

AB 918: Meeting the Needs of California's Diversifying Electorate

Prepared for New Law 2017

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State Law Language Access Requirements, Prior to AB 918 (not changed by AB 918)

- ***Facsimile ballots:*** In precincts where a LEP language minority community exceeds a 3% threshold, a facsimile ballot in the community's language needs to be conspicuously posted in the polling place.
- ***Bilingual poll workers:*** Elections officials need to make "reasonable efforts" to recruit bilingual poll workers speaking 3% languages. Also, at least 14 days before an election, elections officials need to make available a list of the precincts to which bilingual poll workers are assigned.

Additional State Law Language Access Requirements, After AB 918

Prior to Election Day re facsimile ballots:

- At least 14 days before an election, the county elections website must list all polling places, including the languages of the facsimile ballots available at each. Text surrounding/explaining the list must be in English and any 3% language. (Sec. 14201(d).)

- The county voter information guide must refer LEP voters to this information on the county elections website. The text in the voter information guide must be in English and any 3% language. (Sec. 14201(e).)

Prior to Election Day re vote-by-mail voters:

- A vote-by-mail voter may request a facsimile ballot be sent to him/her if the voter lives in a covered precinct. (Sec. 13400(a).)
 - The request may be submitted by phone, mail, online, or when requesting a vote-by-mail ballot.
 - Facsimile may be sent via mail or email.
 - Requested facsimile ballots must be prepared no later than 10 days before Election Day.
 - Any request submitted within the week before Election Day can be rejected.

Prior to Election Day re bilingual poll workers:

- Counties must still make "reasonable efforts" to recruit bilingual poll workers to staff polling places exceeding the 3% threshold. No change.
- At least 14 days before an election, counties must make available a list of the precincts to which bilingual poll workers are assigned. No change.
- Poll workers must be trained on the purpose and proper handling of facsimile ballots. (Sec. 14201(c)(1).)

Prior to Election Day re miscellaneous:

- The county elections website and voter information guide must inform LEP voters they can bring an assister to help them vote. Text must be in all the federal and state law languages in the county. (Sec. 14201(e).)

On Election Day re facsimile ballots:

- Number of facsimile ballots at polling places has changed:
 - One facsimile ballot conspicuously posted. No change.
 - One facsimile ballot must be available for voters to take into the voting booth to be used as a reference, a/k/a in some loose leaf format. (Sec. 14201(b)(1).)
 - Where the language minority group exceeds 20%, two more facsimile ballots must be available in loose leaf format. (Sec. 14201(b)(2).)
- A sign must be posted near index of registration informing voters of facsimile ballots, in English and any 3% languages relevant to that polling place. (Sec. 14201(c)(3).)
- If a voter requests a facsimile ballot that is available at that polling place, the poll worker must provide it to the voter. (Sec. 14201(c)(2).)
- Optional: Counties may replace facsimile ballots with translated, votable ballots. If they do so, they are freed of several requirements of Section 14201. (Sec. 14201(g)(2).)

On Election Day re bilingual poll workers:

- Bilingual poll workers must wear something that identifies their language skills (e.g. name tag, button, sticker, etc.). (Sec. 12303(c)(3).)
- Sign must be posted indicating the languages other than English that are spoken by the poll workers, if any. (Sec. 14200(g).)

After Election Day:

- Counties must send a report to SOS within 150 days of each statewide general election indicating the number of bilingual poll workers

recruited that spoke each of the federal and state law languages in the county. (Sec 12303(c)(2)(A).)

Voter's Choice Act counties only:

- AB 918 requirements for polling places also apply in Vote Centers. (Sec. 4005.6(a).)
- For voters who have previously indicated a language preference, county must proactively send a facsimile ballot in the preferred language, if it is a facsimile ballot the county is already required to prepare by Section 14201. (Sec. 4005.6(b).)
 - Can be sent by mail or email.
 - Must be received before Vote Centers open.
 - No requirement to actively seek out new or updated language preference information.

What Other Help Can We Provide?

Asian Americans Advancing Justice – Asian Law Caucus and Asian Americans Advancing Justice – Los Angeles hope to support counties as they implement the requirements of AB 918.

Other than our PowerPoint presentation and this handout, what can we provide you?

We intend to schedule one-one-one phone calls or meetings with counties in our geographic areas of focus. Any county should feel free to reach out to us.

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