

ASSEMBLY BILL

No. 1443

Introduced by Assembly Member Chau

February 27, 2015

An act to amend Section 14201 of the Elections Code, relating to voting rights.

LEGISLATIVE COUNSEL'S DIGEST

AB 1443, as introduced, Chau. Voting rights: language assistance.

Existing law, in counties where the Secretary of State has determined that it is appropriate, requires each precinct board to post, in a conspicuous location in the polling place, at least one facsimile copy of the ballot with the ballot measures and ballot instructions printed in Spanish. Existing law, in determining if it is appropriate to post the election materials in Spanish or other languages, requires the Secretary of State to make certain determinations, or receive information which gives the Secretary of State sufficient reason to believe a need for the furnishing of facsimile ballots, in order for the Secretary of State to find a need to post at least one facsimile copy of the ballot with the ballot measures and ballot instructions printed in Spanish or other applicable language in the affected polling places. Existing law requires the Secretary of State to make these determination and findings by January 1 of each year in which the Governor is elected.

This bill would require the Secretary of State to notify a county elections official at least 24 months before the Secretary of State will begin making the determination whether it is appropriate to post the election materials in Spanish or other languages.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14201 of the Elections Code is amended
2 to read:

3 14201. (a) (1) The precinct board shall post, in a conspicuous
4 location in the polling place, at least one facsimile copy of the
5 ballot with the ballot measures and ballot instructions printed in
6 Spanish. Facsimile ballots shall also be printed in other languages
7 and posted in the same manner if a significant and substantial need
8 is found by the elections official.

9 (2) In those counties which are required under the provisions
10 of the federal Voting Rights Act of 1965, as extended by Public
11 Law 94-73, to furnish ballots in other than the English language,
12 the posting of the facsimile ballot in that particular language shall
13 not be required.

14 (3) This subdivision shall remain in effect until the Secretary
15 of State makes the determinations and findings required by this
16 section.

17 (b) In counties where the Secretary of State has determined that
18 it is appropriate, each precinct board shall post, in a conspicuous
19 location in the polling place, at least one facsimile copy of the
20 ballot with the ballot measures and ballot instructions printed in
21 Spanish. If the Secretary of State determines that it is appropriate
22 to post the election materials in Spanish in only certain precincts
23 in the county, the material shall be posted in the polling places
24 situated in those precincts. Facsimile ballots shall also be printed
25 in other languages and posted in the same manner if a significant
26 and substantial need is found by the Secretary of State.

27 (c) In determining whether it is appropriate to post the election
28 materials in Spanish or other languages, the Secretary of State
29 shall determine the number of residents of voting age in each
30 county and precinct who are members of a single language
31 minority, and who lack sufficient skills in English to vote without
32 assistance. If the number of these residents equals 3 percent or
33 more of the voting age residents of a particular county or precinct,
34 or in the event that interested citizens or organizations provide the
35 Secretary of State with information which gives the Secretary of
36 State sufficient reason to believe a need for the furnishing of
37 facsimile ballots, the Secretary of State shall find a need to post
38 at least one facsimile copy of the ballot with the ballot measures

1 and ballot instructions printed in Spanish or other applicable
2 language in the affected polling places.

3 (d) (1) The Secretary of State shall make the determinations
4 and findings set forth in subdivisions (b) and (c) by January 1 of
5 each year in which the Governor is elected.

6 (2) *The Secretary of State shall notify a county elections official*
7 *at least 24 months before the Secretary of State will begin making*
8 *the determination whether it is appropriate to post the election*
9 *materials in Spanish or other languages.*

10 (e) In those precincts where ballots printed in a language other
11 than English are available for use by the voters at the polls, the
12 posting of a facsimile ballot in that particular language shall not
13 be required.

14 (f) It is the intent of the Legislature that non-English-speaking
15 citizens, like all other citizens, should be encouraged to vote.
16 Therefore, appropriate efforts should be made on a statewide basis
17 to minimize obstacles to voting by citizens who lack sufficient
18 skill in English to vote without assistance.