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CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

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March 27, 2023

The Honorable Assemblymember Isaac G. Bryan
Chair, Assembly Elections Committee
1020 N Street, Room 365
Sacramento, CA 95814

RE: AB 884 (Low and Cervantes) Elections: language accessibility – OPPOSE (Fiscal Concerns)

Dear Assemblymember Bryan:

The California Association of Clerks and Election Officials (CACEO) Elections Legislative Committee must regrettably oppose Assembly Bill 884 (Low and Cervantes), a proposal that seeks to expand election services provided to voters who lack sufficient skills in English to vote without assistance due to fiscal concerns for our County Election Offices.

As the officials charged with conducting accessible elections in California, we share the desire of Assemblymembers Low and Cervantes to ensure voters can cast a ballot independently and communities of voters with limited English proficiency have access to election materials in their preferred language. CACEO's opposition is due to the significant unfunded fiscal impacts of AB 884 resulting from the proposed expansion of language services.

Pursuant to the federal Voting Rights Act, the Director of the U.S. Census Bureau determines every five years which counties must provide language assistance during elections to individual language minority groups that meet the following criteria:

- If more than 5% of voting age citizens of the language group in the county are limited-English proficient

Or

- If more than 10,000 voting age citizens of the language group in the county are limited-English proficient

And

- The rate of total voting age citizens that are limited-English proficient and have less than a 5th grade education in the county is higher than the national rate.

Counties with languages covered by Section 203 of the Voting Rights Act must translate all election, voter registration, and voter education materials that are printed, posted online, and contained on election equipment. This includes ballots, audio ballots, county voter information guides, voter notification letters, and signage at in-person voting locations.

Existing State law reinforces the Voting Rights Act provisions and requires counties to provide language services in all covered federal languages in voting locations and to make reasonable efforts to hire bilingual precinct board members. Elections Code section 14201 also requires the Secretary of State every four years to determine which precincts in each county contain language minority groups that make up 3 percent or more of the voting-age residents in the precinct. Counties must provide facsimile ballots, signage and instructions in the Section 14201 languages in the covered precincts as well as a notice of the availability of the facsimile ballots in the county voter information guide.

AB 884 proposes to establish a new threshold for the Secretary of State to determine which minority languages will be State covered languages in a county. The proposed threshold is at least 100 voting-age individuals in each county, who lack sufficient skills in English to vote without assistance.

AB 884 would then mandate counties expand language services and translated materials for State covered language essentially equal to the requirements for federal covered languages.

Given that the bill would require the Secretary of State to use the best available data to determine which minority languages would be covered by the proposed requirements, it is difficult for counties at this time to determine whether the number of State-covered languages in each county would increase and by how much.

But for many counties that currently have more State-covered languages than federal-covered languages, increasing language service requirements for State-covered languages to the same level as federal-covered languages could be expected to more than double the County's language services costs and demand on labor, materials, and contracted service resources. An increase in the number of State-covered languages would cause a county's costs and resource demand to increase even more.

Some counties currently have no federal- or State-covered minority languages, and therefore no funds and staff allocated to a language services program. It is possible the proposed 100-person, countywide threshold could require these counties to have to establish a language services program.

Only a small portion of this potential cost increase can be recovered by counties through their election billings. But even a partial billing of the increased costs will mean this bill would result in an increase in what cities, school districts, and special districts will pay for their county to conduct their elections and what candidates will pay to have their candidate qualification statements printed in the county voter information guide.

As counties and our contract service vendors have during the past several years experienced challenges hiring and retaining experienced, quality staff, the proposed mandated expansion of language services would exacerbate that labor challenge and the funds needed to implement AB 884, increasing the counties' risk of failing to meet statutory deadlines for issuing ballots and election materials and/or producing translated materials containing errors.

CACEO appreciates Assemblymembers Low and Cervantes' desire to ensure limited-English proficient voters get the services they need to vote independently and in an informed manner. But as their proposal would place a significant unfunded State mandate on counties, we respectfully request the committee's NO vote on AB 884.

If you or your staff has any questions, please do not hesitate to contact me at bob.page@ocvote.gov or (714) 567-7620, or my co-chairs James Kus, at jkus@fresnocountyca.gov or (559) 600-1730 or Tricia Webber, at tricia.webber@santacruzcounty.us or (831) 454-2409.

Respectfully,



Bob Page
Co-Chair, CACEO Elections Legislative Committee
California Association of Clerks and Election Officials

cc: Assemblymembers Low and Cervantes (Authors)
Rob Grossglauser, Pinnacle Advocacy LLC
James Kus and Tricia Webber, Co-Chairs, CACEO Elections Legislative Committee