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## Written Testimony

By

**The National Association of Latino Elected and Appointed Officials (NALEO)  
Educational Fund**

Submitted to the

**Little Hoover Commission  
On Increasing Voter Participation in California Elections**

**May 25, 2017**

# NALEO

## Educational Fund

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The National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund is pleased to have the opportunity to provide the Little Hoover Commission with recommendations to improve the participation of Latinos and all Californians in the state's elections.

The NALEO Educational Fund is a non-profit, non-partisan organization that facilitates full Latino participation in the American political process, from citizenship to public service. Our constituency includes the more than 6,100 Latino elected and appointed officials nationwide, including 1,426 from California. Our Board members and constituency include Republicans, Democrats and Independents. The NALEO Educational Fund is at the forefront of efforts to promote policies that protect Latino voting rights and provide Latinos with full access to California's electoral process.

Latinos comprise California's largest population group (39%) and the state's second largest electorate. According to Census 2015 American Community Survey data (1-year estimates), the state's 7.2 million Latino voting-age citizens account for 29% of California's voting-age citizen population. More than one-half of the state's under 18 population (52%) is Latino, and most of these youth are native-born (93%). However, California's Latino participation rates lag behind those of the state's non-Hispanics. According to Census Current Population Survey data, during the 2012 Presidential election, less than half of Latino voting-age citizens cast ballots (49%), compared to 61% of the non-Hispanic voting-age citizen population. During California's 2014 mid-term Congressional elections, 25% of Latino voting-age citizens cast ballots, compared to 41% of the non-Hispanic voting-age citizen population. As Latinos account for a growing share of California's electorate, Latinos' full engagement with the electoral process will become even more critical to ensuring the strength and vitality of our state's democracy.

This testimony will summarize the NALEO Educational Fund's work with and on behalf of Latino voters in California, and set forth lessons we have learned about barriers to Latino participation, and policies and practices which could enhance Latino access to registration and voting. We will then address our work to ensure that that the design and implementation of several California electoral reforms address the needs of Latino voters. Throughout this discussion, we include recommendations that emphasize three general themes: 1) the value of effective strategies to provide Latino voters with information about all aspects of the electoral process; 2) the need to ensure full compliance with federal and state requirements to provide language assistance to Latinos and other language minorities; and 3) the importance of obtaining the input of community members who are familiar with Latino voters when implementing any changes in election practices and procedures.

## **I. The NALEO Educational Fund's Work on Voter Participation and Election Administration**

For several decades, the NALEO Educational Fund has worked to achieve its mission of promoting the civic integration of the Latino community through voter education and outreach efforts, professional development programming for Latino elected and appointed officials, the

dissemination of information on Latino engagement and political impact, and advocacy in support of policies that protect Latino voters.

The NALEO Educational Fund mobilizes community members to participate in our nation's civic life by conducting direct outreach to and original research concerning our nation's rapidly-growing Latino electorate. Since 2004, we have operated a year-round bilingual voter information and education hotline, 888-VE-Y-VOTA (Go and Vote!), which has assisted more than 200,000 callers since its launch. We complement the hotline with our bilingual *yaeshora.info* website, which provides supplemental resources such as detailed voter registration and election information.

In addition, our civic engagement efforts include the coordination of non-partisan voter registration drives and extensive get-out-the-vote and election education campaigns. To help shape and improve the effectiveness of these and other non-partisan voter engagement efforts, we have undertaken several original research initiatives, including our Election 2016 effort to test voter mobilization messages with Latino voters, refine voter engagement strategies, and better understand the reasons why Latino low-propensity voters decline to participate in elections.

Everything that we learn about the voting landscape from our partnerships with community organizations, and voters themselves, informs our policy development work in California. Our policy efforts advance laws and practices that increase Latino voter participation, and ensure that elections are equally accessible to voters from all under-represented communities. As described in more detail below, the NALEO Educational Fund is a leader in such collaborative efforts as the Future of California Elections (FoCE), and serves on several advisory committees, working groups and task forces which have guided the development and implementation of fundamental changes in California election policies and practices.

## **II. The NALEO Educational Fund's Experiences with California Latino Voters and Our Election Research**

Since 2001, NALEO Educational Fund has undertaken unprecedented efforts to reach potential Latino voters, provide them with the information they need to cast ballots, and learn about their subjective and objective experiences as voters. These efforts have confirmed the importance of our emphasis on providing voters with basic information about registration and voting, our advocacy of robust language assistance to voters, and our work with public and private sector partners to make voting easier and more accessible.

### The VE-Y-VOTA Hotline

Between June 1 and November 30, 2016, NALEO Educational Fund assisted more than 6,300 California callers to 888-VE-Y-VOTA who had questions about voting or election issues. The majority of the calls were requests for basic information about the voting and registration process that is accessible to Latinos who are not yet fully fluent in English.

Callers generally requested the following information:

- Polling place and vote-by-mail (VBM) ballot drop-off locations.
- Confirmation of their registration status.
- Information about where and how to register to vote, including registration deadlines and whether callers needed to re-register to vote.
- Early voting logistics.
- The mechanics of voting: “Must I vote for every race/proposition for my votes to be counted?”
- How partisan elections work in California: “Can I vote for a candidate affiliated with a party other than the one I am registered with? Must I choose a party affiliation in order to vote in the primaries?”

Callers asked us thousands of questions in advance of Election Day on nearly every aspect of the voting process, and a number told us that they could not find information in Spanish or did not have access to other sources of information because they lacked internet access, had disabilities that prevented them from using computers, or experienced other challenges.

Just before and on Election Day, the following inquiries also increased notably in frequency:

- “Can I vote in person if I requested/received/made a mistake completing/did not timely return my mailed ballot?”
- “Do I need identification to vote?/What should I bring to the polls?”
- “What disability and other assistance will be available at my polling place?”

A number of callers also requested help understanding their ballots and determining how to vote – particularly prominent were questions about the substance of ballot measures and propositions from Spanish-dominant voters who were attempting to vote using English-language ballots.

Our hotline call records show that there is acute need for basic information about voting that is linguistically and logistically accessible. Election administrators cannot presume that voters understand even the most fundamental rules about and procedures involved in voting, and they cannot presume their job is done once they have met minimum language assistance requirements or ensured that accurate information is available on their websites. Efforts to provide live assistance over the phone and to disseminate basic information about voting in a broad range of locations and formats are well-warranted. Spanish-dominant Californians continue to experience challenges obtaining information and materials in-language.

We also received many calls from Californians who were qualified to vote and who wanted to participate, but appeared likely to be disfranchised in 2016. The most common problem callers reported was that they believed they were registered but did not appear to be according to county and state records. Some callers had attempted to register at a Department of Motor Vehicles (DMV) or social service agency and their applications did not appear to have been processed; some callers also reported difficulties using the state’s online voter registration system (potentially because they did not have DMV records and could not be processed for online registration).

Some callers' registration records were also inaccurate, or wrongly reported an individual's party affiliation. Compounding these difficulties, callers and hotline operators found that counties' registration confirmation websites did not function properly or consistently at times. Although improvement in the automation and reliability of registration processing and database maintenance may help ease registration issues, the implementation of same-day voter registration in California will go farther than any other potential innovation in ensuring that avoidable registration difficulties do not prevent eligible Latino voters from casting ballots.

Communications by mail are of heightened importance to those among our hotline callers who cannot reliably access the internet and who are Spanish-dominant and may not find information they can understand on websites or by calling government offices. A number of callers reported that they had expected but did not receive a VBM ballot or other election-related mailings, and some could not understand the mail ballots that they did receive. Some callers living in all-VBM precincts reported being confused by the process, particularly if they had not received or completed mail ballots and needed to find alternatives on Election Day.

In advance of Election Day 2016, some policymakers and candidates began to raise unfounded concerns about the potential of voter fraud, and recommended increased scrutiny of voters from certain population groups. In light of this dialogue, some California Latino voters became concerned by suspicious or unexplained activity observed in and around polling places. Election administrators can ease the concerns of voters who expect to become targets of discriminatory attitudes by incorporating into poll workers' training an examination of incidents that have provoked complaints, as well as instructions to explain their actions to voters upon request. In 2016, callers to our hotline reported that they were apprehensive about the following:

- Traditional polling places closed or opening up late;
- Poll workers being rude or hostile;
- Vote-counting and voting machines broken;
- Accepted ballots being placed under or near machines instead of directly into counting machines;
- Wrong and missing registration rosters at polling places; and
- Machines that seemed to have misrecorded votes.

Finally, Latino voters in California experienced challenges casting ballots because of apparent incidents of poor administration. For example, we received a report of a long line that a voter was not able to wait in because of work obligations. In addition, several callers to our hotline were not offered provisional ballots when they should have been, and several callers who told us they had not received nor returned VBM ballots were refused ballots at polling places because voting rosters indicated they had voted by mail. Election administrators should give people who experience barriers to voting as much of a chance as possible at having their voices heard by emphasizing to poll workers the imperative of offering at least a provisional ballot to each person who desires and professes to be eligible to vote.

## Research on Unengaged Voters

To better understand the challenges encountered by Latinos who are not fully engaged in the political process, in late 2011 and early 2012, the NALEO Educational Fund conducted a nationally-representative survey and series of focus groups with Latino adults eligible to vote who were either unregistered or had not participated in elections in recent years. The organization held two focus groups in Los Angeles, and two in Fresno, and obtained survey results representative of the perspectives of California Latinos. Findings from these research efforts reflect several issues relevant to this Commission's work.

From the focus groups, we learned that there are several reasons Latinos are not yet fully engaged in the political process. Some lack political trust – the sense that voting will make a difference for their families or communities. Some lack political information – information about how government works, or about candidates or ballot measures. Some lack basic information about the process of voting, such as the location of polling places.

Our survey of California Latinos confirmed the findings of our focus groups, and provided additional information about the messages and messengers that would best mobilize unengaged Latinos to participate. Forty-one percent of the Californians who were not registered to vote indicated that they did not know how to do so. The most convincing messages which might mobilize California survey respondents were those which emphasized voting as a way to make changes in their communities and move the country forward, or voting as a way to combat discrimination against Latinos.

We also asked survey respondents about whether the support of certain messengers for voter outreach campaigns would make them more likely to vote. The respondents indicated that individuals seen as local community leaders, such as teachers, health care professionals, first responders, and elected officials were the most convincing messengers. In addition, respondents viewed family members or close personal friends as the most convincing of all messengers. Among family members, mothers, fathers, and spouses or partners were particularly convincing.

## 2016 Voter Engagement Activities

In 2016, NALEO Educational Fund conducted a comprehensive voter engagement program, which covered eight states, including California. The program incorporated several types of outreach activities, including door-to-door, phone, text messaging, social media and mail. In addition, the civic engagement program incorporated an evaluation component wherever possible. The latter was critical to understand what tactics and strategies work best to mobilize the Latino community.

The organization conducted a door-to-door Get-Out-the-Vote (GOTV) program in Huntington Park, and a GOTV phone bank campaign in Los Angeles County, from October 24<sup>th</sup> through November 7<sup>th</sup>. In addition, the organization implemented a modest phone program in the Inland Empire. Phone bankers placed 91,728 phone calls in Los Angeles County or the Inland Empire, and were able to obtain responses from 4,583 registered voters about their intention to vote.

The evaluation component of our GOTV efforts involved a series of “field experiments” where we assessed the effectiveness of various messages and messengers in mobilizing Latino voters. In GOTV field experiments, we divide voters into different groups that share the same demographic characteristics. We target some groups with certain outreach approaches which may vary specific messages or messengers, and we do not conduct those approaches within the other group, which serves as a “control group.” We then use voter files to determine which of the voters in each group cast ballots. Field experiments allow us to assess the extent to which messages and messengers affect turnout, independent of the demographic characteristics of the voters, the political environment of the election, or other factors which might affect turnout.

NALEO Educational Fund’s 2011-2012 research on unengaged Latino voters informed our choice of the messengers and messages we tested. Our 2016 GOTV field experiments primarily assessed two research questions:

- In the Latino electorate, are women ages 25 and older more effective at mobilizing their household members to vote?
- Does engaging Latino youth voters (age 18-25) across multiple elections increase voter turnout?

Latinas as Messengers: Our field experiment examined four outreach methods. One involved contacting Latinas, and merely asking if they intended to vote. The second involved asking Latinas both about their intention to vote, and encouraging them to mobilize other household members. The third and fourth methods were the same as the foregoing, except that we contacted Latino males.

Based on our preliminary analysis of the field experiment results,<sup>1</sup> we found that with respect to three of our outreach approaches, the presence of Latinas as messengers did not have a statistically-significant impact. However, where Latino men were solely the messengers for their households but did not encourage other household members to vote, we found a statistically-significant negative effect on turnout of both the individual and the household. This suggests that when doing outreach to Latino men in a household, GOTV efforts should include a message asking the men to encourage other household members to vote, to minimize any potential negative effect on turnout. This also bears further research and exploration into the factors that might explain this effect.

Youth: Preliminary analysis of our General Election field experiments suggest that contacting Latino youth in both the Primary and the General Election has a positive effect on turnout, compared to not contacting youth at all. Moreover, there is some indication that contacting someone only in the Primary will have some positive residual effects on turnout for the General Election. Additional testing in other states and with a broader portion of the Latino community would be helpful to explore these findings in greater detail, particularly to test their applicability to different segments of the Latino community.

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<sup>1</sup> As of this writing, we are completing our analysis. We hope to make available a more comprehensive analysis, which would include specific information on our statistical findings and methodology by summer 2017.

Latinos as a “hard to reach” community: Overall, our California GOTV efforts confirmed that one of the most prevalent challenges in voter engagement is reaching Latinos, especially through phones. In our California GOTV efforts, we successfully contacted 5% of our target individuals, which is consistent with the range of contact rates of other phone civic engagement campaigns. The quality of information we have about household phone numbers (wrong numbers, disconnects, etc.) did play a role in the low contact rates. In addition, the high rate of targeted individuals who are not home when calls are made, or do not answer the calls continue to diminish the effectiveness of phone campaigns (this group of individuals are generally referred to as “not home”). Ultimately two-thirds of the Latino voters we attempted to reach were “not home” (67%).

Latino youth are also a hard to reach segment of the population. We observed that Latino youth register to vote using their parents’ home phone number. However, they may not be residing at their parents’ home, and this presents also presents significant GOTV contact challenges.

Door-to-door programs yield higher contact rates: Door-to-door programs yield a higher contact rate than phone programs, but they are very resource-intensive. Our door-to-door program in Los Angeles yielded a 14% contact rate. Our Arizona, New York and Texas door program also yielded high contact rates: 15%, 14% and 20% respectively.

Social media and other tools for engagement: As noted above, there are significant challenges to contacting Latinos through traditional GOTV approaches (phone or door-to-door), and we believe that as technology evolves, traditional methods of GOTV contact are becoming less effective. In addition, Latinos use diverse means to communicate, and obtain information. According to a March 2013 Pew Research Center report, Latino adults are just as likely as non-Hispanic Whites or Blacks to own smartphones. Latinos are more likely than non-Hispanic Whites to go on-line using mobile devices (76% compared to 60%). Among internet users, similar shares of Latinos (68%), non-Hispanic Whites (66%) and Blacks (69%) say they use social networking sites like Twitter and Facebook at least occasionally. Among Latino internet users, Latino youth are the most likely to use these social networking sites (84%). Thus, we must continue to adapt our engagement tools in a manner that takes into account technological and demographic changes.

### **III. California’s Electoral Reforms and the Latino Community**

Since at least 2012, California has lead the nation in adopting and implementing electoral reforms that have the potential of significantly increasing participation in the state’s democracy. In 2012, California offered on-line voter registration to its citizens. With the final implementation of a Help America Vote Act (HAVA)-compliant voter registration database in 2016, California will allow same-day voter registration in its 2018 statewide elections. The implementation of the statewide database also allows eligible 16- and 17-year-olds to “preregister to vote,” ensuring that they are included on the voter rolls the moment they turn 18.

Additionally, in 2015, the state enacted the “New Motor Voter Act,” which was intended to modernize and streamline voter registration at the DMV. In 2016, the state enacted the “Voter’s

Choice Act (VCA),” which permits certain counties to replace traditional precinct-site voting with a hybrid VBM and vote center election system.

All of California’s electoral reforms have important implications for Latino access to the state’s electoral process. If implemented properly, these reforms could help increase Latino voter registration and turnout in the state. Our testimony will primarily focus on implementation of the New Motor Voter Act and the VCA. In addition, we will provide perspectives on other reforms and recommendations regarding Latino political participation.

### The New Motor Voter Act

When California policymakers started to examine policy proposals to streamline and modernize voter registration at the DMV, NALEO Educational Fund participated in discussions with policymakers about the implications of the proposals for the Latino community. The organization had been advocating electronic registration at public agencies as one approach to voter registration modernization (see [attached report](#)). We also agreed with New Motor Voter proponents regarding the need for more accessible and effective voter registration practices at the DMV. As noted above, several of the callers to our hotline report problems with unsuccessful attempts to register at the DMV or other public agencies.

After the enactment of the New Motor Voter Act, NALEO Educational Fund has actively participated in a stakeholder group coordinated by the American Civil Liberties Union (ACLU), which works with partner organizations, the California Secretary of State (SOS) and the DMV to guide the implementation of the new voter registration system. In early 2016, the DMV launched a major upgrade to its voter registration technology and operations. The stakeholder group played a key role in shaping the procedures and practices for training DMV staff on the upgrade. The group also provided significant feedback on the agency’s plans to integrate voter registration into the driver’s license application process. In addition, the group also worked with the DMV on the design of the paper license application form and the components of voter registration which were accomplished electronically.

NALEO Educational Fund worked closely with the stakeholders group to help ensure that the new voter registration process would be accessible to Latinos and other language minorities who are not yet fully proficient in English. We were particularly concerned about the approach of the technology upgrade, which generally requires potential registrants to complete their initial voter registration application on the same paper form as the driver’s license. Under the new system, eligible registrants then present their forms to a DMV staff member, who enters their information electronically. However, the new system requires registrants to go to a separate DMV station to provide information about their political party preference and whether they wish to receive in-language election materials – the separate station is one with an electronic interface where driver’s license applicants take their written driver’s tests.

Thus, if registrants are not required to take a written test to complete their driver’s license applications, or are not clearly directed to the appropriate DMV station to provide the additional information for their voter registration applications, they may not visit that station. Under those circumstances, information about their need for in-language election materials will not be

included in their voter registration application, and they may not receive those materials before elections. As noted above in our discussion of our hotline calls, lack of Spanish-language materials that provide information about elections and the registration process are a significant barrier for many Latinos who want to cast ballots.

We are monitoring the DMV's technology upgrade, and the agency's next steps towards full compliance with the New Motor Voter Act, which should ultimately streamline voter registration at the DMV even further. This will involve re-designing the wording and format of the voter registration section of the driver's license application, which we believe is confusing. As of this writing, the DMV appears to be reluctant to take those next steps until it also completes another technology upgrade which would automate the entire driver's license application process. While we understand the agency's rationale, we still believe that it would be useful for the agency to move forward before automation occurs, in light of how long the automation may take. Our advocacy around New Motor Voter will also continue to highlight the need for language accessibility, and robust voter education and outreach efforts as the implementation of the system moves forward.

### The Voter's Choice Act

Some California counties are also moving forward with a fundamental change in their voting systems after the 2016 enactment of the Voter's Choice Act (VCA). The state dialogue on the VCA voting system model gained significant momentum after these systems became widespread in Colorado. California election officials, policymakers, and advocates began to examine the Colorado model and the vote center experiences of other states with great interest.

Proponents of the model contend that it significantly expands the options available for voters to cast ballots. Jurisdictions send all voters ballots in the mail, and they can return those ballots by mail, to drop-off boxes, or to vote centers. Vote centers are also open several days before elections, allowing for early voting, which usually includes at least one weekend. In addition, voters can cast ballots at any vote center in their county (also known as "ballot on demand"). Under traditional precinct-site voting systems, voters can only cast ballots in-person at a designated polling site that is only open on Election Day.

As policymakers in California started to draft the VCA, NALEO Educational Fund actively participated in the discussions of a working group which included the SOS, election officials, advocacy groups and voter engagement organizations. While we shared the ultimate vision of providing more accessible options for voters, we were also extremely concerned about whether VCA systems would meet the needs of Latino voters. For example, research by the California Civic Engagement Project (CCEP) found that in Election 2012, only 37% of Latinos cast VBM ballots, compared to 51% of all Californians, and that this disparity continued into the 2014 election. CCEP research also revealed that in 2012, voters who used non-English-language ballots experienced a higher VBM ballot rejection rate than voter with English-language ballots.

When CCEP conducted focus groups with diverse groups of voters, they found that some Latinos preferred to cast ballots at local precinct sites, and Latinos with limited-English proficiency were particularly suspicious about why a change in election systems would be made. Latino voters

also noted the value of a welcoming atmosphere at vote centers, and the importance of professionalism in vote center staff, clear signage, good language access, easy ways to enter and leave the centers, safety, and an aesthetically pleasing environment.

In addition, we were specifically concerned about one issue ballot on demand would present for meeting the language accessibility needs of Latino voters. Under federal and state language assistance requirements, jurisdictions base their assessment of the need for bilingual poll workers and other language assistance in part on the demographics of the geographic areas surrounding polling sites. However, with ballot on demand, voters could end up casting ballots at vote centers in geographic locations which did not possess the demographic characteristics that would otherwise require the jurisdiction to provide language assistance at the vote center (for example, Latino voters who might cast ballots at vote centers located near their jobs, which might not necessarily be in areas with significant Latino populations). Thus, we did not believe that mere compliance with then-existing federal and state mandates for language assistance would provide optimal accessibility for Latino citizens who would need such assistance during the electoral process.

To address our concerns, we worked with partner advocacy organizations, and other members of the working group to craft legislative provisions for the VCA to help ensure that VCA systems would not create barriers for Latino voters, and would actively enhance Latino participation in the electoral process. These provisions included:

- Explicit provisions emphasizing the need for full compliance with federal and state language assistance requirements in VCA jurisdictions, and enhanced protections to take into account the ballot-on-demand features of VCA systems.
- A requirement that jurisdictions establish a language accessibility advisory committee (LAAC) by October in the year before their first VCA election, and hold the first LAAC meeting by April 1 of the year in which that election is held.
- A requirement that jurisdictions develop an “Election Administration Plan (EAP),” which must set forth several of the jurisdictions’ VCA operational components, including:
  - The location of vote centers and drop-boxes;
  - A description of how jurisdictions will meet the VCA’s language assistance requirements (such as the number of bilingual vote center workers); and
  - A description of the jurisdiction’s voter education and outreach strategy, including how it will use traditional and social media; the VCA also specifies that jurisdictions must hold one bilingual voter education community workshop and produce one public service announcement for each language minority group covered by federal and state language assistance requirements in the jurisdiction.

A cornerstone of the VCA’s approach to enhancing the participation of Latinos, language minorities, persons with disabilities and other underrepresented groups is a set of provisions which requires public input throughout the process of the development of the EAP. The VCA requires jurisdictions to have an initial formal consultation with language minority stakeholders before it develops the EAP. Jurisdictions must also hold a public meeting on the EAP, and take public comment on the plan. Jurisdictions must submit the outreach component of the plan for review by the SOS, which provides another opportunity for public comment.

In addition, the VCA requires the SOS to report to the legislature within six months after each VCA election documenting certain indicators of voter participation in the election (such as turnout, VBM ballot usage and rejection rate, and provisional ballot use). To the extent possible, the SOS must provide information on the foregoing indicators broken down by race, ethnicity and language preference. Finally, the VCA establishes a Task Force which must include individuals with language accessibility expertise, and which must provide recommendations to the California legislature after VCA elections are held.

NALEO Educational Fund believes that the VCA's promise of more accessible elections for Latinos and all Californians will only be realized if there is sound and effective implementation of all of the foregoing provisions. We are actively working with a broad group of stakeholders to achieve this goal. First, the SOS recognized that the VCA Task Force could play an important role as an advisory body to guide its work from the outset, and appointed NALEO Educational Fund as a Task Force member. In addition, the organization is part of FoCE, a collaborative of election officials and civic and civil rights organizations who have worked together since late 2011 to address the unique challenges facing California's election system. The James Irvine Foundation provides the primary support for FoCE's efforts, and the collaborative is establishing a VCA implementation network (Voter's Choice California), to help coordinate voter education and outreach activities in VCA jurisdictions. NALEO Educational Fund serves on the Steering Committee of Voter's Choice California.

NALEO Educational Fund's VCA efforts are all aimed at ensuring that jurisdictions implement VCA election systems in a manner that enhances Latino political participation, which includes 1) effective voter education; 2) community input into the VCA planning and implementation process; and 3) high quality language assistance programs. Because VCA elections will involve such significant changes in how and when voters will cast ballots, NALEO Educational Fund is working to ensure the creation of accessible, in-language outreach materials that will provide Latinos with information about all aspects of the VCA electoral process. In light of low Latino VBM usage and relative high VBM rejection rates, a key component of those materials will cover the VBM option and how to correctly complete and submit VBM ballots.

In addition, as noted above, it is essential that organizations familiar with the needs of Latino voters in a VCA jurisdictions have a meaningful opportunity to provide input into the development of the EAPs. EAPs must provide detailed information about components of the VCA elections that research indicates is particularly crucial for Latino voters. For example, when developing EAPs, jurisdictions must consider several factors relating to the accessibility of vote centers, such as their proximity to public transportation, language minority communities, communities with historically low VBM usage, as well as the availability of free parking, and the distance voters must travel to the voter centers. To help ensure the participation of those Latinos who prefer to vote in-person rather than cast VBM ballots, Latino community organizations and other stakeholders must be able to provide election officials with guidance to ensure that vote centers are located in places convenient to Latino voters, and have welcoming environments.

Orange County is a VCA jurisdiction with a large Latino population, and it has made significant progress in its VCA implementation. NALEO Educational Fund has started to mobilize Latino

stakeholders in the county to provide input into the county's EAP. The organization will also work with those stakeholders to conduct community outreach and education once the plan is adopted, so that Latinos learn about the options for voting well before the first VCA election is held. As part of the VCC Steering Committee, NALEO Educational Fund will also provide technical assistance to other VCA counties on how to obtain Latino input into the planning process, and how to implement outreach education efforts within the Latino community.

#### Statewide Language Assistance Advisory Committee (LAAC)

As noted above, the VCA requires counties to establish a local LAAC to help ensure that they address the needs of language minority communities when implementing VCA systems. Advocates envisioned that the statewide LAAC, established by the SOS in 2015, would serve as a model for local committees. The SOS asked NALEO Educational Fund to serve on the informal statewide LAAC when it was first established, and appointed us to serve when the LAAC was reconstituted as a formal state Advisory Committee in March 2016.

The statewide LAAC is playing an important role in providing guidance to VCA counties on several language assistance issues. The statewide LAAC is in the process of finalizing resources to help those counties form their LAACs, and hold LAAC meetings. The statewide LAAC is also working on resources which describe federal and state language assistance requirements, and provide best practices for implementing effective language assistance programs.

#### Other Election Policies and Practices

Preregistration of 16- and 17-year-olds: With the advent of California's HAVA-compliant voter registration database, the state was able to move forward with permitting 16- and 17-year-olds to preregister to vote in the state. Because of the relative youth of California's Latino community, pre-registration is a particularly salient opportunity to increase the size of the state's engaged Latino electorate. According to Census 2015 ACS data (5-year estimates), half of California's 1.1 million 16- and 17-year-olds are Latino. In 2016, together with CALPIRG Education Fund and Frontier Group, we published *Path to the Polls: Building a More Inclusive Democracy by Preregistering California's Youth*. In this [report](#) (attached), we presented the following recommendations to help ensure that California's youth preregister as soon as they are eligible:

- The state should implement practices that will make voter preregistration accessible to 16- and 17-year-olds. This includes providing voter registration in the places 16- and 17-year-olds commonly go—from the DMV to high schools and General Education Diploma programs. As the DMV proceeds with its technology upgrade, it should incorporate preregistration into the process, and preregistration should be provided in less traditional government venues, such as juvenile detention facilities. Preregistration should also be as digital friendly as possible.
- The state should work with schools to improve the voter education curriculum. The California State Board of Education should closely monitor the implementation of the California Department of Education's History-Social Science Framework for Curriculum, which was released in July 2016, to ensure that the opportunities for preregistration and voter

registration are incorporated into classroom discussions of civic participation, including “Principles of American Democracy,” taught in grade 12. The SOS should incorporate preregistration into annual High School Voter Education Weeks and encourage more schools to participate in the MyVote California Student Mock Election.

- California should develop preregistration strategies that protect the privacy of non-eligible students, yet still provide ways for all students to become civically engaged. If schools decide to conduct preregistration activities within the classroom setting, it is critical that school administrators develop strategies to handle sensitive immigration status issues that protect the privacy of students who are not eligible to preregister.
- The state should also take follow-up steps to increase the likelihood that preregistered voters will vote in the first election in which they are eligible to participate. This includes making sure confirmation letters provide clear and simple instructions for maintaining their voter registration records and receiving follow-up texts and emails from officials at least three times.
- All preregistration outreach and education efforts should be undertaken in a manner that recognizes the full diversity of California’s youth population. For example, the staff of schools or community programs that promote preregistration should reflect the racial and ethnic diversity of the youth the programs are trying to engage. Election officials, educators and youth community organizations should promote preregistration outside of the traditional school setting, at venues such as malls, libraries, coffee shops, after-school programs, naturalization ceremonies, cultural and recreation programs, community events, and foster-youth service agencies.
- California should keep data on preregistration outcomes to help policymakers understand how well programs are working and which teens are not being reached. Data should be publicly available and include preregistration rates by age, sex, race and ethnicity.

NALEO Educational Fund is continuing to work with election officials and educators to disseminate resources about preregistration that include its best practices recommendations.

Strengthen State Language Assistance Requirements: NALEO Educational Fund strongly supports AB 918, the “California Voting for All Act,” because it would make California the nationwide leader in providing language assistance to citizens who are not yet fully fluent in English. AB 918 would improve the scope and quality of language assistance provided to California’s language minority communities.

The vast majority of Californians who need language assistance when voting receive it under Section 203 of the federal Voting Rights Act, which requires that counties provide language assistance throughout the electoral process. However, California currently does not adequately meet the needs of limited-English proficient voters who live in counties not covered by Section 203. These voters receive language access protections under the terms of state law, which only requires the posting of a facsimile translated ballot at polling places and encourages the recruitment of bilingual poll workers. These requirements are not sufficient to provide

meaningful language assistance to limited-English proficient citizens who vote in-person, and provide no assistance for those who vote by mail. In addition, the state's mandates lack any reporting or oversight mechanisms.

The California Voting for All Act would ensure that translated copies of ballots are available to a wider range of voters and that poll workers are properly trained on assisting voters with those ballots. It would also require counties to put translated information in sample ballots, put translated signage in polling places to inform voters about the languages spoken by poll workers, and make facsimile ballots available to VBM voters. Additionally, AB 918 would require counties to file a report after every statewide general election documenting their performance recruiting bilingual poll workers.

According to 2015 ACS data (5-year estimates), 20% of California's Latino voting-age citizens are not yet fully fluent in English. As noted above, our work with Latino voters throughout the state underscores the importance of providing basic election information to limited-English proficient Latino U.S. citizens in an accessible manner. By helping to provide Latinos and other language minority citizens an equal opportunity to make their voices heard in the state's electoral process, AB 918 would significantly strengthen California's democracy.

Funding to Modernize California's Voting Systems: NALEO Educational Fund also strongly supports AB 668, which would place a bond measure on the June 2018 ballot for voter approval to appropriate \$450 million to replace aging voting systems in all of California's 58 counties. The last major federal and state investments in California voting system modernization occurred in the early 2000's, under HAVA and the California Voter Modernization Bond Act of 2002. Most California counties used their funding to purchase new voting equipment prior to the 2006 election cycle. However, most systems were based on technology of the 1990's, and even today rely on zip drives, dot matrix printers, and Windows 2000 or 2003. The federal standards intended these systems to only last 10 years. Voting systems in almost every county are at or near their end-of-life.

In 2017, a Legislative Analyst's Office report found in one instance, "a county's system had a failed part that no longer is supported by the manufacturer or easy to replace. The county purchased a replacement part through eBay. In another example, a county uses the same system it used in the 1990s. Although this county's system has been updated periodically, it relies on computers that operate on Microsoft Windows XP—an operating system that was released in 2001 and no longer receives free security upgrades or other support from the manufacturer."

The modernization of California's voting systems is particularly crucial to ensure that counties have equipment that can effectively provide in-language ballot materials to Latinos and other language minorities, where required by federal or state law; many of the current systems have interfaces that make providing translated materials cumbersome or difficult. Similarly, counties are likely to need funding to acquire systems that comply with VCA requirements, such as ballot on demand, and increased accessibility to persons with disabilities. For these reasons, we urge the state to enact AB 668, as an important step to ensuring that all of its diverse communities can have their voices heard in the state's democracy.

#### **IV. Recommendations and Conclusion**

In light of the growth California's Latino electorate, the state cannot continue to lead the nation in adopting innovative election policies and practices unless it implements electoral reforms in a manner that increases Latino political participation. Based on our research, our work with Latino voters, and our engagement in the policy dialogues that have shaped the state's reform, we recommend the following principles to guide the state moving forward:

Voter education and outreach are essential components for any electoral reform: All of our work with the Latino community reveals that many Latinos lack basic information about the voting and registration process. There is even a greater need for voter education when the state or localities make changes to election practices or procedures. Jurisdictions should use several strategies to reach Latinos, including traditional and social media, and opportunities provided at community locations or events. Voter outreach should take into account the diversity of California's Latino population, including age, linguistic and national origin diversity.

Jurisdictions must make language accessibility a top priority during the implementation of electoral reforms: From our community and policy efforts on behalf of the Latino community, we know that language barriers still impair the ability of some California citizens to participate in the electoral process and cast an informed ballot. Full compliance with federal and state requirements to provide language assistance to Latinos and other language minority groups – including the requirements in the VCA – is critical to ensure that Latinos have fair opportunities to register and vote. This compliance will also help election officials administer elections in a more efficient manner, by reducing confusion at the polling place or incorrectly completed VBM or in-person ballot materials.

Jurisdictions must continue to obtain the input of Latino stakeholders when moving forward with election reforms: The SOS and local election officials are providing several opportunities to obtain the input of Latino stakeholders when implementing changes in election policies and procedures. As noted above, the SOS has included Latino stakeholders in working groups and task forces on the implementation of New Motor Voter and the VCA, and the SOS established the statewide LAAC. Locally, several jurisdictions have established stakeholder groups which meet on a regular basis to address election issues, such as the Los Angeles County Community Voter Outreach Committee, the Orange County Community Election Working Group, and the City of Los Angeles' "L.A. City Votes!" Committee. California and its localities can build on these efforts by ensuring that VCA counties establish robust LAACs. They must also proactively solicit comments from Latino community members about VCA EAPs. For VCA election systems to be successful, election officials must make sound decisions about a broad range of detailed election operations – from the optimal location of vote centers, to the scope and nature of their community outreach plans, to the best way to provide language assistance throughout the electoral process. Latino community members are knowledgeable partners whose input is crucial to guide these important decisions.

Finally, California must recognize that structural changes to its election practices cannot alone increase the participation of Latinos and all Californians in the state's democracy. As noted above, NALEO Educational Fund's research indicates that many unengaged Latinos do not participate because they do not believe their vote will make a difference for their families or communities. The lack of outreach to Latinos and Californians by election officials, candidates, campaigns and other institutions exacerbates the challenge of reaching these unengaged voters. Because political candidates and campaigns generally target their outreach and education efforts to those voters who are already engaged in the political process, they often ignore those Latinos who are not "high-propensity" voters. In addition, during Presidential elections, candidates and campaigns target "battleground" states where they believe the margin of victory in the Electoral College will be decided. Thus, campaigns do not conduct voter mobilization efforts in California to the same extent they do in the "battleground arenas." Legislative efforts to move California's Presidential primary to an earlier month than June may affect this dynamic, but it is unclear the extent to which the change in the primary date would affect outreach for the general election. In this connection, it is worth noting that in Election 2016, NALEO Educational Fund and Noticias Telemundo conducted a weekly tracking poll of a nationally-representative sample of Latinos who were registered to vote, which included California respondents. Two weeks before the election, 62% of the Californians indicated they had not been contacted by a candidate, campaign or other organization asking them to register or vote.

Ultimately, reaching and fully engaging Latino voters will require a sustained, 50-state strategy by both the public and private sectors. These efforts must occur on an on-going basis, beyond just Presidential elections, and must target all Latinos, and not just those who are already active participants. In addition, we must continue to conduct research on the best mobilization strategies, including the most effective messages and messengers. At a time when voter participation among all population groups has been declining, a comprehensive, sustained, and well-informed voter mobilization strategy can significantly increase the political engagement of Latinos, Californians and all Americans.

The NALEO Educational Fund applauds the efforts of the Little Hoover Commission to ensure that all eligible Californians participate in the state's electoral process. We look forward to continuing our work with California, the SOS, local election officials, and our organizational partners to strengthen California's democracy by ensuring that it responsive to the voice of all of its diverse communities.