



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

July 17, 2020

The Honorable Alex Padilla  
California Secretary of State  
1500 11th Street  
Sacramento, CA 95814

Dear Secretary Padilla,

We write to you today to request guidance for the counties, cities, and towns across California that we represent, to help them in preserving access to the ballot box while holding safe elections this fall. Free and fair elections are foundational to our democracy. Due to the coronavirus pandemic, it is likely that more people than ever before in California will choose to vote from home. While your office has taken great strides to expand vote-by-mail in our state, this new hurdle poses serious challenges to our communities as they try to ensure that voting is accessible to everyone—including those for whom English is a second language. For this reason, we ask that you work with the Language Accessibility Advisory Committee to provide guidance and resources to our counties so that they can fulfill their responsibilities to ensure that every Californian has the ability to vote.<sup>1,2</sup>

We are proud of the diversity that makes our state so unique: no one race or ethnic group constitutes a majority of California's population. 39 percent of California residents are Latino, 37 percent are white, 15 percent are Asian American, 6 percent are African American, 3 percent are multiracial, and fewer than 1 percent are American Indian or Pacific Islander.<sup>3</sup> Further, according to 2018 estimates, 27 percent (or 10.6 million) of Californians are immigrants,<sup>4</sup> and nearly one in four California residents is a native-born U.S. citizen with at least one immigrant parent.<sup>5</sup> Because of our great diversity and the immigrant

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<sup>1</sup> The Language Accessibility Advisory Committee (LAAC) was established in 2016 to advise the Secretary of State (SOS) on issues related to language accessibility of elections and election materials. The mission of the LAAC is to advise and assist the SOS with implementation of federal and state laws relating to access of the electoral process by low English proficiency (LEP) voters, so that all voters can understand the voting process. The LAAC also provides recommendations identifying and prioritizing activities, programs, and policies to ensure every voter has equal access to the ballot. For more: <https://www.sos.ca.gov/elections/laac/>

<sup>2</sup> Lisa Alarcon, Special Counsel to Secretary of State Padilla, sent guidance to All County Clerks/Registrars of Voters on "Additional Languages Required under California Elections Code section 14201, Language Minority Determinations." This guidance, while important for jurisdictions subject to both California language requirements and Section 203 requirements, does not include specific instruction on vote-by-mail and COVID-19. The guidance can be found here: <https://elections.cdn.sos.ca.gov/ccrov/pdf/2020/may/200961a.pdf>

<sup>3</sup> California's Population, Public Policy Institute of California, Retrieved at: <https://www.ppic.org/publication/californias-population/>

<sup>4</sup> Public Policy Institute of California, as cited.

<sup>5</sup> Immigrants in California, American Immigration Council, Retrieved at: <https://www.americanimmigrationcouncil.org/research/immigrants-in-california>

population in California, we have an estimated 2.5 million voters with limited English proficiency.<sup>6, 7</sup> For these voters, the vote-by-mail process may be more challenging than for others.

In order to support language access for those with limited English proficiency, Congress added “Language Minority Provisions” to the Voting Rights Act (VRA) in 1975.<sup>8</sup> This language, found in Section 203 of the VRA, created a formula that dictates when counties and municipalities must produce all voting-related communications in a language other than English.<sup>9</sup> Per that formula,

*A jurisdiction is covered under Section 203 where the number of United States citizens of voting age is a single language group within the jurisdiction:*

- *Is more than 10,000, or*
- *Is more than five percent of all voting age citizens, or*
- *On an Indian reservation, exceeds five percent of all reservation residents; and*
- *The illiteracy rate of the group is higher than the national illiteracy rate.<sup>10</sup>*

A high percentage of the jurisdictions within our districts reach this threshold number of voters who speak a language other than English. Due to COVID-19 contagion concerns, this election will require an extraordinary expansion of mail in voting. We are concerned that language access may not be adequate if early guidance is not provided to our counties. We must take every step necessary to comply with the requirements of Section 203 and to maintain voting access for limited English proficiency voters.

To that end, we ask that you provide guidance to election administrators in our counties, cities, and towns. Specifically, we ask that this guidance include but not be limited to the following:

- Actions that must be taken to provide early and vote-by-mail voters with access to in-language materials and language assistance similar to in-person Election Day services;
- Measures necessary to ensure that polling locations, elections offices, and other places where voters obtain information or assistance have sufficient bilingual or multilingual staff by phone, online, and in person;
- Efforts needed to coordinate with community-based organizations for hiring and for operation of non-partisan voter call centers to better disseminate information and support voters; and
- Steps for implementing essential public education campaigns including simple, accurate, accessible, bilingual information and guidance to voters about their voting options and COVID-19 voting safety precautions.

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<sup>6</sup> 2015 U.S. National Limited English Proficient (LEP) Population Maps - Number by County, Department of Justice, Retrieved at: [https://www.lep.gov/sites/lep/files/resources/US\\_cnty\\_LEP\\_count.ACS\\_5yr.2015.pdf](https://www.lep.gov/sites/lep/files/resources/US_cnty_LEP_count.ACS_5yr.2015.pdf)

<sup>7</sup> County Language Accessibility Advisory Committee Toolkit August 2017, Office of the California Secretary of State, Retrieved at: <https://elections.cdn.sos.ca.gov/laac/guide-create-local-laac.pdf>

<sup>8</sup> 52 USC § 10503

<sup>9</sup> Section 203 provides: “Whenever any State or political subdivision [covered by the section] provides registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language.”

<sup>10</sup> About Language Minority Voting Rights, Department of Justice, Retrieved at: <https://www.justice.gov/crt/about-language-minority-voting-rights>

Ensuring access to the ballot box is perhaps the most important function of government, and although our state faces a budget shortfall, we must consider the possibility that additional funding will be required to ensure that our elections are administered per the requirements of federal law. We are working to secure essential federal funds to help alleviate the burden of these costs but anticipate that the State may need to provide additional funding as well.

While the COVID-19 pandemic presents new challenges, we can work together to ensure that no one in California, regardless of what language they speak, is barred from the ballot box. On behalf of the diverse communities we represent, thank you for your attention to this important issue. We look forward to working with you.

Very truly yours,



KATIE PORTER  
Member of Congress

ZOE LOFGREN  
Member of Congress

JUDY CHU  
Member of Congress



JUAN VARGAS  
Member of Congress

ALAN LOWENTHAL  
Member of Congress

JERRY McNERNEY  
Member of Congress



TED LIEU  
Member of Congress

JIMMY PANETTA  
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JARED HUFFMAN  
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RO KHANNA  
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