

Voting Rights Act

Minority Language Requirements

1. History

The Voting Rights Act (VRA) of 1965 was enacted to break down barriers to voting and end widespread discrimination at the polls. In 1965 Puerto Ricans -educated in Spanish- were the first group protected under the VRA. Ten years later, section 203 was enacted, requiring voting materials be translated into American Indian, Asian American, Alaskan Native and Spanish languages. The VRA was reauthorized in 1982, 1992 and 2006, in order to ensure the participation of limited-English proficient (LEP) citizens in the electoral process without discrimination (Tucker, 2009).

In order for minority language groups to be included and to effectively participate in the electoral process, the VRA requires certain states and political subdivisions to conduct elections in the languages protected by the VRA.

The Census Bureau had the responsibility to determine which states and political subdivisions had to comply with the minority language requirements. These were subject to change every 10 years. After 2010, the VRA will instead use data provided by the American Community Survey, and will be evaluated every 5 years.

Elections that must comply with the VRA are Federal, state and local elections, as well as elections of special districts (school and water districts).

Language minority determinations are applicable at the state level if any political subdivision of the state is required to comply with the minority language requirements.

Definitions

Minority languages or language minority groups: are used to define people who are of American Indian, Asian American, Alaskan Native or Spanish heritage.

These languages were selected because of the following:

- ➔ There is a relation between high illiteracy and low voting participation. There was evidence these minority language groups had suffered from a racially discriminatory educational system.
- ➔ There wasn't evidence of other groups having difficulty voting.
- ➔ These languages were in territories annexed to USA territory.
- ➔ When the VRA was reauthorized in 2006, no other languages were added, because it could have jeopardized bipartisan support (Tucker, 2009).

2. The Following Conditions Determine the Coverage Under the VRA

- ➔ Five percent or 10,000 of voting age citizens are members of a single-language minority and speak English less than “well” or the illiteracy rate of the citizens of that minority language group is higher than the national average; or
- ➔ more than 5 percent of American Indian or Alaskan Native voting age citizens residing within an American Indian Reservation are members of a single-language minority and speak English less than “well” or the illiteracy rate of the citizens of that minority language is higher than the national average.

Any political subdivision which contains all or any part of that Indian reservation is covered by the minority language provision.

3. Compliance with the VRA

The State and political subdivisions must take all reasonable steps to achieve compliance and the requirements apply to all stages of the electoral process.

The materials and assistance are provided in a way that allows members of a minority language to be effectively informed of, and participate in, voting activities.

3.1. Materials and Assistance Required

Whenever a jurisdiction provides materials to voters in English (registration forms, voting notices, forms, instructions, assistance, or other materials and information related to the

Definitions

Illiteracy: Not have completed the 5th grade.

Political subdivision: County, parish and any other subdivision of the State which conducts voter registration.

Compliance: Acting according to the requirements set forth in the VRA, in regards to conducting elections in minority languages in addition to English.

Targeting: Refers to a system in which the minority language materials or assistance required are provided to a targeted group of voters rather than all persons or registered voters.

Single Language Minority: Refers to one language. For example Chinese, Korean or Vietnamese cannot be added to make up the 5% or 10,000 to be covered by the minority language provision, even though they are under the Asian American category.

voting process), it must also provide them in the minority language.

Materials provided by mail can be provided in the minority language to all register voters or by effectively developing a targeting system.

Public notices and announcements of electoral materials are handled in a manner that provides members of the applicable minority language group effective opportunity to be

informed about electoral activities.

Registration must be conducted in a way members of the language minority group have an effective opportunity to register.

A covered jurisdiction must take the appropriate steps to publicize the availability of the materials and assistance in the minority language. Example: displaying information at voter registration offices and polling places, making announcements on television, radio, newspapers, and direct contact with organizations of the minority language.

The materials and assistance in the minority language must be clear, complete and accurate to the minority language group.

Ballots should be provided in English and in the minority language, and must include the two versions on the same document to avoid ballot secrecy issues.

Announcements, publicity and assistance can be given in oral form to the extent needed, either if the language minority groups cannot read in English or in the minority language, or if their language is unwritten.

“With a narrow exception everything provided in English must be provided in the minority language (Tucker, 2009, p.90)”

Covered Areas in WA State

Based on the 2000 Census, in Washington State four counties and the Office of the Secretary of State’s Elections Division are required to provide materials and assistance in minority languages.

Adams	Spanish
Franklin	Spanish
King	Chinese
Yakima	Spanish
OSOS	Spanish/Chinese

References

Civil Rights Division: About Language Minority Voting Rights

The Attorney General’s Language Minority Guidelines

James Tucker, December 2009, “The Battle Over Bilingual Ballots. Language Minorities and Political Access Under the Voting Rights Act”, Ashgate, USA.

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Appendix 1

“The right to vote is meaningless, if the potential voter is unable to comprehend voting notices and materials” Congresswomen Cardiss Collins of Illinois

Language Spoken for the Citizen Population 18 Years and Over Who Speak English Less Than Well

Area Name	Speak Spanish or Spanish Creole	Speak Asian or Pacific Island language	Ctzns. 18+	% speak English less than well and Speak Spanish
United States	4521485	1582520		
Washington	41080	56295		
Adams County	745	0	8498	8.77- SP
Asotin County	70	(D)	15208	
Benton County	1780	535	93960	1.89- SP
Chelan County	1315	75	43060	3.05- SP
Clallam County	395	95	49360	
Clark County	1395	1795	231808	
Columbia County	(D)	0	3041	
Cowlitz County	445	300	66396	
Douglas County	565	30	20477	2.76- SP
Ferry County	15	0	5224	
Franklin County	1930	185	24423	7.90- SP
Garfield County	(D)	(D)	1766	
Grant County	1810	50	42778	4.23- SP
Grays Harbor County	265	165	48332	
Island County	255	420	51702	
Jefferson County	(D)	75	20536	
King County	8495	32465	1220298	
Kitsap County	850	1690	165491	
Kittitas County	145	(D)	25478	
Klickitat County	185	(D)	13388	
Lewis County	460	(D)	48913	
Lincoln County	20	(D)	7590	
Mason County	250	120	36866	
Okanogan County	415	15	26182	1.58- SP
Pacific County	105	105	15943	
Pend Oreille County	15	(D)	8550	
Pierce County	3255	7240	487009	
San Juan County	50	(D)	11060	
Skagit County	1165	155	71124	1.64- SP
Skamania County	40	(D)	7074	
Snohomish County	2705	6355	414152	
Spokane County	1325	1275	302910	
Stevens County	85	15	28189	
Thurston County	910	1955	149951	
Wahkiakum County	10	0	2914	
Walla Walla County	970	85	38897	2.49- SP
Whatcom County	805	435	118552	
Whitman County	190	150	31342	
Yakima County	7500	360	129577	5.79- SP

Source: Census 2000 Special Tabulation 194.

Note¹: Data are based on a sample and are rounded. (D) indicates suppression for disclosure concerns.

Note²: The percentage of Asian and Pacific languages can not be determined with this data since it does not correspond to a single language minority.

Note³: Red corresponds to counties already covered by the VRA. Green potential new counties.