

Language Access Best Practices

*For counties with language access requirements under California state law
(California Elections Code Sections 14201 and 12303)*

When three percent of a precinct’s residents of voting age are members of a single language minority and are limited English-proficient (LEP), state law requires the county to comply with a simple set of requirements: the county must post a facsimile ballot and related instructions in that language in the precinct’s polling place (Cal. Elec. Code § 14201) and make “reasonable efforts” to recruit poll workers that speak that language to staff that polling place (Cal. Elec. Code § 12303). Determinations as to which precincts hit this three-percent threshold are provided to counties by the Secretary of State.

These requirements are often insufficient to provide LEP voters the language services they need to cast an effective ballot, usually because LEP voters are not aware that these language services are or should be available. Many of the best practices listed here are cost-effective ways to increase awareness and utilization of the language assistance county elections officials provide under state law.

Make the availability of language assistance more widely known to LEP voters:

- Have bilingual poll workers wear badges that identify the languages they speak. Use pin-on or lanyard badges instead of peel-and-stick badges that often come off after a few hours.
- Post or locate on the main table a “language assistance sign” in each polling place staffed by bilingual poll workers that identifies the languages spoken by the poll workers present. Translate the language of that sign into the relevant languages. (Example available upon request.)
- Post a sign at each voting booth reading, “Do you want to see a sample ballot in [insert language]? Ask a poll worker for assistance.” Translate the language of that sign into the relevant languages. (Example available upon request.)
- In addition to posting facsimile ballots on the wall, keep copies of the facsimile ballots at the main table and provide them to voters when appropriate. Alternatively, use a poster board that carries facsimile ballots in document sleeves, with several copies of the ballot in each language, enabling voters to take a copy of the facsimile ballot to the voting booth.
- Place a translated message on a sample ballot filler page about the availability of facsimile ballots, the availability of bilingual poll workers, and the fact that voters may bring individuals with them to the polls to assist in voting. Example: “As a voter, you may bring up to two individuals with you to your polling place to help you cast your ballot, as long as those individuals do not represent your employer or union. Your polling place may have copies of the ballot in [insert]. Additionally, your polling place may have poll workers ready to assist you who speak [insert].” AAAJ-Asian Law Caucus can provide this text in 10 languages.
- Post on the county elections website the polling places that have facsimile ballots and/or bilingual poll workers. Incorporate into the polling place lookup tool on the county elections website information on whether a voter’s polling place will have facsimile ballots and/or bilingual poll workers. Translate this content into the relevant languages.

Increase the availability of bilingual poll workers:

- Leverage existing partnerships and develop new ones to increase the bilingual poll worker pool. In particular, focus bilingual poll worker recruitment on high schools in areas needing facsimile ballots, a strategy that has worked well in several counties. Other opportunities for outreach/recruitment include: other government agencies or departments, identity-based college student groups, churches and places of worship serving a particular ethnic community, adult education programs for individuals learning English as a second language, senior centers serving a particular ethnic community, community centers, and ethnic chambers of commerce.
- Translate poll worker recruitment materials (i.e. flyers, applications, etc.), in both online and paper formats, into all relevant languages. (Example available upon request.)
- Publicize in all poll worker recruitment that lawful permanent residents (LPRs) may now serve as poll workers.

Train all poll workers to ensure full accessibility for LEP voters:

- When training poll workers, include information that summarizes state law language assistance requirements and why they are important. This should include a list of the state law languages (aka “3% languages”) for the county and poll worker responsibilities in serving LEP voters.
- Train poll workers to direct voters in need to the facsimile ballots available at the polling place.
- Explain to poll workers that voters who speak the 3% languages do not have translated sample ballots with which to prepare, so they often bring friends or family to help them cast their vote. Explain that this is permitted by law as long as the assisting individuals do not represent the voter’s employer or union.
- Include training content on cultural sensitivity and how to interact with voters of varying needs without making assumptions. (Example available upon request.)
- Include training content specifically for bilingual poll workers, educating them about their unique role and about how to offer language assistance to voters in a respectful way.
- Provide a glossary of translated election terms. (Example available upon request.)
- Train poll workers to expect poll observers. Provide guidelines on what poll observers can and cannot do when visiting a polling place. (Example available upon request.)
- Make explicit that poll workers should not ask for identification from voters, except when presented with first-time voters who did not provide identification when registering.

Implement a plan at elections headquarters to serve LEP voters before Election Day and on Election Day:

- Prepare a plan to serve voters who call the county elections office before Election Day and on Election Day, in languages other than English, to ask for help or to report problems.
- Train poll workers to use a voter hotline or video conferencing technology to serve voters whose language needs make it impossible for them to get adequate assistance at the polling place.