

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1443

Introduced by Assembly Member Chau

February 27, 2015

An act to ~~amend Section 14201 of~~ *add Chapter 8 (commencing with Section 2600) to Division 2 of the Elections Code, relating to voting rights voters.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1443, as amended, Chau. ~~Voting rights: language assistance~~
Voters: language accessibility.

Existing law establishes the Secretary of State as the chief elections officer of the state and requires that he or she ensure that elections are efficiently conducted and that state election laws are enforced. Existing law declares the intent of the Legislature that non-English-speaking citizens, like all other citizens, should be encouraged to vote and that appropriate efforts should be made to minimize obstacles to voting by citizens who lack sufficient skill in English to vote without assistance.

This bill would require the Secretary of State to establish a Language Accessibility Advisory Committee. The committee would consist of the Secretary of State, his or her designees, and additional members appointed by the Secretary of State who either have demonstrated language accessibility experience or are county elections officials. The bill would require the Secretary of State to consult with and consider the recommendations of the committee.

~~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. Chapter 8 (commencing with Section 2600) is*
2 *added to Division 2 of the Elections Code, to read:*

3
4 *CHAPTER 8. LANGUAGE ACCESSIBILITY*

5
6 *2600. The Secretary of State shall establish a Language*
7 *Accessibility Advisory Committee. The committee shall consist of*
8 *the Secretary of State and his or her designee or designees and*
9 *additional members appointed by the Secretary of State. The*
10 *appointees shall either have demonstrated language accessibility*
11 *experience or be a county elections official. The Secretary of State*
12 *shall consult with and consider the recommendations of the*
13 *committee. The committee shall serve in an advisory capacity to*
14 *the Secretary of State.*

15 ~~SECTION 1. Section 14201 of the Elections Code is amended~~
16 ~~to read:~~

17 ~~14201. (a) (1) The precinct board shall post, in a conspicuous~~
18 ~~location in the polling place, at least one facsimile copy of the~~
19 ~~ballot with the ballot measures and ballot instructions printed in~~
20 ~~Spanish. Facsimile ballots shall also be printed in other languages~~

1 and posted in the same manner if a significant and substantial need
2 is found by the elections official.

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

8 ~~(3) This subdivision shall remain in effect until the Secretary~~
9 ~~of State makes the determinations and findings required by this~~
10 ~~section.~~

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

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

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

38 ~~(2) The Secretary of State shall notify a county elections official~~
39 ~~at least 24 months before the Secretary of State will begin making~~

1 ~~the determination whether it is appropriate to post the election~~
2 ~~materials in Spanish or other languages.~~

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

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