 percent of the precincts monitored that required Filipino/Tagalog facsimile ballots had no Filipino/Tagalog speaking poll worker. Of the bilingual poll workers that were recruited, nearly one-in-four were not wearing nametags identifying the language skills they had.

At just under 30 percent of the precincts, monitors reported problems regarding shortage of poll site supplies, e.g. accessibility booths, voting booths in general, dividers, or pens. There were two instances in which poll monitors encountered rude or uncooperative poll workers.

- **First United Methodist Church, 1127 Letts Ave, Corcoran, CA:** Poll worker treated poll monitors rudely and refused to display multilingual materials when advised.
- **Hamilton School, 1269 Leland Way, Hanford, CA:** Poll workers sent those who needed bilingual assistance to another polling place.

MARIN COUNTY

Partner CBO: Canal Alliance

Poll monitors from Advancing Justice – ALC visited 12 Marin County polling places, all of which have state law (and not federal law) coverage. Four of 26 required facsimile ballots were not available when our poll monitors arrived, a rate of non-compliance (15 percent) that deserves attention but was lower than the statewide average. Marin County excelled in helping voters know about facsimile ballots, with all 12 polling places having translated signage indicating facsimile ballots' availability.

The County did reasonably well with regard to recruitment of bilingual poll workers, but bilingual poll workers were inconsistently identified via name tags or signage.

- **Cape Marin Clubhouse, 1 Laderman Lane, Greenbrae, CA:** Lead poll worker made comments to poll monitors that problems did not occur at the polling place but during the registration process, specifically “they let illegals register to vote” and “they think they can come across the border and vote.”
- **Novato Oaks Inn, 215 Alameda Del Prado, Novato, CA:** One voter needed assistance in Spanish but none of the poll workers present spoke it. Tried to get staff member from the facility (a hotel) to assist but no one was available. Voter left with intention of coming back later.

MENDOCINO COUNTY

Advancing Justice – ALC poll monitors visited five Mendocino County polling places. In one polling place, the facsimile ballot and other materials were clearly posted on a large box by the entrance, making everything easy to find. At the other polling places, however, facsimiles were in green folders, some of which were kept on back tables or in other difficult-to-find parts of polling places.

Only two of five polling places had bilingual poll workers. Mendocino does not provide name tags or stickers on which bilingual poll workers can identify their language skills, nor does it use translated signage to inform voters of the languages in which they can receive assistance.



MERCED COUNTY

Partner CBOs: Merced Organizing Project, Jakara Movement

Poll monitors from Advancing Justice – ALC visited 48 Merced County polling places. Along almost every metric, Merced County performed well. No Merced County polling places were missing their Section 203-mandated Spanish ballots and only 4.2 percent of Merced County polling places were missing any of the Section 203 supplementary materials. Nearly 17 percent of Merced County polling places were missing their state-mandated facsimile ballots. While that rate of non-compliance can be improved, it is lower than the statewide average.

Merced County recruited at least one bilingual poll worker for every polling place. Progress can be made with regard to providing bilingual poll workers who speak Merced’s one state law language: At the 18 polling places we visited that required a Hindi facsimile ballot, 15 did not have a Hindi- or Punjabi-speaking poll worker.

- **848 Prusso St, Livingston, CA:** Poll workers asked every voter for identification.

MONTEREY COUNTY

Advancing Justice – ALC poll monitors visited 19 Monterey County polling places. With regard to the requirements of Section 203, the County performed well. Zero Monterey County polling places were missing Spanish Section 203 ballots because of the County’s use of English-Spanish bilingual ballots, and only one of the polling places visited did not have a bilingual poll worker on hand. Best practices that make bilingual poll workers obvious to voters are an opportunity for growth: at five polling places bilingual poll workers were not wearing name tags that identified the non-English language(s) they spoke and at nine polling places no signage indicated to voters the languages in which they could receive assistance.

In the 19 polling places we visited, we expected to find 29 state-mandated facsimile ballots. Six

were missing, all but one of which was located and posted by poll workers after poll monitor inquiry.

Substantial room for improvement exists with regard to recruitment of bilingual poll workers who speak the County’s state law languages. Among polling places our poll monitors visited, five out of six polling places that required a Chinese facsimile had no Chinese-speaking poll worker, 14 out of 18 polling places that required a Filipino/Tagalog facsimile had no Filipino/Tagalog-speaking poll worker, four out of five polling places that required a Korean facsimile had no Korean-speaking poll worker, and none of the five polling places that required a Vietnamese facsimile had a Vietnamese-speaking poll worker.

NAPA COUNTY

Poll monitors from Advancing Justice – ALC visited five Napa County polling places. The County’s language access performance was strong. No polling places visited were missing Section 203 ballots. All polling places visited had bilingual poll workers and four of the five had language capacity for Spanish and at least one Asian language. All bilingual poll workers had name tags indicating the language in which they could provide assistance to voters.

ORANGE COUNTY

Partner CBO: Orange County Asian and Pacific Islander Community Alliance

Advancing Justice – LA worked with Orange County Asian and Pacific Islander Community Alliance to conduct poll monitoring in 42 precincts throughout Orange County. The County displayed a multilingual cardboard kiosk for voter information that poll monitors found to be particularly helpful for voters. Ten percent of Section 203 hard copy ballots did not appear to be available at the precincts monitored. However they were available in an electronic format.

Orange County had at least one bilingual poll worker in every precinct observed, a strong

performance by the County. Poll monitors reported that at almost 40 percent of the precincts observed, bilingual poll workers did not wear badges to indicate the language they spoke. But when requested by poll monitors, two-thirds of the poll workers put on the badges.

- **Los Alamitos Community Center, 10911 Oak St, Los Alamitos, CA:** A first-time voter was not on the roster; poll workers asked him to call the Registrar of Voters hotline to determine his precinct. The ROV staffer instructed him to travel to another city to vote. The voter almost gave up on voting since he would have to travel. Poll monitor assisted the voter to vote provisionally.
- **Fire Station #2, 3643 Green Ave, Los Alamitos, CA:** Due to limited table space, translated election materials were on the floor, still in packaging. LEP voters would have to crouch down and pick up materials if they needed them.

RIVERSIDE COUNTY

Partner CBO: Asian American Resource Center

Advancing Justice-LA coordinated with Asian American Resource Center to poll monitor 15 precincts throughout Riverside County. All precincts monitored displayed the required Section 203 ballots in Spanish. Two polling places were missing supplementary Section 203 materials. All precincts monitored had a Spanish-speaking bilingual poll worker and visibly displayed directional and “Vote Here” signs in Spanish.

Less successful was the implementation of Riverside County’s state law language access requirements. Twenty-one percent of polling places monitored failed to display required facsimile ballots. Six out of eight precincts that required a Chinese facsimile ballot were missing a Chinese-speaking poll worker, four out of four precincts requiring a Korean facsimile were missing a Korean-speaking poll worker, and five

out of six of the precincts requiring a Filipino/Tagalog facsimile were missing a Filipino/Tagalog-speaking poll worker.

Half of precincts monitored had bilingual poll workers who were not wearing name tags that indicated the languages in which they could assist voters. A handful of polling places reported problems with the voting machines, inappropriate requests for identification from voters, and inadequate location size.

- **Alta Murrieta Elementary School, 39475 Whitewood Rd, Murietta, CA:** Poll monitors reported that the location was too small to accommodate proper display of materials.
- **Orange Terrace Community Center, 20010 Orange Terrace Pkwy, Riverside CA:** Voters asked for identification unnecessarily. Upon the request of the poll monitor, the poll worker stopped.

SACRAMENTO COUNTY

Partner CBO: Asian Resources

Poll monitors from Advancing Justice – ALC visited 69 Sacramento County polling places. No required Section 203 ballots were missing upon poll monitors’ arrival because of the County’s use of trilingual ballots. Just 4 percent of polling places visited did not have bilingual poll workers, with strong recruitment of speakers of both the County’s Section 203 languages and the County’s state law languages. Just 11 percent of those polling places with bilingual poll workers had bilingual poll workers who failed to wear name tags indicating their language skills.

The greatest opportunity for growth in Sacramento County's language access efforts lies in facsimile ballots: 31 percent of facsimile ballots were missing when our poll monitors arrived.

- **8890 Gerber Rd, Sacramento, CA:** Poll worker asked for ID to verify spelling of a name.
- **8140 Caymus Dr, Sacramento, CA:** Poll workers asked for ID to check names and addresses.
- **9850 Fire Poppy Dr, Elk Grove, CA:** Poll workers did not provide provisional ballots to voters not on roster, just a hotline to call.

SAN BERNARDINO COUNTY

Partner CBO: Asian American Resource Center

Advancing Justice-LA coordinated with Asian American Resource Center to poll monitor 20 precincts in San Bernardino County. Two of the precincts observed did not properly display Spanish language ballots, while six did not display at least one of the translated supplementary Section 203 materials. By contrast, at the observed precincts under the state law language requirement, 36 percent of the facsimile ballots were not displayed when poll monitors arrived.

Just two precincts monitored were missing a Spanish-speaking bilingual poll worker. The County performed worse in providing bilingual poll workers in state law languages: five out of eight precincts that required a Chinese facsimile were missing a Chinese-speaking poll worker, both precincts that required a Khmer facsimile were missing a Khmer-speaking poll worker, three of 11 precincts that required a Filipino/Tagalog facsimile were missing a Filipino/Tagalog-speaking poll worker, and two of three precincts that required a Vietnamese facsimile were missing a Vietnamese-speaking poll worker. Roughly 40 percent of the precincts observed had bilingual poll workers who were not wearing badges identifying the languages they spoke.

The poll monitors encountered several other problems, in particular long lines at seven out of 20 polling places.

- **Lehigh Elementary School, 10200 Lehigh Ave, Montclair, CA:** The polling place was not open until 7:25 am. The lead poll worker claimed she was given fewer poll workers than expected and thus took longer than expected to set up.
- **11125 Campus St, Loma Linda, CA:** The location was too small to accommodate proper display of translated materials.
- **Michael G. Wickman Elementary, 16250 Pinehurst Dr, Chino Hills, CA:** A long line resulted in a long wait time to vote.

SAN DIEGO COUNTY

Partner CBO: Southwest Center for Asian Pacific American Law

Advancing Justice – LA worked with Southwest Center for Asian Pacific American Law to conduct poll monitoring at 103 polling places in San Diego County. Six percent of polling places monitored were missing Section 203 ballots and 4 percent were missing “Vote Here” signs translated in the Section 203 languages. Twelve percent of the precincts observed were lacking Section 203 supplementary materials, a lower rate than most other counties. State law compliance was much less successful: San Diego County was missing 53 percent of expected facsimile ballots in the precincts observed.

Only one San Diego County precinct observed did not have a bilingual poll worker, a strong performance by the County. However, only about half of polling places observed that met the 3 percent threshold in state law for a language had a bilingual poll worker that spoke that language.

At 22 precincts, bilingual poll workers were not wearing identification badges that made their language skills known to voters; at 14 of them, poll workers did not cooperate when requested to put one on.

- **61st and Division Church of Christ, 6070 Division St, San Diego, CA:** Poll workers improperly requested voter ID and refused to display some translated materials. In addition, the poll inspector did not allow the monitor to observe some translated materials.
- **10025 Mesa Rim Rd, San Diego, CA:** Poll workers told poll monitor that his request to appropriately display translated materials “disrupted the voting process.”
- **8831 Arcturus Way, San Diego, CA:** Poll workers reasoned that they had no need to display translated materials since voters in prior years had not requested them.

SAN FRANCISCO COUNTY

Partner CBO: Cameron House

Advancing Justice – ALC sent poll monitors to 79 San Francisco County polling places. The County excelled in providing language assistance to its voters, though there are some minor opportunities for growth. Of the 237 federally mandated Section 203 ballots we expected to find, only one was missing. Only 2.5 percent of the San Francisco County polling places we visited had no bilingual poll workers and just 14 percent of those polling places with bilingual poll workers had bilingual poll workers who failed to wear name tags identifying their language skills; both numbers are considerably better than statewide averages. Seventeen percent of facsimile ballots in San Francisco County were missing when our polling monitors arrived.

- **1430 Mason St, San Francisco, CA:** Poll workers either used up or misplaced all Spanish language ballots. Roving elections official immediately on site to solve problem.
- **Hua Zang Si Temple, 3126 22nd St, San Francisco, CA:** Around 30 people waiting to vote. Poll worker offered voters the opportunity to vote in line. A voter who wasn't on the roster confirmed she was in the right polling place. Poll worker told the voter to check supplemental rolls herself.

- **2774 Folsom St, San Francisco, CA:** Man yelling belligerently at Hillary Clinton supporters. “Hillary is a baby killer!” Poll monitor approached and man left.

SAN JOAQUIN COUNTY

Partner CBOs: El Concilio, Little Manila Foundation

Poll monitors from Advancing Justice – ALC visited 83 San Joaquin County polling places. The County largely succeeded in providing language assistance to limited-English speaking voters. All San Joaquin County polling places that our poll monitors visited had Section 203 ballots in Spanish. Roughly 21 percent of polling places were missing at least one of the Section 203 supplementary materials. San Joaquin County had bilingual poll workers at all but 6 percent of polling places monitored. At the polling places that did have bilingual poll workers, 37 percent saw bilingual poll workers fail to wear name tags identifying their language skills.

San Joaquin County's unique approach to providing facsimile ballots goes above and beyond in some ways. San Joaquin places a binder with facsimiles in all languages in all polling places. At a handful of polling places, however, poll monitors found the binders underneath tables or underneath piles of other papers. More importantly, some voters may have had troubling knowing that the binders were present – often, no signage directed them to the facsimiles and poll workers in some cases were not familiar with facsimiles and their purpose.

Our poll workers encountered a few incidents unrelated to language access, the most serious of which were three cases of poll workers asking for identification inappropriately.

- **Lathrop High School, 647 Lathrop Road, Lathrop, CA:** Trump supporter arrived wearing Trump t-shirt and wanted to observe; left after some resistance.

- **Peniel Missions, 1508 Sutter St, Stockton CA:** All voters asked for identification.
- **1960 N Tracy Blvd, Tracy, CA:** All voters asked for identification.
- **Prestige Senior Living, 1130 Empire Ave, Manteca, CA:** Poll workers turned away voters turning in vote-by-mail ballots because ballots did not have stamps on them. County Registrar took prompt action to correct.
- **4303 Christian Life Way, Stockton, CA:** Poll monitors were removed from the polling place. They showed the Secretary of State guidance document stating poll monitor rights and were allowed back in.

SAN MATEO COUNTY

Partner CBO: Migrante

Advancing Justice – ALC poll monitors visited 41 San Mateo County polling places. Section 203 ballots were available in every polling place. Eleven percent of San Mateo County polling places had no bilingual poll workers, roughly on par with the statewide average. Just six out of 24 polling places visited that required a Filipino/Tagalog facsimile had no Filipino/Tagalog-speaking poll worker, showing strong success in recruiting speakers of a state law language. Two out of three polling places visited that required a Japanese facsimile had no Japanese-speaking poll worker.

Eleven of the 27 state-mandated facsimile ballots (41 percent) we expected to find in San Mateo County polling places were missing when our poll monitors arrived, a very high rate. Even after conversation with poll workers, three facsimile ballots (11 percent) could not be found and displayed.

- **110 Terminal Ave, Menlo Park, CA:** Poll monitors reported that many voters were Spanish speakers but there was no bilingual poll worker on site. Poll workers said they were trying to get one by 5 pm.

- **43 Miriam St, Daly City, CA:** Poll workers asked for identification from voters. Stated it was because it would be easier for poll workers to understand spelling of names.

SANTA CRUZ COUNTY

Partner CBO: Community Action Board - Day Worker Center

Poll monitors from Advancing Justice – ALC visited 26 Santa Cruz County polling places. Despite having state law coverage for Spanish, not federal law coverage, Santa Cruz County provides voters with a voteable, electronic Spanish ballot. The County is the only one we are aware of in the state that has undertaken the time and expense to turn a facsimile ballot into a voteable electronic ballot.

Five of the 14 Filipino/Tagalog and Chinese facsimile ballots our poll monitors expected were missing. Half of the polling places that had Filipino/Tagalog and/or Chinese facsimile ballots lacked translated signage indicating the ballots' availability to voters.

Nearly 20 percent of Santa Cruz County polling places had no bilingual poll worker, a relatively high percentage. None of the seven polling places we visited that required a Filipino/Tagalog facsimile had a Filipino/Tagalog-speaking poll worker.

- **Valley Heights Senior Community, 925 Freedom Blvd, Watsonville, CA:** Poll workers needed to be told to offer the voteable Spanish ballot to Spanish-speaking voters.
- **UC Agriculture Extension Service Auditorium, 1432 Freedom Blvd, Watsonville, CA:** Spanish-speaking voter struggled with English ballot. Poll monitors approached poll workers about offering Spanish assistance; poll workers refused, saying they cannot profile voters or offer any language assistance unless the voter asks for it.

SOLANO COUNTY

Advancing Justice – ALC poll monitors visited 20 Solano County polling places, all of which had state law coverage only. One in every four facsimile ballots was missing in the polling places visited. Two of the polling places were missing bilingual poll workers.

Solano County added a best practice in 2016 by having bilingual poll workers wear ribbons that identified their language skills; about two-thirds of polling places with bilingual poll workers used them on Election Day.

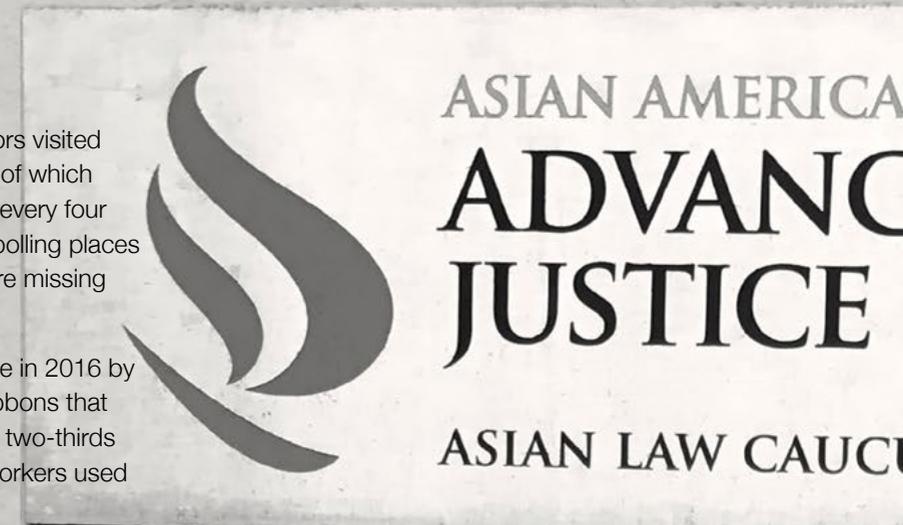
STANISLAUS COUNTY

Partner CBOs: El Concilio, Congregations Building Community, Jakara Movement

Poll monitors from Advancing Justice – ALC visited 60 Stanislaus County polling places. Three were missing Spanish-language Section 203 ballots (5 percent). Roughly 23 percent of Stanislaus County polling places were missing at least one of the translated supplementary Section 203 documents. Once our poll monitors inquired about these documents, they still could not be located and displayed at 8.3 percent of Stanislaus County polling places, a high rate.

Two of the 13 facsimile ballots we expected to find in Stanislaus County polling places were missing; both these facsimiles were located and displayed after poll monitor inquiry. The County does not post any translated signage alerting voters to facsimile ballots' presence in the polling place.

While the County had a very standard performance with regard to recruitment of bilingual poll workers overall, it can improve its recruitment of speakers of state law languages. Nine out of the 11 polling places we visited that required a Hindi facsimile did not have a Hindi- or Punjabi-speaking poll worker and none of the three polling places we visited that required a Khmer facsimile had a Khmer-speaking poll worker.



Our poll monitors encountered an unusually high number of problems outside of the language access area in Stanislaus County, including long lines, overcrowded polling places, incorrect poll worker behavior with regard to the offering of provisional ballots, poll workers mistreating assisters who voters had brought to help them vote, and six different polling places where voters were asked for identification inappropriately.

- **The Carpenter’s House, 1105 S Carpenter Rd, Modesto CA:** Poll workers wanted to display translated supplementary Section 203 materials but were unsure what they were.
- **Hammon Senior Center, 1033 W Las Palmas Ave, Patterson, CA:** Location was much too small – reportedly, the smallest room available in a senior center. Because the location was too small to fit voters adequately, a line formed that at one point reached 50 people long. Estimated wait time 30-40 minutes. Additionally, polling place was very poorly lit. Voter in wheelchair said that booth was so dark that he couldn’t see the ballot properly and limited space made it hard to navigate his wheelchair. Local mayor arrived on the scene, intervened, and successfully led the fight for moving the polling place from small room to larger room.
- **Tuolumne Elementary School, 707 Herndon Rd, Modesto, CA:** Older man with disability assisted by son; voted side by side. Son got up after voting to turn in both ballots and poll worker said out loud, “He’s trying to vote twice!” Situation was quickly resolved.
- **Turlock Free Will Baptist Church, 2217 Geer Rd, Turlock, CA:** Poll workers asked voters for identification. Lead poll worker asserted that during training she had been told poll workers could ask – even should ask – for identification but if voters refused then voters could still vote. Poll monitors told her this was problematic. Lead poll worker said, “We’ll do what we think is right.”

- **Patterson Joint Unified School District, 530 Keystone Blvd, Patterson, CA:** Poll workers asked voters for identification, explained that they were doing it to verify addresses and viewed that as acceptable. Too few voting booths. People went to vote elsewhere, including in their cars. A voter brought someone to help them vote but the poll workers refused to let the assister help.
- **330 Maxwell Ave, Oakdale, CA:** Voter turned away without being given a provisional ballot and was given phone number to call instead. Voter came back and said number did not work.

SUTTER COUNTY

Partner CBO: Jakara Movement

Advancing Justice – ALC poll monitors visited 10 Sutter County polling places. They found that the County performed extremely well on meeting its language access requirements mandated by state law. Just three facsimile ballots that we expected to find at Sutter County polling places were not displayed upon our poll monitors arrival, a rate (10 percent) lower than statewide average. All three of these missing facsimile ballots were at one polling place; they were found under piles of other papers and displayed. Facsimiles were available in loose leaf and multiple poll monitors reported that bilingual poll workers held the loose leaf facsimiles in their hands as they assisted voters. Additionally, Sutter County supplied Punjabi facsimile ballots, even though the County is not required to, because elections officials are cognizant of a very large Punjabi-speaking community in the County.

Every Sutter County polling place had at least one bilingual poll worker and several had both a Spanish-speaking poll worker and a Punjabi-speaking poll worker, representing the two largest language minorities in the County. In only one polling place were bilingual poll workers not wearing name tags identifying their language skills.

TULARE COUNTY

Partner CBO: Dolores Huerta Foundation

Advancing Justice-LA coordinated with Dolores Huerta Foundation on poll monitoring efforts in 12 precincts in Tulare County. Every precinct observed had its Section 203 Spanish ballots available. Around 17 percent of the precincts observed were missing at least one of the supplementary Section 203 materials, a number that, while high, is below the average of counties across the state. There are opportunities for improvement. Over a third of the precincts monitored did not display “Spanish spoken here” signs and 42 percent did not visibly display directional and “Vote Here” signs in Spanish outside of the polling location.

All but one polling place monitored had at least one Spanish-speaking poll worker. At the same time, however, none of the polling places monitored that required a Filipino/Tagalog facsimile ballot had a Filipino/Tagalog-speaking poll worker.

- **712 E Washington St, Earlimart, CA:** Poll monitors were asked to stand in a place that gave them a limited view of voting materials, interactions between voters and poll workers, and the voting process. Poll workers appeared to be socializing with friends and family and were not helping voters. Voters were seen sharing ballots.
- **607 Richgrove Dr, Richgrove, CA:** Poll inspector informed the poll monitor that the “entire community is aware of the location and there was no reason to place” directional signs.

YOLO COUNTY

Partner CBO: Chinese American Council of Sacramento

Advancing Justice – ALC visited 43 Yolo County polling places, all of which had state law and not federal law coverage. Yolo County performed very well with regard to its facsimile ballots requirements. Only 4.2 percent of the facsimile ballots required were missing upon poll monitors’ arrival (three missing out of 71 required); this compares extremely favorably to the statewide average. Yolo County also created and used laminated loose leaf versions of the facsimile ballot that enabled voters with language needs to use the facsimile and cast a private ballot.

Bilingual poll workers are an opportunity for growth. Almost 40 percent of the Yolo County polling places visited lacked bilingual poll workers, higher than other counties. Nineteen out of 42 polling places visited that required a Spanish facsimile had no Spanish-speaking poll worker, 24 out of the 26 polling places visited that required a Chinese facsimile had no Chinese-speaking poll worker, none of the two polling places visited that required a Hindi facsimile had a Hindi- or Punjabi-speaking poll worker, and the one polling place visited that required a Filipino/Tagalog facsimile did not have a Filipino/Tagalog-speaking poll worker.

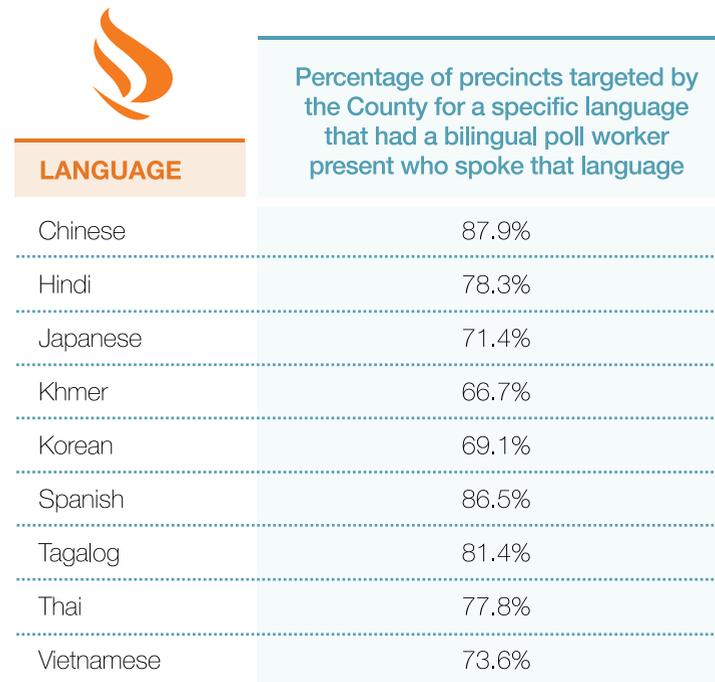


LOS ANGELES COUNTY

Advancing Justice - LA conducted poll monitoring at 274 precincts (122 sites) throughout Los Angeles County. During the November 2016 election, Los Angeles County was covered for nine Section 203 languages, the largest coverage in the nation. LA County has some unique differences that make it difficult to integrate LA County into our data analysis. For example, Los Angeles uses scantrons in lieu of traditional ballots. Therefore, poll monitors looked for translated sample ballots (also known as county voter information guides), which voters use as a necessary reference document while casting their vote, instead of translated ballots. Additionally, the County does not provide facsimile ballots in any languages because it has federal law, and not state law, coverage for every language. We, therefore, provide LA County's data independently.

Bilingual Poll Workers

Advancing Justice - LA only monitored precincts that were assigned at least one bilingual poll worker by the county elections office under Section 203. The LA County elections office identifies where minority language communities live and targets the polling places in those areas for bilingual poll worker placement. The County had mixed success recruiting and placing bilingual poll workers at the precincts it had targeted for language assistance:



LANGUAGE	Percentage of precincts targeted by the County for a specific language that had a bilingual poll worker present who spoke that language
Chinese	87.9%
Hindi	78.3%
Japanese	71.4%
Khmer	66.7%
Korean	69.1%
Spanish	86.5%
Tagalog	81.4%
Thai	77.8%
Vietnamese	73.6%

In roughly 80 percent of polling places with bilingual poll workers, the bilingual poll workers were wearing badges identifying the languages they spoke. The vast majority of bilingual poll workers who did not have badges put them on at the request of the poll monitor. Although generally cooperative, a poll worker (at 705 N Lark Ellen Ave., West Covina, CA 91791) made a disparaging remark saying voters should speak some English if they want to vote and should be able to ask for assistance in English.

Translated Sample Ballots

The county elections office had more success in ensuring that relevant translated sample ballots were displayed at the precincts it had targeted for language assistance. Advancing Justice – LA poll monitors found 88 percent of the translated sample ballots they expected to find.

Other Issues

One of LA County's greatest challenges was the wait time at the polls. Sixty-nine precincts, about one quarter of all precincts monitored, were reported to have long lines of voters and long wait times. Poll monitors reported that crowdedness combined with an inefficient check-in system in certain sites resulted in both a long wait and confusion among voters. Many of the precincts with long waits and confusing setups were located at polling places with multiple precincts (up to four precincts).

At twelve precincts observed, voters were asked for their IDs unnecessarily. One of the voters affected by this practice was a former staff member of Advancing Justice - LA. When improperly asked for ID, she informed the poll worker that she did not have to provide ID. The poll worker asked her, "How will I know who you are?" The former staff was eventually able to get her ballot from the poll worker. However, when her friend similarly opted not to provide her ID, she was denied her ballot. The former staff was only able to resolve this issue by speaking with the poll site supervisor (13717 Artesia Blvd, Cerritos, CA).

At three of the precincts observed the ramps and stairs were too steep and almost dangerous for seniors and voters in wheelchairs. A voter with a walker had trouble getting to an accessibility booth; however, poll workers moved the booth to accommodate them.

- **100 N New Hampshire Ave, Los Angeles, CA:** A voter in a wheelchair had to stand up to vote because the accessibility booth was not set up.
- **255 S Hill St, Los Angeles, CA 90012:** The accessibility booth was not working and a blind voter was waiting for it to be fixed for nearly two hours. The Advancing Justice-LA poll monitor drove the voter to a different location with a working machine.



6.

RECOMMENDATIONS



*Recommendations to Improve Compliance with Federal and State Law
Language Access Requirements and to Improve Implementation of Best Practices.*

Improve Poll Worker Trainings

While the challenges counties experienced varied greatly among one another, all would do well to provide poll workers more and better training on the following commonly seen issues.

■ **Section 14201 Requirements (Facsimile Ballots)**

Facsimile ballots were missing at very high rates in our poll monitoring – 234 facsimile ballots were missing out of a required 948. Even counties that performed well on their Section 203 requirements saw high rates of non-compliance in this area. Some poll workers who spoke with our poll monitors seemed confused as to why facsimile ballots are important and what the law requires with regard to them. In dozens of instances, our poll monitors helped poll workers search for facsimiles only to find them in boxes, folders, or binders behind or next to polling place main tables. Counties should do more to ensure poll workers are familiar with Section 14201, where to place facsimiles, and when to provide them to voters.

■ **Section 203 Supplementary Materials**

At many polling places that failed to post Section 203 supplementary materials, poll workers were eager to correct their mistakes but were unsure what they were looking for. By ensuring that poll workers are familiar with Section 203 and by providing examples of all the materials it requires, this problem can be avoided in the future.

■ Voter ID

At 41 polling places, our poll monitors witnessed poll workers ask voters for identification inappropriately. Some of these incidents were a result of overzealous poll workers asking for identification from all voters, and counties that were home to this problem need to take aggressive action to train poll workers better on the requirements of state law in this area. However, many of these incidents occurred in one of two less pernicious ways: first, poll workers said they asked for identification not as a requirement for voting but because it was the easiest and most efficient way to verify addresses; second, poll workers said they asked for identification only when voters had names the poll workers had difficulty understanding/spelling. In both cases, poll workers did not seem to appreciate that they had self-imposed a soft Voter ID requirement on all or some voters. Elections offices should clarify in poll worker trainings that this is not appropriate. With regard to the hard-to-spell names, counties should train poll workers to ask voters in that situation to print their names on pieces of paper instead of asking for identification.

■ Rights of Poll Monitors

While the vast majority of poll workers reacted positively to poll monitors and appreciated the role they play in ensuring an accessible democracy, at some polling places our poll monitors were greeted with hostility or even removed from the premises. Counties should evaluate whether they adequately prepare their poll workers for the presence of outside observers and consider strengthening their training around the right of the public to observe the voting process. In particular, they should share with poll workers the introductory section of Secretary of State CC/ROV #16308, which makes clear what poll monitors may and may not do in a polling place.

Provide Poll Workers with Greater Election Day Support

In the vast majority of cases where a translated Section 203 ballot, translated supplementary Section 203 materials, and/or a translated facsimile ballot was/were missing when our poll monitors arrived, the missing material(s) were in fact provided by the elections office. After some searching, the materials were typically found and posted or displayed. This suggests elections offices are doing their jobs appropriately, but poll worker error is leading to the non-compliance with language access requirements.

Counties should provide each polling place captain with a checklist of all language assistance materials and instruct those captains to walk through their checklists before opening their polling places. This would help ensure that polling places display all translated materials that federal and state law guarantee to limited-English speaking voters. Advancing Justice – California can provide an example of such a checklist currently in use in one county.

Expand Use of Best Practices that Make Language Assistance More Visible to Voters

Voters can only use the language assistance provided by elections officials if they can recognize that assistance is available. Very simple best practices can increase the visibility of language assistance.

■ **Increased Signage:** Translated signs indicating facsimiles are available and indicating the languages in which voters can receive assistance should be posted near or on polling place main tables. Our poll monitoring found that several counties use some version of this, but implementation on Election Day is spotty. Advancing Justice – California can provide examples of such signage currently in use in California counties.

■ **Bilingual Poll Worker Name Tags, Stickers, or Buttons:** In the event voters do not see the sign about the languages in which poll workers can assist them, a name tag, sticker, button, or something similar worn by bilingual poll workers advertising their language skills will likely get voters' attention.

■ **Additional Information in the Standard Sample Ballot:** Most voters who need a facsimile ballot have no idea that facsimiles are available to them. Counties should use a filler page in their standard sample ballot to provide information, translated into the Section 14201 languages of the county, explaining what facsimile ballots are and where in a polling place they can be found. Counties should also include which polling places will have facsimile ballots or direct voters to a place online where they can find out which polling places will have facsimiles. Additionally, counties should include translated information about the fact that voters may bring up to two individuals with them to the polls in order to assist them in voting, as long as those individuals are not representatives of the voter's employer or union.

Increase Recruitment of Bilingual Poll Workers

While most counties were able to recruit a high number of bilingual poll workers, there is substantial room for improvement in the recruitment of poll workers who speak languages covered by Section 12303(c) of the state Elections Code.

Section 12303(c) says that when the 3 percent threshold is met by a minority language community in a precinct, elections officials must make “reasonable efforts” to recruit poll workers who speak that language. While counties excelled at providing bilingual poll workers overall – almost 92 percent of polling places visited had at least one bilingual poll worker – we found that they did not consistently provide bilingual poll workers speaking state law languages. Statewide, in precincts where the 3 percent threshold was met for a language, just 38 percent had a poll worker bilingual in that language. Even in counties that very consistently provided bilingual poll workers who spoke Section 203 languages, the rate of not providing speakers of the state law languages in precincts where the 3 percent threshold was met reached over 60, 70, and even 80 percent.

Our recommendations are the following:

- Continue to deepen relationships with community organizations in the hopes of recruiting bilingual poll workers from among their constituencies.
- Focus recruitment on high schools in diverse areas.
- Create a county poll worker program that enables employees of other government agencies or departments to work as poll workers while receiving their standard pay (county departments often have large bilingual staffs).
- Target churches and places of worship serving a particular ethnic community, adult education programs for individuals learning English as a second language, identity-based college student groups, senior centers serving a particular ethnic community, ethnic community centers, and ethnic chambers of commerce.
- Make full use of the ability under state law to recruit lawful permanent residents (also known as greencard holders) to serve as bilingual poll workers.

 **Supplement Hindi Materials with Materials in Language Spoken by Local South Asian Community**

Counties throughout the Central Valley currently offer Hindi facsimile ballots, because direction from the Secretary of State, dating back to the previous administration, dictates providing Hindi materials wherever the 3 percent threshold is met by an Indian American community. This flies in the face of both Census data and the lived experience of people in the Central Valley, both of which indicate that the predominant Indian American community in the Central Valley is Punjabi-speaking Sikhs.



	Residents who speak Hindi in the home & speak English less than very well	Residents who speak "Other Indic Language" in the home & speak English less than very well	"Other Indic Language" speakers as a percentage of Hindi speakers
REGIONWIDE TOTALS	6,614	31,998	484%
Fresno	568	6,333	1,115%
Kern	76	3,171	4,172%
Merced	94	2,153	2,290%
Sacramento	3,787	6,765	179%
San Joaquin	836	5,241	627%
Stanislaus	842	2,288	272%
Sutter	112	4,997	4,462%
Yolo	299	1,050	351%

Source: U.S. Census Bureau, American Community Survey, 2010-2014 5-year estimates.

According to US census data, the counties of Yolo, Sutter, Sacramento, Stanislaus, San Joaquin, Merced, Kern, and Fresno have 6,614 residents who speak Hindi in the home and who speak English less than very well. In contrast, they are home to 31,998 residents who speaking an "other Indic language" in the home and who speak English less than very well. The U.S. Census Bureau tracks the number of speakers of Hindi, Gujarati, Urdu, and "Other Indic Languages" in each county. Given the Sikh community's long history in California's Central Valley and the absence of other Indian American language communities in that region, the vast majority of speakers in the Central Valley of an "Other Indic Language" must be Punjabi-speakers.



Polling places in counties throughout Central California currently offering Hindi facsimile ballots and translated signage should provide the same in Punjabi. Currently, only Sutter County takes this proactive step. Counties should supplement Punjabi-language materials with outreach to the local Punjabi community and the recruitment of Punjabi-speaking poll workers. Some Central California counties, especially Fresno County, already do this with great success.

For counties outside of Central California with Hindi requirements under Section 14201, election officials should reach out to the local South Asian community to see if it makes sense to supplement Hindi facsimiles with facsimiles in other South Asian languages.

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Using Legislation to Improve the Language Access Requirements in State Law

Our poll monitoring found that compliance with California Elections Code Section 14201 (facsimile ballots for languages that meet the 3 percent threshold) and Section 12303(c) (“reasonable efforts” to recruit bilingual poll workers that speak languages that meet the 3 percent thresholds) was substantially worse than compliance with federal law’s requirements. However, it is also the case that even if state law’s language access requirements are met fully, they do not provide meaningful language assistance to voters. State law’s language access requirements are in need of an upgrade if California wants to continue to build an inclusive and representative democracy.

Facsimile ballots are too easily missed, do not allow for casting of a private ballot, and provide no assistance to vote-by-mail voters.

Voters have no reason to expect, look for, or ask about a facsimile ballot when arriving at the polling place. Nothing in the voter’s sample ballot lets the voter know he/she should look for a facsimile ballot and no county we have spoken to claims to do any voter education or outreach to LEP voters to inform them about facsimile ballots. Over 40 percent of Northern California polling places we visited in November 2016 had no signage alerting voters to the presence of facsimiles and multiple poll workers told our poll monitors that they were not aware what a facsimile ballot was and/or did not know when they were supposed to provide a facsimile ballot to a voter.

Even if a facsimile ballot is located by voters, it provides a severely limited form of language assistance. With some exceptions, counties post facsimiles on the walls of polling places or put them on poster boards/kiosks. Using facsimiles therefore requires a voter to vote while standing at the wall or in the middle of the polling place, toggling between the English ballot and the translated facsimile, denying the LEP voter the opportunity to cast a private ballot.

Facsimile ballots offer nothing to LEP voters who vote by mail. As California voters increasingly opt for vote-by-mail, Section 14201 serves fewer and fewer people. California runs the risk of disenfranchising voters in need of language assistance simply because those voters chose one voting method instead of another, likely with no awareness of the consequences for the opportunity for language access.

Best practices that are already in use by high-achieving counties can unlock the meaningful language access California’s LEP voters deserve.

Strengthening the state law’s language access requirements can address the problems identified above. Most of the recommendations here are best practices already in use by counties we have worked with.

- Make facsimile ballots available in loose leaf at polling place main tables.
- Post a sign next to the roster of voters that informs voters that facsimile ballots are available. This text should be in English and all languages in which the polling place has facsimile ballots.
- Have bilingual poll workers wear name tags, badges, stickers, or buttons that identify the non-English languages they speak. Post a sign that identifies the same.

- Allow voters, including vote-by-mail voters, to request a facsimile ballot be mailed to them before Election Day, if they live in a precinct that would have a facsimile in that language on Election Day.
- Make clear on a county’s website and in its sample ballot booklet which polling places will have facsimile ballots on Election Day and how a voter may request a facsimile before Election Day. This text should be in English and all languages for which the county must provide facsimile ballots.
- Replace facsimile ballots with voteable translated ballots, if possible.



Statewide legislation bringing about these changes would be the most effective way of increasing language access in voting for California’s LEP communities. As the state with the most immigrant voters and the most limited-English voters in the nation, California must be on the cutting edge of making translated ballots and bilingual poll workers available. Asian Americans and Latinos are California’s fastest growing populations – ensuring those communities do not encounter language barriers to the ballot is a key part of building an accessible, inclusive, and diverse democracy in our state.

Appendix A:

Language Access Coverage by County, November 2016¹

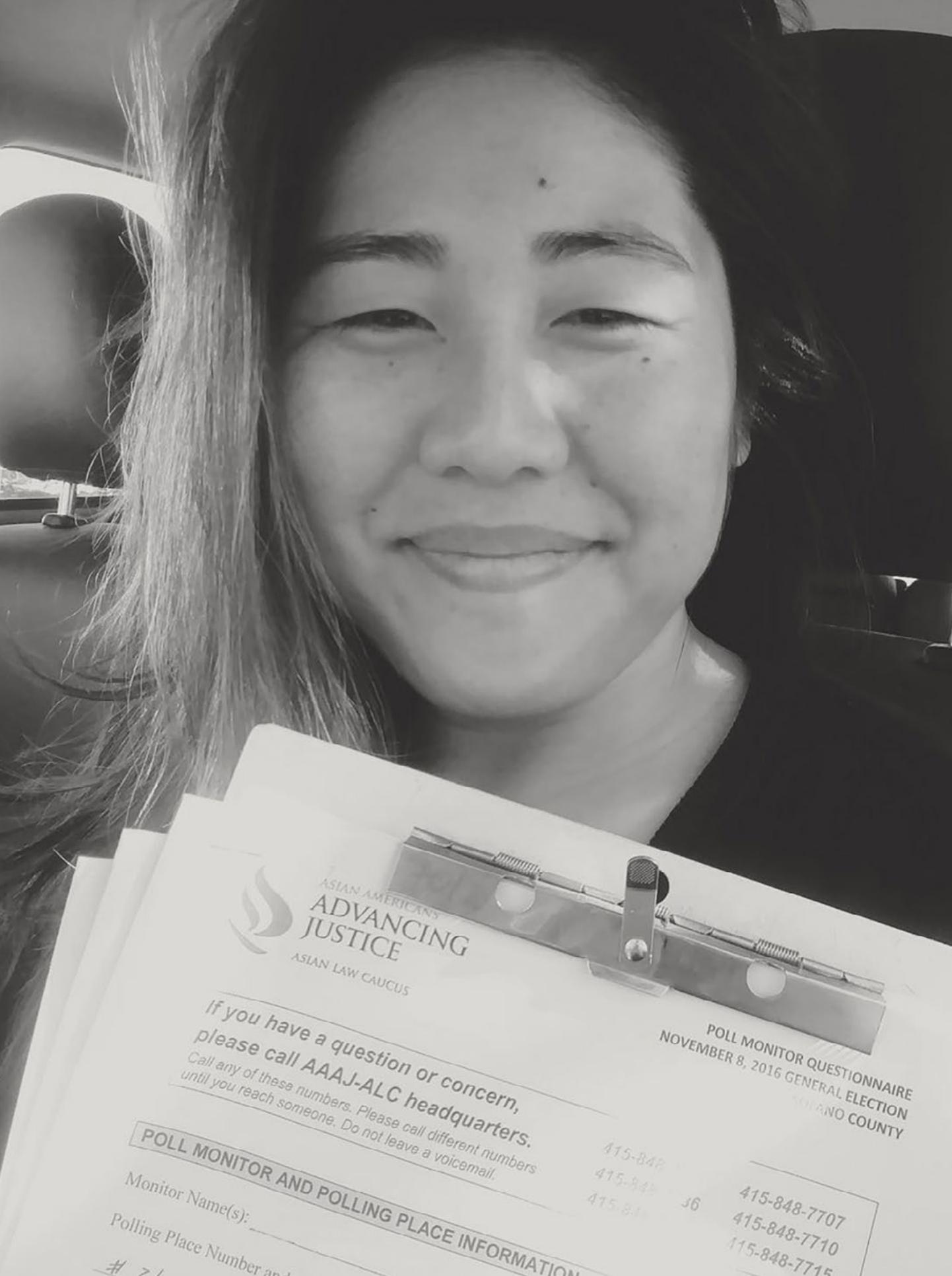


COUNTY	Federal Law, covered languages for voting purposes	State Law, covered languages for voting purposes
Alameda	Spanish, Chinese, Filipino/Tagalog, Vietnamese	Hindi, Japanese, Khmer, Korean
Contra Costa	Spanish	Chinese, Hindi, Japanese, Korean, Filipino/Tagalog, Vietnamese
Fresno	Spanish	Chinese, Hindi, Japanese, Khmer
Kern	Spanish	Filipino/Tagalog, Hindi
Kings	Spanish	Filipino/Tagalog
Los Angeles	Spanish, Chinese, Filipino/Tagalog, Japanese, Khmer, Korean, Thai, Vietnamese, Hindi	
Marin		Spanish, Chinese, Korean, Vietnamese
Mendocino		Spanish, Chinese
Merced	Spanish	Hindi
Monterey	Spanish	Chinese, Korean, Filipino/Tagalog, Vietnamese
Napa	Spanish	Chinese, Filipino/Tagalog
Orange	Spanish, Chinese, Korean, Vietnamese	Filipino/Tagalog, Japanese, Khmer, Hindi
Riverside	Spanish	Chinese, Filipino/Tagalog, Korean, Vietnamese

1. These 25 counties are the ones in which Advancing Justice-CA conducted poll monitoring.



COUNTY	Federal Law, covered languages for voting purposes	State Law, covered languages for voting purposes
Sacramento	Spanish, Chinese	Hindi, Japanese, Korean, Filipino/Tagalog, Vietnamese
San Bernardino	Spanish	Chinese, Filipino/Tagalog, Khmer, Korean, Vietnamese
San Diego	Spanish, Chinese, Filipino/Tagalog, Vietnamese	Japanese, Khmer, Korean, Hindi
San Francisco	Spanish, Chinese, Filipino/Tagalog (treated as a Section 203 language due to local law)	Japanese, Korean, Vietnamese
San Joaquin	Spanish	Chinese, Hindi, Khmer, Filipino/Tagalog, Vietnamese
San Mateo	Spanish, Chinese	Hindi, Japanese, Filipino/Tagalog
Santa Cruz		Spanish, Chinese, Filipino/Tagalog
Solano		Spanish, Chinese, Filipino/Tagalog
Stanislaus	Spanish	Hindi, Khmer
Sutter		Spanish, Hindi
Tulare	Spanish	Filipino/Tagalog
Yolo		Spanish, Chinese, Hindi, Filipino/Tagalog



Appendix B: In-Depth Data



Total # of polling
places visited

STATEWIDE TOTAL	1286
Alameda	93
Contra Costa	63
Fresno	111
Kern	13
Kings	14
Los Angeles	274
Marin	12
Mendocino	5
Merced	48
Monterey	19
Napa	5
Orange	37
Riverside	15
Sacramento	69
San Bernardino	20
San Diego	114
San Francisco	79
San Joaquin	83
San Mateo	41
Santa Cruz	26
Solano	20
Stanislaus	60
Sutter	10
Tulare	12
Yolo	43

Section 203 Ballots



	# of Section 203 ballots expected	# of Section 203 ballots missing (regular or provisional) upon PM arrival	% of Section 203 ballots missing (regular or provisional) upon PM arrival
STATEWIDE TOTALS	1896	68	3.6%
Alameda	372	18	4.8%
Contra Costa	63	0	0.0%
Fresno	111	1	0.9%
Kern	13	0	0.0%
Kings	14	1	7.1%
Merced	48	0	0.0%
Monterey	19	0	0.0%
Napa	5	0	0.0%
Orange ¹	148	15	10.1%
Riverside	15	0	0.0%
Sacramento	138	0	0.0%
San Bernardino	20	2	10.0%
San Diego	456	27	5.9%
San Francisco	237	1	0.4%
San Joaquin	83	0	0.0%
San Mateo	82	0	0.0%
Stanislaus	60	3	5.0%
Tulare	12	0	0.0%

1. While some paper copies of Section 203 ballots were missing in Orange County, translated Section 203 ballots were consistently available in electronic format.

Section 203 Supplementary Materials (Voter Bill of Rights, State Voter Guide, County Sample Ballot)



	# of polling places visited (counties with Section 203 req. only)	# of polling places missing at least one of supplementary materials upon PM arrival	% of polling places missing at least one of supplementary materials upon PM arrival
STATEWIDE TOTALS	896	196	21.9%
Alameda	93	17	18.3%
Contra Costa	63	5	7.9%
Fresno	111	48	43.2%
Kern	13	0	0.0%
Kings	14	1	7.1%
Merced	48	2	4.2%
Monterey	19	5	26.32%
Napa	5	1	20.0%
Orange	37	8	21.6%
Riverside	15	2	13.3%
Sacramento	69	18	26.1%
San Bernardino	20	6	30.0%
San Diego	114	29	25.4%
San Francisco	79	14	17.7%
San Joaquin	83	17	20.5%
San Mateo	41	7	17.1%
Stanislaus	60	14	23.3%
Tulare	12	2	16.7%

Facsimile Ballots



	# of facsimile ballots expected	# of facsimile ballots missing upon PM arrival	% of facsimile ballots missing upon PM arrival
STATEWIDE TOTALS	948	234	24.7%
Alameda	43	4	9.3%
Contra Costa	147	57	38.8%
Fresno	54	23	42.6%
Kern	2	0	0.0%
Kings	5	1	20.0%
Marin	14	2	14.3%
Mendocino	6	2	33.3%
Merced	18	3	16.7%
Monterey	29	6	20.7%
Napa	7	1	14.3%
Riverside	19	4	21.1%
Sacramento	96	30	31.3%
San Bernardino	33	12	36.4%
San Diego	19	10	52.6%
San Francisco	237	39	16.5%
San Mateo	27	11	40.7%
Santa Cruz	14	5	35.7%
Solano	60	15	25.0%
Stanislaus	13	2	15.4%
Sutter	30	3	10.0%
Tulare	4	1	25.0%
Yolo	71	3	4.2%

Facsimile Ballot Best Practice



	# of polling places with facsimiles	# of polling places with facsimiles missing translated sign indicating facsimiles available	% of polling places with facsimiles missing translated sign indicates facsimiles available
STATEWIDE TOTALS	540	221	40.9%
Alameda	32	9	28.1%
Contra Costa	62	18	29.0%
Fresno	48	12	25.0%
Marin	12	0	0.0%
Mendocino	5	5	0.0%
Merced	18	6	33.3%
Monterey	19	7	36.84%
Napa	5	1	20.0%
Sacramento	61	35	57.4%
San Francisco	79	12	15.2%
San Joaquin	79	58	73.4%
San Mateo	27	18	66.7%
Santa Cruz	10	5	50.0%
Solano	20	12	60.0%
Stanislaus	10	10	100.0%
Sutter	10	5	50.0%
Yolo	43	8	18.6%

Bilingual Poll Workers



	# of polling places visited	# of polling places without bilingual poll worker	% of polling places without bilingual poll worker
STATEWIDE TOTALS	1011	83	8.2%
Alameda	93	8	8.6%
Contra Costa	63	10	15.9%
Fresno	111	6	5.4%
Kern	13	0	0.0%
Kings	14	3	21.4%
Marin	12	3	25.0%
Mendocino	5	3	60.0%
Merced	48	0	0.0%
Monterey	19	1	5.3%
Napa	5	0	0.0%
Orange	36	0	0.0%
Riverside	15	0	0.0%
Sacramento	69	3	4.3%
San Bernardino	20	2	10.0%
San Diego	114	1	0.9%
San Francisco	79	2	2.5%
San Joaquin	83	5	6.0%
San Mateo	41	4	10.8%
Santa Cruz	26	5	19.2%
Solano	20	2	10.0%
Stanislaus	60	7	11.7%
Sutter	10	0	0.0%
Tulare	12	1	8.3%
Yolo	43	17	39.5%

Bilingual Poll Workers Speaking State Law Languages



	# of instances in which 3% threshold met and "reasonable efforts" to recruit bilingual poll worker required by Section 12303 (i.e. targeted # of poll workers speaking state law languages)	# of instances in which 3% threshold met and no bilingual poll worker present	% of instances in which 3% threshold met and no bilingual poll worker present
STATEWIDE TOTALS	799	496	62.1%
Alameda	42	18	42.9%
Contra Costa	147	130	88.4%
Fresno	54	10	18.5%
Kern	2	1	50.0%
Kings	5	4	80.0%
Marin	14	6	42.9%
Mendocino	6	4	66.7%
Merced	18	15	83.3%
Monterey	34	28	82.4%
Napa	5	1	20.0%
Riverside	19	16	84.2%
Sacramento	96	31	32.3%
San Bernardino	20	18	90.0%
San Diego	19	9	47.4%
San Joaquin	148	124	83.8%
San Mateo	27	8	29.6%
Santa Cruz	34	6	17.6%
Stanislaus	14	12	85.7%
Sutter	20	5	25.0%
Tulare	4	4	100.0%
Yolo	71	46	64.8%

Bilingual Poll Worker Best Practices



	# of polling places with bilingual poll workers (BPW)	# of polling places with BPW in which BPW not wearing name tags identifying language skills	% of polling places with BPW in which BPW not wearing name tags identifying language skills
STATEWIDE TOTALS	928	296	31.9%
Alameda	85	3	3.5%
Contra Costa	53	21	39.6%
Fresno	105	57	54.3%
Kern	13	3	23.1%
Kings	11	8	72.7%
Marin	9	5	55.6%
Mendocino	2	2	100.0%
Merced	48	9	18.8%
Monterey	18	5	27.8%
Napa	5	0	0.0%
Orange	36	15	41.7%
Riverside	15	7	46.7%
Sacramento	66	7	10.6%
San Bernardino	18	7	38.9%
San Diego	113	22	19.5%
San Francisco	77	11	14.3%
San Joaquin	78	29	37.2%
San Mateo	37	18	48.6%
Santa Cruz	21	5	23.8%
Solano	18	6	33.3%
Stanislaus	53	33	62.3%
Sutter	10	1	10.0%
Tulare	11	3	27.3%
Yolo	26	19	73.1%

Bilingual Poll Worker Best Practices



	# of polling places with bilingual poll workers	# of polling places with BPW in which no translated sign indicates BPW language skills	% of polling places with BPW in which no translated sign indicates BPW language skills
STATEWIDE TOTALS	711	281	39.5%
Alameda	85	16	18.8%
Contra Costa	53	39	73.6%
Fresno	105	35	33.3%
Marin	9	4	44.4%
Mendocino	2	2	100.0%
Merced	48	18	37.5%
Monterey	18	9	50.0%
Napa	5	1	20.0%
Sacramento	66	20	30.3%
San Francisco	77	30	39.0%
San Joaquin	78	57	73.1%
San Mateo	37	7	18.9%
Santa Cruz	21	18	85.7%
Solano	18	9	50.0%
Stanislaus	53	4	7.5%
Sutter	10	6	60.0%
Yolo	26	6	23.1%



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