

Proclama
al
Pueblo de California.

Los Delegados del Pueblo, reunidos en convenciones han
promulgado una constitucion que se os somete ahora para vuestra atencion.
El tiempo y modo de votar sobre esta constitucion y de rebatir
bajo la primera decision general, estan claramente explicados en el
Apéndice, todo el asunto pues se deja a vuestra discrecion y
deliberada consideracion.

El Jefe de cada distrito, o el que desempeñe las funciones de su empleo de
cada distrito, designará los lugares en donde se deba convocar para
votar, y dará el debido cumplimiento a la conformidad con la
promulgacion de la constitucion y del apéndice.

VOTING RIGHTS ACT

PROJECT REPORT

Winter, 1976-77

Se desea sinceramente que el pueblo establezca un gobierno para si mismo
y nombre los diputados que se leen para hacer y ejecutar las
leyes. El gobierno actual es una vergüenza y profundamente que nuestra
libertad sea destruida y que el gobierno que se va a establecer sea
peligroso y sea una permanente del nuevo Estado y si llegare a
establecerse la constitucion tendra mucho gusto en transmitir sus
facultades al individuo que el pueblo elija para sus sucesores.

Office of the Secretary of State

March Fong Eu

Sacramento, California

Front and back cover by John Meade

The Secretary of State's Office will make efforts to provide interested parties with Spanish and Chinese language summaries of this report. These summaries will be made available upon request by writing to the Voting Rights Act Project, c/o The Office of the Secretary of State, 111 Capitol Mall, Sacramento, California 95814.

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February 22, 1977

Honorable James Mills
President Pro Tempore
California State Senate

Honorable Leo T. McCarthy, Speaker
California State Assembly

Gentlemen:

Pursuant to Chapter 1163, Statutes of 1976, I am pleased to submit this report on the operation in California of the 1975 amendments to the Federal Voting Rights Act and related state law.

The report, as well as the research and analysis it contains, was prepared by independent consultants hired for the purpose. The principal consultants were Chuck Calderon, Doug Hitchcock, Ricardo Nieto, Ron Noblet, Jim Wisley, and Germaine Wong. Assistance to these consultants was provided by Tom Castro and John Mobley. Each of these persons has demonstrated commitment to the successful implementation of the Voting Rights Act and related state law and each brought to the project a particular legal, community service, or statistical expertise. I want to thank each of them for the evident time and devotion contributed to the project.

In addition to requiring my office to provide assistance to counties in identifying designated precincts, Chapter 1163 provides \$300,000 to financially assist counties for costs incurred in complying with the Voting Rights Act and related state law. As the report indicates, that sum comes nowhere close to funding the total costs of compliance. The actual reimbursement to the counties is based primarily on the extent to which each county provided the oral bilingual assistance required in designated precincts by state law.

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Chapter 1163 does not read as clearly as it should and consequently it seems to intermingle and confuse the requirements of federal law with the requirements of state law. It should be noted, however, that federal law speaks to "5% minority language residents" and state law speaks to "3% non-English-speaking citizens," both phrases being offered to trigger specific requirements in specific jurisdictions. The intermingling of state and federal requirements also occurs in the report and may be a source of confusion to some readers.

The report makes several recommendations and proposes several legislative changes and administrative regulations. While I personally think many of the recommendations have merit (we are proceeding to identify all 3% precincts in the state, for example), most of the recommendations would take state funding to fully implement. The proposed regulations, besides raising substantial SB 90 implications, seem to assume that the Secretary of State has the authority to promulgate guidelines and to enforce federal law. By the terms of the Voting Rights Act itself, such authority clearly resides with the U.S. Department of Justice.

In the discussion portion of the section relating to registration, the report states as follows: "Two centuries of discriminatory voting practices have instilled in many minority people a feeling that voting is simply a 'waste of time.' In light of the above county efforts to bring language minorities into the political process, it would appear that such feelings are well-founded." In my judgement, there is nothing in the statement itself, in the report itself, or in two hundred years of voting practices which warrants the assertion that voting is a 'waste of time' to minority persons or anyone else.

Throughout the report there is an unmistakable undercurrent of criticism of county clerks and registrars. In some instances and particularly when it comes to state law, the criticism may be justified. State law relating to oral assistance has been on the books for some time and compliance with state law is a relatively simple matter. On the other hand, the amendments to the Voting Rights Act of 1965 were adopted recently and 1976 was the first major election year those amendments were in effect.

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The U.S. Department of Justice has not provided clear guidance so far as compliance is concerned nor has the federal government provided funding to carry out the federal mandate. Given those facts, the effort by local jurisdictions in California to comply with a fairly sudden, unfunded and unclear federal statute deserves more praise than it receives in this report. I am not aware of any VRA state which went as far as California in even attempting to comply with federal law.

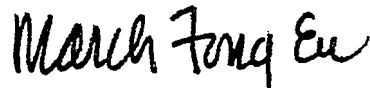
The report purports to be a report about compliance with the Voting Rights Act amendments and related state law. Taken as a whole, it is not. It is a report about oral assistance at the polling place more than anything else. The oral assistance bent reflects the general contention among the consultants that of the panoply of bilingual elections services possible, the provision of oral assistance is far and away the most significant. Lost in that contention as reflected in the report is the fact that there was nearly universal compliance on the part of the counties with respect to the written materials requirements of federal law. It is by virtue of that compliance in connection with the General Election that there were throughout the state bilingual election notices, bilingual local ballot pamphlets, bilingual sample ballots, bilingual facsimile ballots, bilingual official ballots, and bilingual voting booth instructions. Registration applications are also bilingual.

Finally, I come away from reading the report with confidence that state law relating to oral assistance is basically sound and is increasingly feasible to fully implement. I would discourage attempts to revise state law or to base oral assistance requirements of state law on any criterion other than need. The federal law remains defective in many respects. Funding has been mentioned. An unfunded law at any level of government is a cynical law at best. Additionally, the congressional discussion preceding the adoption of the Voting Rights Act amendments repeatedly mentions "targeting" as the way to go. Neither the Congress nor the U.S. Department of Justice has yet defined with precision what "targeting" means. While its meaning may remain elusive so far as federal authorities are concerned, my intention is to proceed to target through our mail registration system, our polling place conversion process,

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and our purge process. I know of no more systematic way to identify and service those voters in our population who want written materials or oral assistance in a language other than English.

Respectfully submitted,

A handwritten signature in black ink that reads "March Fong Eu". The signature is written in a cursive, slightly slanted style.

MARCH FONG EU

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I. INTRODUCTION

A. History of the Voting Rights Act Project

S.B. 1655 (Chapter 1163), signed by Governor Brown on September 21, 1976 and effective on that date, appropriated \$300,000 to counties required by the Federal Voting Rights Act of 1975 (VRA) to furnish election services to specified language minority voters. The funds were appropriated to financially assist VRA counties in furnishing printed materials and oral assistance required by state and federal law and to reimburse counties for registrations secured in precincts in which three percent of the voting age residents are language minority residents.*

Additionally S.B. 1655 appropriated \$50,000 to the Secretary of State for the purpose of assisting the counties in providing voter assistance in language minority precincts and for the purpose of preparing this report to the Legislature on the operation of the VRA and similar state legislation. (See Appendix I for the complete text of S.B. 1655 and other related legislation.)

Pursuant to S.B. 1655 the Secretary of State created the Voting Rights Act Project. This Project, staffed by consultants with background in law, community relations, public administration, social sciences, and data processing, was given the mandate to provide technical assistance necessary to facilitate county efforts to assist language minority voters and to formulate this report.

* S.B. 1655 language regarding reimburseable costs is vague and ambiguous. See Appendix VI for discussion. See also for reimbursement formula utilized by the Secretary of State and for 1655 disbursements.

The Project's priorities were to assist the counties in identifying precincts where oral language assistance is required by state and federal law; assist the counties in recruiting bilingual officials to service these precincts; and report on the operation of the Voting Rights Act in California.

Because of the timing of passage of the legislation, the six consultants were hired only three weeks before the General Election. This was an extreme handicap in working with the County Clerks/Registrars who were already burdened with the vast number of routine details of the general election. Therefore, while the project staff made the development of language minority precinct targeting methodology a high priority, it was not expected that the County Clerks/Registrars could follow through with total coverage of additional language minority (3%) precincts identified in the short time remaining.

A related problem, in terms of the policy underlying S.B. 1655 (i.e., increasing language minority participation in all phases of the electoral process), was that the consultants were hired after Registration had closed. Thus, the most important phase of the electoral process having the greatest impact towards enfranchising language minorities was over.

B. The Voting Rights Act and Relevant California Law

The Voting Rights Act

The 1975 amendments to the Voting Rights Act of 1965 became law on August 6, 1975. (for text, See Apendix I)

Titles II and III of the Act guarantee, to specified language minority groups in specified jurisdictions, access to the electoral process in their own language as well as in English.

Title II

Title II of the VRA is directed toward those states and political subdivisions which have had a demonstrated low voter turnout or registration rate and in which there was a significant number of voting age citizens whose native language is other than English (i.e., a language minority). The term "language minority" includes citizens whose native language heritage is Alaskan Native, American Indian, Chinese, Filipino, Japanese, Korean, or Spanish. For jurisdictions with the requisite low voter turnout or registration level and also have the requisite percentage of language minority citizens and which conducted registration and elections only in the English language for the 1972 Presidential election, multilingual registration and elections procedures are now mandated.

Jurisdictions under the provisions of Title II are also required to submit, in advance of implementation or enforcement, all changes in practices and procedures affecting voting to either the United States Department of Justice or the United States District Court for the District of Columbia for a ruling that the changes do not discriminate against resident language minority voters. When a "Title II" jurisdiction submits a change, it must provide an explanation

of the reason(s) for change, its likely impact, and supporting materials. The Justice Department must usually act on a submission within 60 days. Four California counties: Kings, Merced, Monterey, and Yuba, are Title II jurisdictions subject to the preclearance requirements of the VRA.

Title III

Title III of the VRA resulted from a Congressional recognition that language minorities suffer from unequal educational treatment resulting in high illiteracy; that such illiteracy impedes their access to the franchise and significantly contributes to low voting participation. Title III prohibits the use of English-only registration/election materials and assistance until August 6, 1985. Jurisdictions have been, and will continue to be, designated as subject to Title III requirements if,

- 1) more than 5 percent of the citizens of voting age in the jurisdictions are of a single language minority, and
- 2) the illiteracy rate of individual single language minority group citizens within that designated group is higher than the national illiteracy rate for all persons of voting age (4.6 percent).

Illiteracy is defined as "failure to complete the fifth primary grade." Once designated a Title III jurisdiction by the Director of the Census, official registration and election materials and assistance must be provided in the language of the applicable minority group as well as in English. If the minority language has no written form, "oral

instructions, assistance, or other information relating to registration and voting is acceptable.

As of July 20, 1976, the Director of the Bureau of the Census had published in the Federal Register the following list of the state and political subdivisions that are required to comply with Title III. In addition to the State of California as a whole, the following California subdivisions (counties) are designated as within Title III prohibitions:

Alameda	Monterey	Santa Barbara
Amador	Napa	Santa Clara
Colusa	Orange	Santa Cruz
Contra Costa	Placer	Sierra
Fresno	Riverside	Solano
Imperial	Sacramento	Sonoma
Inyo	San Benito	Stanislaus
Kern	San Bernardino	Sutter
Kings	San Diego	Tulare
Lassen	San Francisco	Tuolumne
Los Angeles	San Joaquin	Ventura
Madera	San Luis Obispo	Yolo
Merced	San Mateo	Yuba

The voter assistance requirements of the VRA are explicated in regulations promulgated by the Justice Department. They provide general standards for compliance (see Appendix I)

Failure to comply with the VRA is treated seriously. Section 205 states, "whoever shall deprive or attempt to deprive any person of any right secured by Section 203 of the Title (i.e., Title III) shall be fined not more than \$5,000 or imprisoned not more than five years, or both." In addition to the personal penalties authorized by Section 203, "aggrieved persons" or their representatives may act in the

same capacity as the Attorney General as "private attorneys general" in instituting a procedure under any statute to enforce the voting guarantees of the fourteenth or fifteenth amendments. If a Title III declaratory action is brought by such aggrieved persons and that party prevails, the court "may allow ... a reasonable attorney's fee as part of the costs." To expedite any litigation, appeals are made directly to the United States Supreme Court.

Relevant California Law

The California Legislature, prior to the passage of the 1975 Amendments of the Voting Rights Act, enacted a number of provisions aimed to secure and maintain high levels of voter registration and enfranchisement of language minority citizens.

The State Legislature has recognized that Government obtains its highest level of representation of legitimacy when voter registration and participation is at a high level. Section 302 of the California Elections Code requires that counties provide varied, continuous, and substantial registration opportunities. (See Appendix I for text of all California Statutes referred to in this section.)

The most recent expression of the priority that the Legislature has assigned to high registration levels is embodied in newly enacted provisions for voter "outreach" and self-registration by mail. (Note: Elections Code Sections 301, 302, 303 and 304 provides for self-registration by mail in addition to registration by deputy registrars, and mandate the

Secretary of State and individual counties to "implement programs intended to identify qualified electors who are not registered voters, and to register such persons to vote.")

California law also explicitly provides for language assistance to non-English speaking citizens. Elections Code Section 302 (d) requires that counties make efforts to recruit bilingual registrars in areas when bilingual oral registration assistance is needed. Elections Code Section 1635 requires that efforts be made to furnish oral language assistance to all non-English speaking voters in precincts in which three percent or more of the voting age residents are of a single language minority.

Section 1635 is not limited to the language groups protected by the VRA, and exceeds the VRA requirements for language assistance where the two pieces of legislation coincide. Sections 14203 and 14214 of the California Elections Code provide for the posting of minority language(s) facsimile ballots in all polling places including translations of ballot measures and voting instructions. Finally, Elections Code 14234 provides for assistance to voters who cannot read.

II. PROVIDING ORAL VOTER ASSISTANCE: IDENTIFICATION OF LANGUAGE NEED PRECINCTS

A primary concern of this project was to locate voters requiring oral assistance. The strategy was to locate concentrations of language minorities and place bilingual officials in those areas. The method utilized was to target language minority precincts as defined by state law.

"Targeting" is a permissible means of VRA compliance so long as it is designed and implemented such that members of language minority groups who need oral assistance receive it. (See Interpretative Guidelines 28 CFR Sections 55.18 and 55.20.) California Elections Code Section 1635 requires counties to furnish oral assistance to all non-English or limited-English speaking voters in precincts where such people approximate three percent (or more) of the voting age residents. Since 1635 furthers the policy of the VRA and since targeting of three percent precincts as defined by 1635 would probably be permissible targeting within the meaning of the VRA, the project members proceeded to identify "3% precincts" throughout the state.

As noted earlier, the project members were faced with formidable time constraints. It was impossible to visit every county without sacrificing proficiency and eventually, reliability. Thus, the Project concentrated on identifying three percent precincts located within VRA counties.

The pressing reason for identifying three percent precincts was to determine when and where to hire and place bilingual

polling officials for the 1976 General Election. However, an equally important reason was to provide a basis for future affirmative voter registration action in VRA counties.

There are 23,350 precincts in California's 39 VRA counties. Prior to the 1976 June Primary Election, less than ten percent of these had bilingual polling officials. At the same time, over thirty percent of the elections officers claiming bilingual ability were located in precincts situated in areas where the need for such assistance was remote.

What follows is a summary of these counties' efforts to identify three percent precincts up to the time assistance was rendered by the Project, an analysis of that effort, and a report of the Project's efforts to render assistance pursuant to S.B. 1655.

A. Summary of County Efforts to Determine Language Need

Each VRA county faced problems in determining language need that were unique to its geographic and local socio-political environment. However, as divergent as local problems were, elections officials in VRA counties used three general approaches to determine such need. They were: 1) formalized statistical projections, 2) informal personal targeting, and 3) total jurisdictional blanketing.

Sixteen counties used the statistical approach. This consisted of data bases provided them by the U.S. Bureau of the Census, data from County's Special Census, Registered Voter Files, and return postcard surveys of language preference.

Twenty-two counties opted for a more informal approach. They either surveyed their precinct elections staff or relied on their own knowledge to identify language minority areas. The last approach, "blanketing", was utilized by only one county. This method required that oral assistance be provided in every precinct in the jurisdiction.

Four VRA counties employed more than one of these approaches to determine language need.

What follows is a method by method breakdown of county efforts to determine language need. This delineation will list the counties employing each type of language determinant, assess each method's strong and weak points, and in summary, offer recommendations as to the type of language need targeting methods which are most effective for determining where to place bilingual officials.

B. Census Counties

Nine county election officials (Alameda, Los Angeles, Orange, San Bernadino, San Mateo, Santa Barbara, Santa Clara, Sacramento and Yolo) utilized the 1970 edition of the United States Census for their respective Standard Metropolitan Statistical Areas to determine language need. Census tract information recording the number of residents claiming membership in a non-English-speaking ethnic minority group was used to identify probable areas of language need. All census tracts containing a certain percentage of these language minorities were

identified. Los Angeles, Orange and Yolo used a cut-off percentage of five percent. Alameda employed a ten percent cut-off percentage. San Mateo, San Bernadino, Santa Barbara, and Sacramento used twenty percent as a cut-off point. Santa Clara's cut-off point was thirty-five percent. All precincts encompassed by such census tracts were categorized as needing oral assistance.

Elections officials in counties using this technique targeted 3,444 out of a total of 15,411 precincts (22%) as being language need precincts.

There are three basic reasons indicated by county election officials for using census information as a basis for their language need determination. First, the United States Census, particularly when first published, provides an accurate presentation of regional demographic information and as such is a relatively good indicator of local language need. Second, it is useful for other VRA compliance programs such as voter registration and the recruitment of bilingual polling officials. Finally, pursuant to California Elections Code Section 1513, precinct boundries are drawn so as to not cross census tract lines. Thus, many precincts are contained within census tracts with the effect that the two divisions overlay with relative ease.

Hence, the general accuracy of census information, its practical use for other VRA compliance programs and its convenient use were the reasons given by election officials

for grounding their language need determination in this information source.

However, census data in and of itself is not an accurate prognosticator of language need. There are seven major constraints which limit the effective use of this data base as a tool for targeting oral assistance.

1. Census data was collected in 1969, making this information eight years old.
2. The state population has increased eight percent since 1970.
3. The number of persons of Spanish origin residing in the state has increased more than twenty-five percent since 1970.
4. This increase in the number of persons of Spanish origin comprises over half of the statewide increase in population.
5. The United State Bureau of the Census estimates that it undercounted persons of Spanish heritage by approximately eight percent in the 1970 edition of the Census.
6. There have been over 1,387,569 housing starts in California between 1970 and 1976.
7. Census tracts are not drawn to conform to any specific demographic pattern (e.g., ethnic or cultural patterns). As a result, it is highly probable for one or two precincts containing heavy concentrations of language minorities to go undetected in a general census survey where the majority of the population in the census tract consists of non-language minorities.

All of these constraints act to limit the statistical reliability of census information. The degree to which each of these constraints impact upon the success or failure of a county's utilization of census data as a targeting scheme depends upon the degree of growth and migration

or density of the county's population since 1970. Where extensive demographic change has occurred, these constraints act to negate the census as an accurate tool for determining language need. In Los Angeles County's San Fernando Valley, an area of considerable development and migration, the VRA Project, with the help of community groups, targeted over three hundred and fifty new language need precincts. This was after the Registrar of Voters employed 1970 census data to the five percent level for Spanish heritage citizens to determine the extent of language need for that area.

Whereas, the first six constraints listed above are directly attributable to the age of the data, the last constraint is a structural flaw in the design of the census and serves as a constraint irrespective of the age of the census

The average census tract population density is approximately four thousand residents. This area is too large to pinpoint information for specific regions without the aid of costly census block analysis, although the use of block information would enable elections officials to avoid blanketing oral assistance to every precinct in the census tract.

The use of census information in rural areas also presents difficult methodological problems. Census tract and enumeration boundaries are biased in favor of urban and suburban areas. Since census tracts and enumeration districts are fixed according to population considerations

instead of geographical considerations, rural tracts and districts are often enormous when compared to their urban and suburban counterparts and unlike urban and suburban tracts, cannot be broken down by way of a block analysis. This situation prevents census data from being as statistically reliable in the country as it is in the city.

None of the rural VRA counties used census information as a basis for determining language need areas. In fact, four rural counties contested their designation as a VRA jurisdiction based on the methodological flaws discussed above.

Despite all of its shortcomings, census information when used in conjunction with other targeting schemes such as community groups and registered voter files, provide a cost efficient approach to effective language need identification.

C. Index of Registered Voters

Five counties (San Diego, Napa, Sonoma, Ventura, and Yuba) based their language need identification on a per precinct percentage of Spanish-surnamed registered voters. If a precinct was found to have a certain percentage of registered Spanish-surnamed voters, that precinct was designated a language need precinct. San Diego employed a twenty percent Spanish-surnamed registration as its cut-off figure while the other counties used a cut-off figure of three percent.

Election officials indicated six reasons for favoring

this method of language need determination.

1. It is the easiest means of targeting to implement. Registered voter files are generally maintained so as to permit accurate spot-checking for the number of registered Spanish-surnamed voters residing in each precinct.
2. The information is current. Registered voter files are updated prior to every major election.
3. The registration files, when matched with ethnic surname dictionaries, provide a good indicator of the ethnic heritage of registered voters in a precinct.
4. The process of checking Spanish surnames is consistent with the procedure for estimating Spanish heritage employed by the Census Bureau.
5. It provides an indication of relative language need useful in ranking the importance of covering certain precincts before others.
6. Finally, this method, when used in conjunction with census information and community group input, provides a good indication of language need.

The major disadvantage in using this method is that it is limited to the class of registered voters. It does not address itself to the class of unregistered voters. Bilingual assistance is equally important in areas of low language minority registration.

Nevertheless, this method is an effective determinant of language need. It is even more effective when used along with census data and community group input.

D. Targeting by Return Postcard

Two counties (San Francisco and Riverside) used still another form of statistical methodology to determine language need. Language preference return postcards were mailed to all registered voters in the county. The postcards returned

were aggregated by precinct.

Where one or more voters requested written materials in Spanish, the Registrar in Riverside designated the precinct in which that voter(s) resided as a language need area. A total of fifteen out of five hundred and forty-six precincts were identified.

In San Francisco, the Registrar mailed quadrilingual (Spanish, Chinese, Tagalog, and English) postcards requesting an indication of language preference to all registered voters. Where three percent or more of the voters in a precinct requested assistance in the same minority language, the Registrar designated that precinct as a language need precinct. San Francisco targeted oral assistance in seven out of nine hundred and thirty-five precincts.

Election officials in these counties gave two reasons for selecting this method of language targeting: 1) it was easy to implement and 2) while this approach was expensive, it was believed to provide an accurate accounting of language need for both written and oral assistance.

Contrary to the second reason above, postcard surveys are ineffective in identifying language need areas. The basic assumption underlying such a survey is that only voters can determine their own need. Irrespective of the validity of this assumption, election officials in these counties failed to take into account three crucial factors which, individually or in the aggregate, operate to impair the accuracy of any targeting employing the use of a mail

survey offering no monetary compensation for participation.

First, due to its unreliable rate of return, direct mail survey, offering no compensation for participation, is an inaccurate tool for processing public opinion. Second, language minority citizens, more so than others, do not normally respond to survey questionnaires. Finally, voters illiterate in English or reared in the oral tradition of his or her mother tongue may simply not understand the significance of the postcard and fail to return it. This is not to say that such an individual could not make an intelligent choice if the selection process was explained, for instance, by a bilingual polling official who was attempting to convert that individual as per the Secretary of State's conversion plan.

For these reasons, language preference postcards do not provide an accurate means of measuring language need.

E. Precinct Official Needs Assessment

Three counties (Kern, San Joaquin and Santa Cruz) used an informal personalized approach to language need targeting. These counties sent questionnaires to past and present precinct board officials inquiring whether they could identify areas of language minorities. Based on the response to these questionnaires, precincts were designated as language need precincts. One hundred and thirty-three out of nine hundred and eighteen precincts were targeted.

The major advantage of this approach is its ease in

implementation.

The disadvantages inherent in this approach outweigh its administrative convenience. Election officials must spend staff time to follow-up on persons who either failed to respond or were imprecise in their evaluation of language minorities. Precinct officials (who were monolingual in English), are not qualified to make abstract assessments of the need for language assistance when they do not even speak the language. Moreover, the information generated by this type of survey is suspect because of its inherent subjectivity and lack of objective checks.

This method, by itself, is not a useful tool for the purpose of estimating language need because of its dubious integrity.

F. Personal Targeting

Elections officials in twenty VRA counties (Amador, Contra Costa, Colusa, Fresno, Inyo, Imperial, Kern, [Kern also used survey of precinct officials] Kings, Lassen, Madera, Merced, Monterey, Placer, San Benito, San Luis Obispo, Sierra, Solano Stanislaus, Tulare and Tuolumne) chose to identify language need precincts themselves rather than consult either the language minority community or statistical data bases.

Except for Contra Costa County, which contains 913 precincts and Fresno County which contains 437 precincts; these clerks maintain rural jurisdictions averaging 80 precincts per county.

Although there are redeeming features of this approach such as time and cost savings, this method is too arbitrary. As public officials, clerks are dutybound to target language need in an

aggressive rather than lackadaisical fashion. Intuition, when guided by other tools of need estimation, (Census or Registration files) is a useful method of need determination. However, when intuition is dependent solely upon the clerks familiarity with the language community, it is inadequate.

Personal identification of language need precincts does not provide the clerk with the capacity to accurately prioritize precincts into categories of relative need. Such prioritization is necessary to allocate the limited resources of bilingual polling place personnel so as to serve the greatest number of language need voters.

G. Total Coverage

One rural Central Valley county clerk (Sutter) opted to cover her entire jurisdiction with bilingual oral assistance rather than estimate areas of language need through the targeting process. The Sutter County Clerk stated that she would make efforts to provide every precinct in the county with bilingual oral assistance regardless of need.

If fully implemented, this blanketing approach provides a fail safe means of delivering total language assistance. This method also holds the potential of being the most efficient means of delivering oral assistance to a jurisdiction where areas of language need are scattered over the entire county. However, this approach is not without operational constraints.

Blanketing is administratively cumbersome to implement. It follows no prescribed course of implementation, triggers irate reactions from the electorate opposed to the VRA, and provides no useable information for the purpose of targeting

either affirmative voter registration efforts or recruitment of bilingual elections officials. The blanketing method is functional only when it is 100% complete. This technique does not follow any operational method for determining the relative priority of language need precincts. As a result, until blanketing is completed, precincts of high language need are placed in the same area of priority as precincts requiring no language assistance. All of these constraints combine to make the blanketing process a most difficult one to implement. Sutter County was only 51% successful in blanketing oral assistance to language need voters.

H. Community Groups

The assistance of language minority community groups in locating language need precincts is by far the most effective means of targeting for oral voter assistance. Community groups are in day to day contact with the language minority community; not once every ten years as is the census, or at election time as is the election official.

Elections officials can employ community groups to supplement language need targeting efforts employing census data or registered voter files. These groups can pinpoint precincts within census tracts which do not, because of population movement or ambiguous census tract information, indicate minority language need areas. Community groups can also supplement the accuracy of the registered voter file as a tool for

determining language need. They can accomplish this by directing oral assistance to areas where the need for this assistance is high but the registration and Spanish surname registration might be low (as is the case in many small barrios and campos which are situated within precincts). These groups can give direction and priority to affirmative efforts to register voters in language minority communities. Community groups working with elections officials can also facilitate the recruitment of bilingual elections officials and their subsequent placement in language need precincts.

Not one of the thirty-nine VRA counties utilized community groups to assist it in fulfilling its Section 1635 bilingual oral assistance targeting mandate.

I. Recommendations

1. The Secretary of State and the County Clerks/Registrars should have concurrent responsibility for assessing the advisability of "blanketing" or "targeting" bilingual oral assistance.
2. Where three percent of the voting age residents of a precinct comprise the same language minority group, or where concerned citizens or community groups residing in a precinct substantiate a language need, County Clerks/Registrars should make affirmative efforts to register language minority citizens utilizing bilingual/bicultural individuals. Furthermore, Clerks/Registrars should, whenever possible, assign existing bilingual election officials (fluent in the appropriate

language) to assist language minority voters at the polls.

3. The Secretary of State should establish VRA/1635 regional advisory commissions, the boundaries of which correspond to those of the Regional County Clerks' Association. In addition, Alameda, Los Angeles, Orange, San Diego, San Francisco, and Santa Clara counties should form their own advisory committees with representatives selected as delegates to the appropriate regional advisory commission.

These advisory groups should assist the Secretary of State and Clerks/Registrars in all aspects of the registration and elections process; especially with regards to effective bilingual oral assistance in voter education, registration, and actual voting.

4. The Secretary of State should conduct a study to identify three percent language minority precincts, the first one to be completed by Spring of 1977.

5. Upon completion of the above list, the Secretary of State should distribute it to all County Clerks/Registrars and advisory groups. Upon receipt of the list, Clerks, Registrars, and advisory groups should review it and recommend changes or additions (submitting such recommendations with supporting documentation) to the Secretary of State.

6. County Clerks/Registrars or the Secretary of State's Elections Division should be responsible for updating the list prior to every General Election during the five year period.

7. At least 60 days before a General Election, County Clerks/Registrars should be required to provide the Secretary of State with a list indicating the names of bilingual elections officers, the language need precincts to which they were assigned, and the particular language assistance expected to be rendered.

III. BILINGUAL ELECTION OFFICIALS

As noted earlier, state and federal law require the provision of oral assistance when language minority voters lack sufficient skill in English to vote without such assistance. This requirement necessarily involves the recruitment and selection of bilingual personnel (fluent in the appropriate language) and assignment of such personnel to areas of identified need.

Identification of language need areas has been discussed in detail (supra). This section of the report will focus on county efforts to recruit, select and assign bilingual precinct officials.

A. Summary of County Efforts to Recruit, Select, and Assign Bilingual Personnel

1. Recruitment

Several VRA counties made no effort to recruit bilingual election officials. These counties maintained that they either had no language minority need precincts or that they had a sufficient number of bilingual workers to service all resident language minority voters effectively. (See Appendix III Table 1, for recruiting modes used by each county.)

Many counties solicited language minority community groups for assistance in recruiting bilingual precinct election officials. The prevalent means of contact was a form letter mailed to various community groups identified as such by the elections staff.

Another method used was to send form letters to present and past election officers (usually inspectors) asking for their assistance in recruiting bilingual people.

Some counties utilized the "old boy" method of recruitment. Members of the elections staff asked their bilingual friends and acquaintances to apply for positions as election officials or asked them to "pass the word" to some of their bilingual friends.

A few counties used public service announcements urging bilingual voters to apply for positions as polling officials. Press releases were sent to traditional and/or ethnic newspapers and to language minority radio and television programs.

To a small extent, other methods used included: Employment Development Department services, referrals from the Equal Employment Opportunity Commission and court-certified interpreters, and precinct rolls.

2. Selection

Having recruited bilingual people, no attempt was made by any county to ascertain their level of minority language skills. Every Clerk/Registrar assumed sufficient language competency based on the individual's claim that he or she was bilingual.

Nor was there any attempt made to determine whether the individual was bicultural or at least somewhat familiar with the language minority he or she was hired to service.

3. Assignment

Several counties made a concerted effort to place

bilingual officials in precincts where they were truly needed. However, many counties made no effort at all. For the most part, election officers were assigned to precincts before any determination was made as to whether it was a language need precinct. Often, this resulted in language need precincts with boards comprised exclusively of monolingual English speakers. Where this was the case, a small number of counties "bumped" existing board members and added a bilingual person. However, most counties did not want to engage in bumping and either created an additional board position for the bilingual person or added a bilingual "assistant" who served solely as an interpreter. In other counties, nothing was done and no oral assistance was provided in the required minority languages. In rare cases, counties reassigned existing bilingual election officers to language need areas.

In addition to the assignment of bilingual election officers to language need precincts, almost all counties had bilingual workers at the central office on election day. A small group of counties made further provisions and installed extra phones or "hot lines" for language minority voters to utilize for assistance.

B. Analysis and Evaluation of County Efforts

1. Recruitment

While a few counties bravely asserted that they had sufficient numbers of bilingual elections officers to effectively service language minority residents, most com-

plained of the difficulty in locating and employing bilingual people. Of the variety of approaches used in recruiting, most produced unsatisfactory results.

a. Community Groups

Community groups are potentially the most effective means of identifying and recruiting well qualified bilingual election officials. Many counties (43%) used this technique and contacted such groups for assistance. The results were only partially successful.

In most instances, form letters were sent to language minority groups known to the elections staff. There are two major problems with this approach.

First, most counties were contacting these groups for the first time; a form letter is a bad method of introduction. It lacks the "personal touch". It tends to increase feelings of hostility and distrust among community group members.

For example, in Alameda County, the Registrar of Voters made a sincere and conscientious effort to consult Spanish language community organizations. He attempted to contact them via a form letter. The results were poor. This was directly attributed to the use of the form letter.

Experience has proven the necessity of identifying key people in community organizations; developing a good working relationship with each of them; getting them to understand the consequences that activities or the lack thereof will have on their communities; and following through to make sure that agreements are being carried out.

The second major problem with this approach is that utilization of the "finger tip" knowledge of members of the elections staff as the sole means of community groups identification, limits the quantity and quality of the community groups contacted. Only a handful of the counties surveyed included language minorities on their elections staff. Thus, staff members with little or no knowledge of the problems experienced by language minorities or of the minority community structure were deciding which groups to contact. Even in those few counties whose elections staff included language minorities, such persons tended to be uninvolved in their communities to the extent necessary to be knowledgeable about and intimate with community groups, their interest, and their leadership.

Thus, in counties utilizing this approach, many community groups were never contacted. Those that were contacted, responded poorly. Form letters sent to groups identified by people having no familiarity with language minorities or their groups, accompanied by inadequate or pro forma follow-up are insufficient to effectively use community groups in recruiting bilingual officials.

b. Personal Knowledge

Another recruitment method relied on heavily by the counties was to solicit the assistance of personal friends or the election staff and to solicit the assistance of former election officers. For example, the county clerk in Inyo County recruited Native American polling place assistance by asking friends who knew Native Americans.

While this may have resulted in locating some bilingual election officials, this method is inadequate. Used by itself, it tends to perpetuate past weaknesses and discriminates against those who have traditionally been shut out of the electoral process; favoring those few who happen to have the good fortune of knowing the "right" people. Moreover, this practice does not foster increased civic participation by the general populace.

c. Media

The use of media has great potential for reaching out to large numbers of bilingual people and generating their interest to apply for positions as election officers. However, as illustrated by the poor results of those counties using the press and/or electronic media, the manner in which the media is approached and used is the difference between success and failure. A shotgun approach of sending press releases to local media sources will produce mediocre results. This is especially true when dealing with ethnic press. Usually, they are not in a position to translate articles. Consequently, English-only press releases are ignored.

Likewise, to rely solely on the traditional press would be a mistake since such a news item (e.g., article about the need for bilingual officials), if used, would most likely be buried in the back sections of the paper or hidden in the middle of an article dealing with various other aspects of the electoral process.

As with all media sources, the establishment of good

working relationships with the ethnic media is essential. Timely follow-up is a key factor in using it effectively. It is equally important to know how each media source operates (e.g., how and by whom news items are selected, the day and time the paper goes to press, etc...).

d. Other Methods

The use of other government agencies such as the Employment Development Department and the Equal Employment Opportunity Commission or court-certified interpreters to assist in the recruitment of bilingual election officers, while commendable, can only be viewed as secondary sources. Except in unusual circumstances, the means produce very limited results.

For example, the Santa Clara County Clerk put in a request for bilingual (Spanish and English) elections officers to his local Employment Development Department. EDD referred four applicants, the County Clerk hired two, and neither made an appearance on Election Day.

2. Selection

As mentioned earlier, counties made no attempt to verify claims of bilingual skills on the part of election officers. This proved harmful to language minority voters in many counties.

For example, for the General Election in Fresno County, some "bilingual" election officers could not answer a simple question such as "Hay personas que hablan espanol en este recinto de votacion?" ("Are there Spanish speaking precinct

workers at this polling place?") In Fresno County, fourteen percent of the precincts containing a bilingual assistant or official could not offer adequate bilingual assistance. (See San Joaquin Voter Registration Project Report hereinafter referred to as San Joaquin Report, Apendix VIII)

In addition to insufficient language skills, another problem is the insensitivity and hostility toward the apprehensive new voter exhibited by many "bilingual" persons hired to work at the polls. For instance, precinct officials in ten percent of the seventy-three precincts surveyed in Fresno County were hostile toward language minority voters. Only forty-four percent of these exhibited a friendly attitude (see San Joaquin Report, Pg. 1).

As would anyone historically excluded from the voting process and confronted by a new situation and strange faces, voters felt uncomfortable and, as a result, lacked the confidence to ask for help. Others, who managed to sign the roster and enter the voting booth, discovered that they didn't know how to cast their ballot. Feeling that there was no one at the polling place they could ask for help, they walked out of the polling place; leaving blank ballots.

3. Assignment

Most counties had bilingual workers at the central elections office on Election Day (some hired temporary assistants, but a few had permanent bilingual staff). However, since there was no special phone number for assistance, many employees answering the telephones were not bilingual. The

result was that one of the two parties, in frustration or disgust, would hang up. This happened frequently. So, while the service was supposedly provided the language minority voters were not receiving the assistance they needed. (Note, on Election Day, the telephones were constantly busy, so that many could not get through in any language to the Election Office.)

There were several instances at the polls where language minority voters needed help but the precinct board was composed entirely of monolingual English speakers. In those situations, for whatever reasons, election officers failed to call the central elections office to ask the stand-by bilingual worker for assistance. Most of the time, the language minority voter was left to his or her own devices. Other times, election officers tried to be of assistance by speaking louder and slower in English. In a few cases, election officers gave the telephone number of the central elections office to the language minority voter with no other instructions. Thus, unless precinct workers know of a separate telephone number staffed by a bilingual person and make use of it, having bilingual workers at the central elections office is useless.

San Mateo County, like many other counties, claimed a long list of bilingual election officials but many of them were not assigned to language need precincts. This resulted in language need precincts with monolingual English election officers and monolingual English voter precincts with bi-

lingual election officers.

Considering the fact that Section 1635 of the Elections Code has been law since 1974, the counties have had sufficient time to identify language need precincts and assign election officers to those precincts. Instead, almost all of the precinct boards were filled before language need precincts were identified. This made it awkward and/or too much work or trouble to change assignments. While this action may not have been deliberately planned, counties could have made adequate provisions to prepare and implement a plan to provide necessary oral bilingual assistance throughout their jurisdictions.

C. Recommendations

Bilingual oral assistance, effectively implemented, has potential for being the most significant single tool for enfranchising language minority citizens. Effective bilingual oral assistance is nothing less than assistance freely and openly offered, fluently spoken, and at the level used by the language minority citizen.

The recommendations which follow may overlap with recommendations made in other sections of this report; however, the emphasis here is on increasing the number of bilingual election officers at language need precincts.

1. Each VRA county should consult its regional advisory group to assist the County Clerk/Registrar in the recruitment and assignment of election officers who are truly bilingual in

English and the applicable minority language(s).

2. Where practicable, each VRA county should have a staff person who has total responsibility for working with language minority community groups and media in the recruitment and assessment of bilingual election officers.

3. In hiring bilingual election officers, special consideration should be given to those who are also bicultural or have a sensitivity toward voters from different cultures and non-English speaking backgrounds.

4. In all counties, election officers should not be assigned to precincts boards until the process of identifying language need precincts has been completed.

If, 60 days prior to an election, there is an insufficient number of bilingual election officers, the precinct boards of the affected precincts should be left unfilled or partially unfilled and the County Clerk/Registrar should notify the Secretary of State and his or her advisory group so an intensive recruitment effort can be made.

5. Care should be taken to insure that a bilingual official is easily identifiable as such at all times.

6. Every County should make efforts to have election inspectors, judges, and clerks reflect the ethnic composition of the precinct.

Affirmative recruitment in those segments of the county poorly represented on precinct boards should be a priority.

7. All election officers should be required to attend a training session on polling place procedures which would include coverage of the rights guaranteed by the VRA and similar state law, information relevant to the availability of bilingual services for voters in the county, an explanation of the special problems facing language minority voters, a brief history of their exclusion from the electoral and political process. (See Section VII for proposed legislation relevant to training of polling officials.

8. Bilingual election officials should be tested to determine if their language ability in the appropriate minority language is adequate.

9. A bilingual vocabulary list of technical terms used in various aspects of the electoral process should be provided to every elections officer. In addition to this list, there should be a few key items, such as instructions on the use of voting machines.

10. Election officers should know where the nearest telephone is in the precinct and should be specifically informed of any special phone number established to offer any (including bilingual) voter assistance.

11. Election officials at each precinct should be furnished with a map showing the boundaries of their precinct, the boundaries of each neighboring precinct, and location of the polling places for such precincts.

IV. WRITTEN ASSISTANCE: TARGETING LANGUAGE NEED; MONOLINGUAL VS BILINGUAL MATERIALS

In the preceding sections, the focal point of discussion has been oral voter assistance. Equally important in VRA compliance is the provision of minority language written election materials. The most important aspects of this process are: 1) the location of language minorities in need of special materials; and 2) the format of election materials. This Section will focus on these two features of VRA compliance.

A. Targeting Language Need

The complexities involved with targeting language need for oral assistance differ from those involved with targeting for written assistance in that, in the case of the former, it is sufficient to locate general concentrations of language minorities. Once it is determined that language minorities exist in a particular area, a bilingual official can be placed in that area at no significant extra cost to the County and with no impairment of the quality of service to English speaking voters. Census tract data used in conjunction with community groups are accurate targeting tools for this purpose. With written assistance, individual voters must be located. Census data and community groups are not an accurate means of identifying language minorities individually.

Confronted by these complexities, all but two counties "blanketed" their jurisdictions with bilingual election materials. The Secretary of State and the elections officials in

Riverside and San Francisco counties attempted to target.

San Francisco and Riverside sent postcards to all registered voters in the county requesting an indication of language preference. The Secretary of State sent English-only state ballot pamphlets to all registered voters containing a Chinese and Spanish "caption" printed on the front page requesting language preference. Enclosed was a return postcard wherein there was included a place for the voter to indicate his or her request.

San Francisco received 3,500 Spanish and Chinese requests. Riverside received 1,056 Spanish requests. The Secretary of State received 10,033 Spanish and Chinese requests.

This low rate of request is not necessarily an indication of the actual need in the state or in those respective counties. There are factors, socio-political and psychological in nature, which, in the aggregate, may operate to deter language minorities from choosing minority language materials over English ones.

There is widespread public hostility towards the VRA. The reasons for this hostility vary and are discussed later in this report. (See Section VI, *Infra.*,) When given the choice of receiving election materials in a particular minority language, the language minority individual tends to choose the English version because he or she does not want to be associated with VRA and its attendant public hostility.

Furthermore, many language minority individuals view voting as a major step in becoming an "American". They do not want to demonstrate or suggest they are in any way second class citizens. Assimilation and acculturation factors tend to promote acceptance of the notion that "Americans" should speak English before they are allowed to vote.

Moreover, language minorities are unfamiliar with, and somewhat fearful of, the process of selecting official papers in a language other than English. Many fear that by choosing, for instance, a Spanish ballot, they will be precluded from ever receiving an English ballot. In fact, this is what some poll workers told language minority voters in Kern County during the 1976 General Election. Another fear is that the minority language version might not be the "official" document. In the past, all important papers received from government agencies have been in English (e.g., Welfare, Unemployment Insurance, and Workman's Compensation documents). There is some question in their minds as to the authenticity of the minority language election document. (i.e., is this the "real thing"?). In addition there is a real fear that by choosing elections materials in the minority language form, they may be identifying themselves for possible future harassment by local officials. All of these problems are compounded by the fact that there are not enough bilingual election officials to explain the selection process so as to allay these fears.

The above factors are attributable partially to illiteracy

and partially to historical discrimination. The VRA is specifically directed towards eradicating the effects of illiteracy and discrimination insofar as they have operated to disenfranchise language minorities. To ignore these factors in implementing voting procedures is tantamount to discouraging the free exercise of voting rights. If targeting by return postcard is to be utilized, it should be accompanied by some form of language minority voter education program so that the selection process can be fully explained and understood.

B. Monolingual vs. Bilingual Materials

In addition to the targeting methods discussed above, the Secretary of State is attempting to target by way of two other means. As part of the registration process, registrants are requested to indicate their language preference on their registration form. Also, in all future elections, local polling officials, as per the Secretary of State's instructions, are converting voters from the deputy registrar administered registration forms to the postal registration forms. As part of this conversion process, voters are requested to indicate their language preference.

One aspect common to all of these targeting methods is that once language preference is indicated, all future election materials are sent only in the language requested. Because of the lateness of the appropriation creating the Project, there wasn't time to submit questionnaires to a representative cross-section of language minority groups to find which written format is most effective, but based on the Project

member's discussions, observations and interactions with language minority groups throughout the state, all election materials distributed to language minorities should be provided only in bilingual form.

Language minority individuals tend to be "over-confident" in their English-reading ability. This, combined with the socio-political and psychological factors discussed above, often results in the individual selecting his or her materials in English only. If this practice proves true for the majority, English-only materials provide no opportunity for the individual to fall back on his or her native language. Of course, the reverse is also true. There is no evidence to suggest that language minorities are as literate or more literate in their own language than they are in English. Individuals receiving materials only in their native language have no opportunity to fall back on any English skills they might have. Thus, materials in a bilingual format would provide an opportunity for language comparisons and facilitate comprehension.

In addition, many language minority voters reside in homes where there are younger members (in many cases, non-voting age) who are literate and fluent in English and fluent, although not necessarily literate, in the native language. Election materials in the bilingual format would enable the younger members to help the older ones.

Finally, provision of election materials in a bilingual format may be required by the VRA. In Senate Report No. 94-

295, the Senate Judiciary Committee reported:

There is no question but that bilingual election materials would facilitate voting on the part of language minority citizens and would at last bring them into the electoral process on an equal footing with other citizens. (U.S. Code Cong. and Admin. News pgs., 1482, 1483)

Two things should be noted from this passage. First, the committee referred to "bilingual election materials". Second, the policy underlying the VRA is to bring language minorities into the electoral process on an "equal footing" with other citizens. Since the bilingual format is superior (for the reasons suggested above) to the monolingual format, it would tend to better achieve this goal.

The committee goes on to state:

The rationale behind the decision [New York court decisions requiring election officials to provide extensive bilingual assistance to voters in election districts with substantial non-English speaking populations] is the same as the reasoning that required help for illiterate voters: meaningful assistance to allow the voter to cast an effective ballot is implicit in the granting of the franchise. (U.S. Code Cong. and Admin. News Supra.,)

The Judiciary Committee equated the problems experienced by the language minorities with those of illiterate voters. In the case of illiterate voters, it is not a question of providing materials in one language or another. It is a matter of doing what is necessary to help the individual vote. The same effort is required in the case of language minority voters. This means providing election materials in a form that will best facilitate effective participation.

If bilingual ballots accomplish this (and the project members think it does) it is required by the VRA.

V. REGISTRATION

Thus far, the report has focused on county efforts to target language need precincts for oral assistance. The Project would be remiss in its 1655 charge if it concentrated only on this aspect of VRA compliance without also looking at what counties did to increase the number of language minorities on the voting rolls. Hence, this section will center on specific county efforts to affirmatively register language minorities.

This task is complicated by the fact that the Project did not start until voter registration had closed. Nevertheless, based on interviews and discussions with county election officials and community groups; two questionnaires submitted to all VRA counties regarding their language minority registration effort and attendant costs (See Appendices IV and V); and the observations of the Project members, this section will summarize county efforts to affirmatively register language minority citizens, attempt to identify the major problems in registering these people, and make some preliminary recommendations for future registration efforts.

A. Summary of County Efforts to Affirmatively Register Language Minorities

The main outreach registration methods presently being used by the counties in varying degrees are:

1. bilingual deputy registrars;
2. ethnic and non-ethnic media sources including

- newspapers, radio and television programs;
3. language minority community groups;
 4. distribution of postal registration forms through private interest groups such as candidates, political parties, and Farm-worker groups; and
 5. Areawide placement of postal registration forms with accompanying bilingual posters in public buildings.

In addition to utilizing combinations of the methods listed above, four counties devised outreach registration schemes which were unique.

Sacramento initiated a twenty-four-hour phone registration service. Inyo noted all property transfers occurring in the county and sent postal registration forms to new transferees of residential property. Colusa and San Joaquin cross-checked a Department of Motor Vehicles file listing of all drivers license holders over the age of eighteen with its registered voter file to ascertain whether such persons were registered to vote. Where it was discovered that a person was not registered, the registrar mailed a postal registration affidavit to his or her residence.

For the most part, counties used one or more of the five registration methods listed above. Appendix IV includes a county by county analysis of the outreach registration modes used by each county. For the purpose of this section, it will suffice to point out the salient aspects of that information.

Generally, little has been done to inform language minority

citizens of their rights under state and federal law and to encourage them to register. Of the thirty-five VRA counties (for which there was adequate information), six (17%) indicated that they made no affirmative effort. Eight (23%) did nothing more than distribute the postal registration forms sent them by the Secretary of State to government and public buildings. One merely made the postal forms available to any and all interest groups.

To summarize, fifteen counties (43%) did little more than distribute postal registration forms to government buildings as their sole affirmative registration effort.

Six counties (Los Angeles, Orange, Colusa, Sacramento, Tulare and San Joaquin) used language minority community groups as an affirmative registration tool.

Forty six percent of the counties used a media source at least once. Of these, sixty three percent used an ethnic media source at least once.

Only four of the thirty five VRA counties made specific efforts to secure registrations in language minority precincts. Orange County requested and obtained an appropriation which enabled them to hire fifteen bilingual deputy registrars. These registrars were assigned to areas containing high concentrations of Spanish-speaking citizens. San Joaquin County hired twenty four bilingual deputy registrars for a five day effort to register citizens in language minority areas.

Alameda County attempted to identify public places frequented by language minorities and supplied these areas with postcard registration forms. In conjunction with this effort, election staff recruited people from these places and trained them in the mechanics of completing the registration forms so that they could assist language minority citizens in registering. Los Angeles hired 648 bilingual registrars; however, they made no deliberate attempt to assign these people to specific language need areas.

B. Discussion

Two centuries of discriminatory voting practices have instilled in many minority people a feeling that voting is simply a "waste of time". In light of the above county efforts to bring language minorities into the political process, it would appear that such feelings are well founded.

Language minorities have been alienated from the democratic process because of racially discriminatory practices by local government officials. In Senate Report 94-295 the Senate Judiciary Committee pointed to:

The extensive record of barriers to registration and voting that language minority citizens encounter in the electoral process. Testimony was received regarding inadequate numbers of minority registration personnel uncooperative registrars, and the disproportionate effect of purging laws on non-English-speaking citizens because of language barriers. (Cong. Code and Admin. News pg., 1475)

The Committee went on to conclude:

What is done at the local level by local officials has the most impact upon the ability of these minorities to vote and the effectiveness of that vote. Many obstacles placed by these officials

frighten, discourage, frustrate, or otherwise inhibit language minority citizens from voting. (Cong. Code and Admin. News, pg., 1476)

These discriminatory practices have instilled in language minorities a fear and distrust of their government. The result has been systematic exclusion from the democratic process through non-participation culminating in a lack of political power.

Special care and attention must be directed towards bringing language minorities into the democratic process. The first step in any affirmative registration effort is to recognize this.

1. Utilizing Community Groups

Throughout this report, the VRA Project has stressed the necessity of utilizing language minority community groups as an integral part of any effort to enfranchise language minorities. Before counties can effectively utilize community groups, the basic problem they must overcome is the failure of communication between themselves and the language minority community. Language minority community groups contend that county election officials are unresponsive to their needs and requests, do not disseminate adequate public information freely, and lack sincerity and creativity in their efforts. County Clerks and Registrars complain that language minority community groups are unresponsive to their attempts to communicate, insensitive to the administrative

and budgetary constraints placed on them, inarticulate in their demands, and offer little substantive help when asked.

Whereas, the moral responsibility for increasing registration levels among language minorities lies to some extent with community groups, the legal responsibility lies with the counties.

Section 55.15 of the VRA Interpretive Guidelines states:

The requirements of [Title II and III of the VRA] apply with regard to the provision of any registration notices,... or information relating to the electoral process,... The basic purpose of these requirements is to allow members of applicable language minority groups to be effectively informed of and participate effectively in voting-connected activities. Accordingly, the ...language should be broadly construed to apply to all stages of the electoral process, from voter registration...to conducting elections.

Section 55.20 of the same Guidelines reads:

Announcements, publicity, and assistance should be given in oral form to the extent needed to enable members of the applicable language minority group to participate effectively in the electoral process.

Section 55.16 reads:

A jurisdiction is more likely to achieve compliance with these requirements [the VRA] if it has worked with the cooperation of and to the satisfaction of organizations representing members of the applicable language minority group.

Finally, the California Legislature has expressed its will that high registration levels for language minorities be maintained. (See Section I, Pg., 6)

It is incumbent upon county clerks and registrars to break down the barriers to meaningful communication. To

be sure, this task does not lend itself to traditional bureaucratic forms of problem solving.

2. Postcard Registration

Strategic and organized use of postal registration forms is essential in any effort to affirmatively register language minorities. They permit people to register without having to solicit the assistance of a deputy registrar, forms can be mailed directly to the registrar's office and anyone can assist a postal registrant without having to be trained or sworn as a deputy registrar. In short, postal registration forms are more accessible than deputy registrars and as such avail more people of the opportunity to vote.

The catch-word is "accessible". If postal affidavits are not placed in areas where language minorities can get them, they are useless as an affirmative registration tool. Most counties recognize this. Twenty four counties made an effort to liberally place postal affidavits in areas frequented by language minorities. In spite of this recognition many Clerks and Registrars have suggested that a "conservative" display of postal forms might facilitate placement in a wider range of places. They point out that banks and retail stores dislike displays which are "flamboyant" or "radical".

It would be senseless to engage in widespread distribution of postal affidavits if the manner in which they are displayed has the effect of making them invisible. A dis-

play of postal affidavits which blend into the general decor of a building increases the risk that such forms will go unnoticed. On balance, it is better to err on the side of "flamboyance" than run the risk that someone will go unregistered.

3. The Deputy Registrar Program

Language minority community groups have expressed concern that, with the increased use of postal registration, counties will gradually rely less on their deputy registrar program with the result that no individuals will be hired to specifically register in language minority communities. When queried about the future use of deputy registrars in light of postal registration, four counties indicated that they planned to discontinue the program while twenty indicated that it would remain the "same as always". Of the twenty counties indicating no change, six qualified their response by warning that their respective county Boards might reduce the amount of money paid per deputy registration.

Whether the deputy registrar program is phased out, cut back, or maintained, counties must hire bilingual individuals for the purpose of sending them into language minority communities to register residents to vote. As noted above, only four counties bothered to hire and use bilingual people for this specific purpose.

Postcard registration should not be substituted for labor intensive efforts to register language minorities.

Rather, it should be used as a part of such an effort. For instance, County Clerks and Registrars should contact language minority community groups for the purpose of building a voluntary or compensated network for a post-card registration campaign in language minority communities. This can be a very successful and effective registration program. For example, in East Los Angeles, a Chicano organization (Voter Organization Through Education) conducted a four-week postcard registration drive and increased the number of registered Spanish-speaking voters by ten percent. Further, preliminary information indicates that there was a five percent increase among registered language minorities during the last seven weeks prior to the 1976 General Election. This increase was due largely to the efforts of only ten community-based organizations utilizing postcard affidavits and bilingual people. (These groups worked for the passage of Proposition 14, the Farmworker Initiative.)

As an additional and complementary affirmative registration program, bilingual individuals should be hired to assist language minorities in completing postal registration forms. Public places frequented by language minorities should be identified. Supplies of postal forms should be placed in such areas and bilingual people should be hired to work those areas at strategic times (e.g., in banks on Friday evening).

With postal registration and the negative purge operating

to reduce the need for registration efforts in traditionally stable communities, more effort can be directed towards the historically disenfranchised.

VI. Continuing Role of the Secretary of State

A discussion of the role of the Secretary of State would be meaningless without first developing what has up to now been isolated views of a larger picture. Throughout this report it has been shown that, on the whole, VRA compliance in California has been inadequate. Until now, no attempt has been made to explain this. The reasons are numerous.

Since Congress enacted the VRA without an accompanying appropriation for implementation, counties have had to absorb the total cost of compliance. Most of these costs have been incurred for the translation and printing of bilingual election materials. However, in some counties, costs have been incurred for compliance programs such as voter outreach and recruitment of bilingual polling officials.

To meet these costs, county election officials have had to either request additional funds from their supervising Boards or reallocate portions of their operating budgets. Both of these financing means have been unpopular. Requests for additional funds have been met with cries of fiscal conservatism. Attempts to reallocate portions of their budgets have been difficult because monies have had to be shifted away from regular elections administration, and VRA start-up costs have been difficult to estimate.

Thus, the pressures in generating funds for VRA compliance have tended to produce feelings of frustration and, in some cases, anger among the officials charged with its enforcement.

In addition to increased costs, elections officials have had to assume full administrative responsibility for VRA implementation in their jurisdictions. This has been complicated by the fact that they have had no previous programmatic experience in dealing with language minorities in the manner prescribed by federal law. They have had to rely solely on their own assessment of language minority need and their own interpretation of what resources would best achieve compliance.

Faced with the vague charge from Congress (as interpreted by the U.S. Department of Justice) of enabling "...members of applicable language minority groups to participate effectively in the electoral process." Clerks have attempted to formulate new policies in the areas of election materials distribution, voter outreach, and oral voter assistance. In the case of election materials, policies have ranged from targeting to blanket distribution of materials. With respect to voter outreach, efforts have ranged from poster and media campaigns, to development of future plans (in L.A. County) for utilization of a "vote mobile" for a neighborhood by neighborhood registration campaign. Finally, oral voter assistance programs have ranged from recruitment and placement of bilingual precinct officials to the use of "hot lines".

Note, not all Clerks have been as aggressive or innovative. Several have made little or no effort. While a few of these have no doubt been motivated by bad faith, the rest, faced with administrating the up-coming Presidential Election, were genuinely moved to inaction by this additional and seemingly

insurmountable task of enfranchising language minorities.

In any event, VRA implementation has resulted in a significant increase in administrative workload. The net result has been to add to the discontent already generated by the funding pressures.

To complicate matters even further, there has been hostile public reaction to the VRA and County efforts to comply. The reasons for this reaction vary. In part, it is an expression of general public sentiment that mastery of the English language should be the price tag for voting. In part, it is a response to increased local government spending. In part, it results from a general misunderstanding of the purpose of the VRA and to clerk "sidestepping" or "buck" passing in response to politically sensitive questions and criticisms. Whatever the reasons, public hostility exists and it is widespread.

Much of this hostility has been directed towards county Clerks. Many have been confronted at public meetings, in newspapers, and by correspondence regarding their compliance policies and procedures. This hostility has served to heighten the frustration and discontent spurred by the pressures of funding and increased administrative workload.

Hence, the problems of funding, inexperience resulting in increased administrative workload, and public hostility have tended to produce still another problem--Clerk resentment of the VRA. Consequently, the degree of VRA compliance varies from county to county depending on the willingness of the particular clerk to request or reallocate sufficient funds; the

level of administrative responsibility he is willing to assume; and his ability to deal with hostile public opinion.

It is no surprise that Clerks more readily point to the VRA's failure rather than work toward its success. One Clerk referred to the VRA as "a disgusting piece of legislation". During a 1975 Special Election, the Fresno Clerk attached cover letters, written only in English, to all local ballot pamphlets listing the names of respective Congressmen and suggesting that concerned voters write their representative if they disagreed with the VRA.

Nevertheless, the majority of Clerks have indicated that they would dutifully carry out the mandate of the VRA if given some uniform guidance and assistance of the nature supplied by the Project staff. The Secretary of State should assume the leadership in this regard, at least to the extent state law seeks to accomplish the same goals as the VRA.

As Chief Elections Officer, the Secretary of State is charged with the administration and enforcement of state law. At a minimum, Sections 301, 302 and 304 of the State Elections Code require the Secretary of State to insure that language minority registration be maintained at a high level and that affirmative registration efforts be made if necessary. Further, Section 1635 of the Elections Code requires bilingual assistance in language minority precincts. The Secretary of State should provide standards relating to the identification of three percent precincts and the recruitment and selection of bilingual precinct officials.

Thus, the Secretary of State should provide direction by promulgating guidelines or regulations designed to achieve the legislative goals in jurisdictions affected by the above mentioned laws. Consistent with this, the Secretary of State should provide technical assistance and aid in the procurement of funds.

A. Compliance Guidelines or Regulations

In response to the varying degrees of county efforts to provide oral assistance and to provide a measure to gauge compliance with state law requiring oral voter assistance in designated precincts, the Secretary of State should promulgate guidelines or regulations. (See Sections VII for Proposed Voting Rights Regulations). Such guidelines or regulations should provide standards for identification of three percent precincts, and for the recruitment and selection of bilingual precinct officials.

If regulations are promulgated, they should include an extensive reporting system so as to facilitate monitoring of compliance. There should also be enforcement provisions for mandamus or injunctive actions. At a minimum, there should be a mechanism whereby recalcitrant county officials are referred to the U.S. Attorney's office or State Attorney General's office for possible prosecution under state or federal law.

It should be noted that whatever form the regulations take, they should be flexible enough to allow for the particular demographic and political characteristics peculiar to

each county.

B. Technical Assistance

As pointed out earlier in this report, all but one county utilized targeting as a means of identifying areas for the provision of oral assistance. The most widely used methodology (51%) was "personal knowledge" (i.e., the Clerk's familiarity with the demography of the county through his experience as Clerk). Technical assistance must be provided to the counties in order to insure more reliable identification and ultimately servicing of language minorities.

In this regard, the Secretary of State should explore and develop other state resources which might facilitate the accurate identification of language minority groups. For instance, the Department of Education has a listing of all students enrolled in their "English as a Second Language" program. This data could be utilized to identify these students' non-English speaking or limited-English speaking parents. The possibility of using the assistance of Migrant Education personnel for targeting language need area should be explored. Other data such as that collected by the Employment Development Department, the Department of Motor Vehicles, and the Social Security Administration should be explored for their possible usefulness in identifying language minority areas.

In addition, the Secretary should provide community liaison assistance to the counties so as to facilitate targeting

through the use of community groups. Many counties have simply failed to make effective use of these groups. In a few counties, such groups are non-existent.

Through liaison assistance, language minority community groups could be located and placed in contact with county officials.

In those counties where groups are unorganized, expertise could be sent into language minority communities to organize interested community members.

Also, the Secretary of State should coordinate the establishment of local and regional advisory committees. (See Section VII, Proposed Regulations)

C. Assistance in the Procurement of Funds

The Secretary of State should assist the counties in locating alternative funding sources. Sources such as Federal Elections Commission funding, funding through provisions of the Intergovernmental Personnel Act, and Voter Outreach (704) funds should be explored.

VII. Proposed Legislation and Regulations

VOTING RIGHTS

Proposed Legislation

An act to add Section 1640.5 to the Election Code, relating to the training of precinct officials.

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

SECTION 1. Section 1640.5 is added to the Elections Code to read:

1640.5 (a) Following the appointment of an individual to a precinct board, the clerk shall instruct such person concerning their duties relating to the conduct of the election. Such instruction shall include (1) a summary of the rights of voters including a detailed explanation of the rights protected by the Voting Rights Act of 1975 and similar state law, (2) an explanation of the special problems experienced by language minority voters, (3) the lawful grounds for challenge, and (4) such other subject necessary or useful to assist the board official in carrying out his or her duty.

VOTING RIGHTS

Proposed Legislation

An act to amend Section 1504 of the Elections Code, relating to polling place locations.

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

SECTION 1. Section 1504 of the Elections Code is amended to read:

The governing body having jurisdiction over public buildings may authorize the use of such buildings for polling places on any election day, and may also authorize the use of such buildings, without cost, for the storage of voting machines and other vote-tabulating devices.

(a) The governing body having jurisdiction over public school buildings consisting of grades one through twelve shall authorize the use of such buildings for polling places on all election days, and may also authorize the use of such buildings, without cost, for the storage of voting machines and other vote-tabulating devices.

VOTING RIGHTS

Proposed Regulations

ARTICLE 1. DEFINITIONS

SECTION XXXXX.

"Fluent in the appropriate language" shall mean the ability of a person to communicate instructions, directions and relevant elections information in the language or languages spoken by voters residing in the precinct where language assistance is being provided.

SECTION XXXXX.

"Bicultural" shall mean posing membership in a ethnic minority group.

SECTION XXXXX.

"Legitimate language minority community group" shall mean any group of individuals posing membership interest in the affairs of the limited English speaking portion of the community.

SECTION XXXXX.

"Ethnic media" shall mean any media marketing itself to the non-English or limited English speaking portion of the community.

SECTION XXXXX.

"County elections official" shall mean any county clerk, voter registrar or other elections officials with similar duties.

SECTION XXXXX.

"Ethnic heritage component" shall mean variable or variables designed to measure an individuals respondent's ethnic origin, descent or mother tongue.

SECTION XXXXX.

"Census tracts and enumeration districts" shall mean the same as defined in DAD No. 36 "Data Access Descriptions to the 1970 Census.

ARTICLE 2. Identification of Language Need Precincts;
Oral Assistance; Recruitment, Selection and
Assignment of Bilingual Precinct Officials.

SECTION XXXXX. Purpose

- (A) The purpose of these regulations is to fulfill the the purpose and intent of the Voting Rights Act of 1975, Section 1635 of the California Elections Code, the state and federal constitutions, and other state and federal law prohibiting discrimination to the end that no otherwise qualified person shall be denied the right to vote or participate meaningfully in the electoral process by any political subdivision in this state on the grounds of his/her ability to read, write or speak English.

SECTION XXXXX. Identification of Language Need Precincts

- (A) Within one year following the enactment of this Section, each county shall identify every precinct within its jurisdiction wherein three percent of the voting age residents comprise the same language minority group, or wherein concerned citizens or community groups have demonstrated the need for oral and/or written language assistance. Such precincts shall be designated as "language need precincts".

- (B) In identifying language need precincts pursuant to subsection (A) of this Section, county elections officials shall utilize the following procedure:
- (a) Where language minority group members can be easily identified by surname, the county elections official shall extract all appropriate language minority surnames from the County's Index of Registered Voters. When the total number of language minority surname voters comprise five percent of the registered voters in a precinct, such precinct shall be designated a language need precinct. The county elections official shall compose a list of precincts identified pursuant to this part.
- (1) Where language minority group members are such that identification by surname is impossible or impracticable, language need precincts shall be identified pursuant to part (b) below.
- (b) In addition to the procedure set forth in part (a) of this subsection, or where language minorities cannot be identified by surname, county elections officials shall identify language need precincts utilizing census data gained through the most recent compilation of

the United States Bureau of the Census. Where the ethnic heritage component of the census equals ten percent or more of the population in a census tract or enumeration district, all precincts encompassed by that tract or enumeration district shall be designated language need precincts. The county elections official shall compose a list of precincts identified pursuant to this part.

- (c) The lists composed pursuant to part (a) and (b) of this subsection shall be submitted to all language minority community groups identified pursuant to Section XXXXX no later than ninety (90) days prior to the time the one year period allotted by subsection (A) of this Section lapses. Such community groups shall review said lists for the purpose of deleting precincts erroneously designated as language need precincts, adding precincts which the particular community group believes in good faith should be on the list, and otherwise amending the lists to reliably conform to the language minority makeup of the county.
- (d) The final list emerging from the operation of parts (a) (b) and (c) of this subsection shall

be updated prior to each Primary election. Said updating shall occur no later than sixty (60) days prior to the Primary.

- (C) During the first full week following the one year period allotted by subsection (A) of this Section, and during the first week in January of every year thereafter, county elections official shall submit to the Secretary of State's office a written report detailing how the county specifically complied with each provision of this Section including a copy of the final list of language need precincts identified pursuant to subsection (B) of this Section.

SECTION XXXXX. Oral Assistance

- (A) Counties shall provide oral voter assistance in all language need precincts identified pursuant to Section XXXXX.

SECTION XXXXX. Recruitment

- (A) For every precinct requiring oral voter assistance pursuant to Section XXXXX, the county elections official shall affirmatively recruit at least one precinct board official per language group who is fluent in the appropriate language and is either bicultural or familiar with and sensitive to the language minority group he/she is to service.

- (B) In recruiting bilingual precinct officials, the county elections official shall:
- (a) contact the county's Regional Advisory Commission and/or Advisory Committee established pursuant to Section XXXXX for assistance;
 - (b) contact all legitimate and appropriate language minority groups identified pursuant to Subsection (C) of this Section for their assistance in securing names of qualified candidates and for their assistance in informing minority citizens that board positions are available; and
 - (c) utilize all ethnic and non-ethnic media sources including; but not limited to:
 - (1) radio, television, newspapers, billboards, posters, leaflets, pamphlets, bulletins and circulars.
- (C) Within three months after the enactment of this part each affected county shall identify all relevant language minority community groups located within its boundaries. Upon such identification, county elections officials shall compose a list of the groups identified. A copy of the list shall be forwarded

to the Secretary of State's office and other copies shall be made available, at a reasonable cost, to the public. Said list shall be updated by the county annually. Each updated version shall be forwarded to the Secretary of State and be made available, at a reasonable cost, to the public.

(a) In identifying language minority community groups pursuant to this part, County elections officials shall:

(1) Contact all relevant federal agencies including, but not limited to:

(i) Equal Employment Opportunity Commission, U.S. Commission on Civil Rights, Legal Aid Society, California Rural Legal Assistance, Office for Civil Rights, DHEW, U.S. Department of Justice Civil Rights Division, and respective Congressional Representatives.

(2) Contact all relevant state agencies including, but not limited to:

(i) Fair Employment Practices Commission, Office of Migrant Services, Office of Migrant Education, Employment

Development Department, Department
of Health Civil Rights Office,
Department of Benefit Payments,
Secretary of State and respective
Assembly and Senatorial Representatives.

(3) Contact all relevant county agencies including, but not limited to:

(i) Human Relations Commission, Community Development Office, City Councilmen, County Supervisors and the various Mayor's Offices:

(b) The county elections official shall not rely solely on his/her personal knowledge or the personal knowledge of members of his/her staff.

(D) Blanket mailings of form or mimeographed letters to language minority community groups requesting assistance in recruiting shall be accompanied by some form of follow-up.

(E) Within three months after the enactment of this part, the county elections official in each affected county shall identify all appropriate language minority media. A list shall be composed, distributed and

updated in the same manner prescribed in subsection (C) of this Section.

(a) In identifying language minority media pursuant to this part, county elections officials shall follow the procedure set forth in subsection (C) part (a) of this Section.

(b) In addition to the sources contacted pursuant to part (a) of this subsection, county elections officials shall contact all language minority community groups identified pursuant to subsection (C) part (a) of this Section.

(F) County elections officials shall not issue press releases or announcements written in English only to the ethnic media. All press releases and announcements shall be translated into the appropriate language before they are issued.

(G) All press releases to ethnic and non-ethnic media sources shall be accompanied by some form of reasonable follow-up. A County elections official shall be deemed to have complied with the follow-up provision of this part when the appropriate media person actually receives the releases and is informed in writing of its importance.

- (H) County elections officials shall contact all appropriate federal, state and county agencies including those listed in subsection (C) part (a) subparts (1) (2) and (3) of this Section for the purpose of soliciting their ideas, suggestions and recommendation relevant to recruitment of bilingual officials.
- (I) On the first work day of the second week in January, county election officials shall submit to the Secretary of State's office a written report detailing how the county specifically complied with each provision of this Section.

. SECTION XXXXX. Selection

- (A) County elections officials shall not hire a bilingual individual to serve as a precinct official unless and until such individual has been certified as competent in the appropriate language by a qualified member of the elections staff, a qualified member of the county's advisory commission or committee, or a qualified member of a language minority community group.
- (a) For the purpose of this part, an individual shall be considered "qualified" if such person is fluent in the appropriate language.

- (b) An individual qualified to certify for language competency pursuant to this part shall so certify if, after a short conversation with an applicant, it can be determined that he can effectively communicate with the voter on election day.
- (B) No certified bilingual individual shall be appointed to any precinct board unless such individual is bilcultural or, at the very least, exhibits a familiarity with and sensitivity to the language minority group he/she is to service.
- (C) As part of the written report required by Section XXXXX subsection (I), the county elections official shall include a list of all bilingual precinct officials hired in the previous year, the manner by which such officials were certified, and the name and affiliation of the individual who certified.

SECTION XXXXX. Assignment

- (A) Except as provided in part (a) of this subsection, no county elections official shall appoint or assign any person to any precinct board until all language need precincts targeted pursuant to SECTION XXXXX have been identified.

(a) During the one year period allotted by SECTION XXXXX subsection (A) or until all language need precincts have been identified by the procedure set forth in that Section, whichever comes first, this Section shall apply as follows:

- (1) to all existing identified language need precincts however identified;
- (2) to any language need precinct identified by the Secretary of State; and
- (3) to any language need precinct identified by a legitimate language minority group provided that the county elections official agrees that the precinct is truly a language need precinct. If the county elections official disagrees, he/she shall use the procedure and criteria set forth in SECTION XXXXX subsection (B) parts (a) (b) and (c) to determine the status of the precinct in question.

(B) If, forty five (45) days prior to an election, it becomes apparent that there is an insufficient number of bilingual election officials available to fill board positions in all of the counties' language need precincts, at least one position on

each affected precinct board shall remain unfilled and the county elections official shall immediately engage in an intensive recruitment effort in accordance with the procedure set forth in SECTION XXXXX of these regulations.

- (C) County elections officials shall make every effort to reassign existing bilingual precinct officials from monolingual English precinct to language need precincts identified pursuant to SECTION XXXXX provided that such existing bilingual officials meet the requirements set forth in SECTION XXXXX above.
- (D) As part of the written report required by SECTION XXXXX subsection (I), the county elections official shall submit a list of the names of bilingual individuals assigned to service language need precincts, the dates such people were assigned, a list of all precincts whose boards were filled pursuant to subsection (A) part (a) of this Section, and a list of all bilingual personnel reassigned from monolingual English precincts to language minority precincts.

ARTICLE 3. Voting Rights Regional Advisory Commissions and Local Advisory Committees

SECTION XXXXX. Voting Rights Regional Advisory Commission

- (A) Each County elections official shall compile a list of volunteers including representatives from the county elections staff, legal community, academic community and language minority communities. Such list shall be submitted to the Secretary of State for the purpose of aiding the Secretary in forming VRA Regional Advisory Commissions.

SECTION XXXXX. Local Advisory Committee

- (A) Alameda, Los Angeles, Orange, San Diego, San Francisco, and Santa Clara Counties shall, with the assistance of the Secretary of State, establish a Local Advisory Committee consisting of fifteen members with representatives from the same groups listed in SECTION XXXXX.
- (B) Counties covered by this subsection shall inform their respective Advisory Committees regarding all County efforts to identify language need precincts, recruit, select, and assign bilingual precinct officials, and register language minorities. The Advisory Committee shall review such efforts and submit a written report setting forth their comments, suggestions and recommendations to the Secretary of State and the County Election Official. Such report shall be submitted no later than 60 days prior to each statewide election.
- (C) Each Advisory Committee shall be responsible for formula-

ting its own operating procedure including elections of Officers, term of service and appointment of new members.

ARTICLE 4. Sanctions for Non-compliance

SECTION XXXX.

(A) The Secretary of State shall take appropriate action against any county or other political subdivision found to be in violation of this Chapter and to ensure the effects or conditions resulting from that violation are eliminated.

(B) This action shall include, but not be limited to, the following:

(a) the requirement of corrective action, including:

(1) mandatory affirmative recruitment of bilingual and/or bicultural precinct officials;

(2) mandatory reassignment of existing bilingual and/or bicultural precinct officials;

(3) mandatory identification of language officials;

(C) The referral of the matter to the Attorney General for

appropriate action; and

- (D) The referral of the matter to the United States Department of Justice for appropriate action.

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3. S. B. 1655



Public Law 94-73
94th Congress, H. R. 6219
August 6, 1975

An Act

To amend the Voting Rights Act of 1965 to extend certain provisions for an additional seven years, to make permanent the ban against certain prerequisites to voting, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Voting Rights
Act of 1965,
amendments.

TITLE I

SEC. 101. Section 4(a) of the Voting Rights Act of 1965 is amended by striking out "ten" each time it appears and inserting in lieu thereof "seventeen".

42 USC 1973b.

SEC. 102. Section 201(a) of the Voting Rights Act of 1965 is amended by—

42 USC 1973aa.

(1) striking out "Prior to August 6, 1975, no" and inserting "No" in lieu thereof; and

(2) striking out "as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act." and inserting in lieu thereof a period.

TITLE II

SEC. 201. Section 4(a) of the Voting Rights Act of 1965 is amended by—

Tests or
devices,
suspension,
42 USC 1973b.

(1) inserting immediately after "determinations have been made under" the following: "the first two sentences of";

(2) adding at the end of the first paragraph thereof the following new sentence: "No citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under the third sentence of subsection (b) of this section or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the ten years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f) (2): *Provided*, That no such declaratory judgment shall issue with respect to any plaintiff for a period of ten years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this paragraph, determining that denials or abridgments of the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f) (2) through the use of tests or devices have occurred anywhere in the territory of such plaintiff.";

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(3) striking out "the action" in the third paragraph thereof, and by inserting in lieu thereof "an action under the first sentence of this subsection"; and

(4) inserting immediately after the third paragraph thereof the following new paragraph:

"If the Attorney General determines that he has no reason to believe that any such test or device has been used during the ten years preceding the filing of an action under the second sentence of this subsection for the purpose or with the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f) (2), he shall consent to the entry of such judgment."

42 USC 1973b.

SEC. 202. Section 4(b) of the Voting Rights Act of 1965 is amended by adding at the end of the first paragraph thereof the following: "On and after August 6, 1975, in addition to any State or political subdivision of a State determined to be subject to subsection (a) pursuant to the previous two sentences, the provisions of subsection (a) shall apply in any State or any political subdivision of a State which (i) the Attorney General determines maintained on November 1, 1972, any test or device, and with respect to which (ii) the Director of the Census determines that less than 50 per centum of the citizens of voting age were registered on November 1, 1972, or that less than 50 per centum of such persons voted in the Presidential election of November 1972."

42 USC 1973b.

SEC. 203. Section 4 of the Voting Rights Act of 1965 is amended by adding the following new subsection:

Language minorities.

"(f) (1) The Congress finds that voting discrimination against citizens of language minorities is pervasive and national in scope. Such minority citizens are from environments in which the dominant language is other than English. In addition they have been denied equal educational opportunities by State and local governments, resulting in severe disabilities and continuing illiteracy in the English language. The Congress further finds that, where State and local officials conduct elections only in English, language minority citizens are excluded from participating in the electoral process. In many areas of the country, this exclusion is aggravated by acts of physical, economic, and political intimidation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting English-only elections, and by prescribing other remedial devices.

USC prec. title 1.

"(2) No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote because he is a member of a language minority group.

"Test or device."

"(3) In addition to the meaning given the term under section 4(c), the term 'test or device' shall also mean any practice or requirement by which any State or political subdivision provided any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language, where the Director of the Census determines that more than five per centum of the citizens of voting age residing

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in such State or political subdivision are members of a single language minority. With respect to section 4(b), the term 'test or device', as defined in this subsection, shall be employed only in making the determinations under the third sentence of that subsection.

42 USC 1973b.

"(4) Whenever any State or political subdivision subject to the prohibitions of the second sentence of section 4(a) provides any 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 language minority group as well as in the English language: *Provided*, That where the language of the applicable minority group is oral or unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting."

SEC. 204. Section 5 of the Voting Rights Act of 1965 is amended by inserting after "November 1, 1968," the following: "or whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the third sentence of section 4(b) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1972,"

42 USC 1973c.

SEC. 205. Sections 3 and 6 of the Voting Rights Act of 1965 are each amended by striking out "fifteenth amendment" each time it appears and inserting in lieu thereof "fourteenth or fifteenth amendment".

42 USC 1973a,
1973d.

SEC. 206. Sections 2, 3, the second paragraph of section 4(a), and sections 4(d), 5, 6, and 13 of the Voting Rights Act of 1965 are each amended by adding immediately after "on account of race or color" each time it appears the following: ", or in contravention of the guarantees set forth in section 4(f) (2)".

42 USC 1973-
1973d, 1973k.

SEC. 207. Section 14(c) is amended by adding at the end the following new paragraph:

42 USC 1973l.

"(3) The term 'language minorities' or 'language minority group' means persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage."

"Language
minorities,"
"language
minority
group."
42 USC 1973
note.

SEC. 208. If any amendments made by this Act or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of the Voting Rights Act of 1965, or the application of such provision to other persons or circumstances shall not be affected by such determination.

TITLE III

SEC. 301. The Voting Rights Act of 1965 is amended by inserting the following new section immediately after section 202:

42 USC
1973aa-1.

"BILINGUAL ELECTION REQUIREMENTS

"SEC. 203. (a) The Congress finds that, through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process. Among other factors, the denial of the right to vote of such minority group citizens is ordinarily directly related to the unequal educational

42 USC
1973aa-1a.

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USC prec.
title 1.

opportunities afforded them, resulting in high illiteracy and low voting participation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting these practices, and by prescribing other remedial devices.

"(b) Prior to August 6, 1985, no State or political subdivision shall provide registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language if the Director of the Census determines (i) that more than 5 percent of the citizens of voting age of such State or political subdivision are members of a single language minority and (ii) that the illiteracy rate of such persons as a group is higher than the national illiteracy rate: *Provided*, That the prohibitions of this subsection shall not apply in any political subdivision which has less than five percent voting age citizens of each language minority which comprises over five percent of the statewide population of voting age citizens. For purposes of this subsection, illiteracy means the failure to complete the fifth primary grade. The determinations of the Director of the Census under this subsection shall be effective upon publication in the Federal Register and shall not be subject to review in any court.

"Illiteracy,"
Publication
in Federal
Register.

"(c) Whenever any State or political subdivision subject to the prohibition of subsection (b) of this section provides any 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: *Provided*, That where the language of the applicable minority group is oral or unwritten or in the case of Alaskan natives, if the predominant language is historically unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting.

"(d) Any State or political subdivision subject to the prohibition of subsection (b) of this section, which seeks to provide English-only registration or voting materials or information, including ballots, may file an action against the United States in the United States District Court for a declaratory judgment permitting such provision. The court shall grant the requested relief if it determines that the illiteracy rate of the applicable language minority group within the State or political subdivision is equal to or less than the national illiteracy rate.

"Language
minorities,"
"language
minority
groups,"

"(e) For purposes of this section, the term 'language minorities' or 'language minority group' means persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage."

42 USC 1973aa-
2, 1973aa-3,
1973aa-4,
42 USC 1973aa-
2.

SEC. 302. Sections 203, 204, and 205 of the Voting Rights Act of 1965, are redesignated as 204, 205, and 206, respectively.

SEC. 303. Section 203 of the Voting Rights Act of 1965, as redesignated section 204 by section 302 of this Act, is amended by inserting immediately after "in violation of section 202," the following: "or 203,".

42 USC 1973aa-
3.

SEC. 304. Section 204 of the Voting Rights Act of 1965, as redesignated section 205 by section 302 of this Act, is amended by striking out "or 202" and inserting in lieu thereof "202, or 203".

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TITLE IV

Sec. 401. Section 3 of the Voting Rights Act of 1965 is amended by striking out "Attorney General" the first three times it appears and inserting in lieu thereof the following "Attorney General or an aggrieved person". 42 USC 1973a.

Sec. 402. Section 14 of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new subsection: 42 USC 1973l.

"(e) In any action or proceeding to enforce the voting guarantees of the fourteenth or fifteenth amendment, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs." Attorney's fees.

Sec. 403. Title II of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new section: 42 USC 1973aa.

"Sec. 207. (a) Congress hereby directs the Director of the Census forthwith to conduct a survey to compile registration and voting statistics: (i) in every State or political subdivision with respect to which the prohibitions of section 4(a) of the Voting Rights Act of 1965 are in effect, for every statewide general election for Members of the United States House of Representatives after January 1, 1974; and (ii) in every State or political subdivision for any election designated by the United States Commission on Civil Rights. Such surveys shall only include a count of citizens of voting age, race or color, and national origin, and a determination of the extent to which such persons are registered to vote and have voted in the elections surveyed. Survey. 42 USC 1973aa-5.

"(b) In any survey under subsection (a) of this section no person shall be compelled to disclose his race, color, national origin, political party affiliation, or how he voted (or the reasons therefor), nor shall any penalty be imposed for his failure or refusal to make such disclosures. Every person interrogated orally, by written survey or questionnaire, or by any other means with respect to such information shall be fully advised of his right to fail or refuse to furnish such information. 42 USC 1973b.

"(c) The Director of the Census shall, at the earliest practicable time, report to the Congress the results of every survey conducted pursuant to the provisions of subsection (a) of this section. Report to Congress.

"(d) The provisions of section 9 and chapter 7 of title 13 of the United States Code shall apply to any survey, collection, or compilation of registration and voting statistics carried out under subsection (a) of this section." 13 USC 9, 21l.

Sec. 404. Section 11(c) of the Voting Rights Act of 1965 is amended by inserting after "Columbia," the following words: "Guam, or the Virgin Islands." 42 USC 1973i.

Sec. 405. Section 5 of the Voting Rights Act of 1965 is amended— 42 USC 1973c.

(1) by striking out "except that neither" and inserting in lieu thereof the following: "or upon good cause shown, to facilitate an expedited approval within sixty days after such submission, the Attorney General has affirmatively indicated that such objection will not be made. Neither an affirmative indication by the Attorney General that no objection will be made, nor";

(2) by placing after the words "failure to object" a comma; and

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(3) by inserting immediately before the final sentence thereof the following: "In the event the Attorney General affirmatively indicates that no objection will be made within the sixty-day period following receipt of a submission, the Attorney General may reserve the right to reexamine the submission if additional information comes to his attention during the remainder of the sixty-day period which would otherwise require objection in accordance with this section."

42 USC
1973aa-2.

SEC. 406. Section 203 of the Voting Rights Act of 1965, as redesignated 204 by section 302 of this Act, is amended by striking out "section 2282 of title 28" and inserting "section 2284 of title 28" in lieu thereof.

SEC. 407. Title III of the Voting Rights Act of 1965 is amended to read as follows:

"TITLE III—EIGHTEEN-YEAR-OLD VOTING AGE

"ENFORCEMENT OF TWENTY-SIXTH AMENDMENT

42 USC 1973bb.

"SEC. 301. (a) (1) The Attorney General is directed to institute, in the name of the United States, such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the twenty-sixth article of amendment to the Constitution of the United States.

USC prec.
title I,
jurisdiction.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted under this title, which shall be heard and determined by a court of three judges in accordance with section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

Penalty.

"(b) Whoever shall deny or attempt to deny any person of any right secured by the twenty-sixth article of amendment to the Constitution of the United States shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

"DEFINITION

42 USC
1973bb-1.

"SEC. 302. As used in this title, the term 'State' includes the District of Columbia."

42 USC 1973h.

SEC. 408. Section 10 of the Voting Rights Act of 1965 is amended—

(1) by striking out subsection (d);

(2) in subsection (b), by inserting "and section 2 of the twenty-fourth amendment" immediately after "fifteenth amendment"; and

(3) by striking out "and" the first time it appears in subsection (b), and inserting in lieu thereof a comma.

42 USC 1973i.

SEC. 409. Section 11 of the Voting Rights Act of 1965 is amended by adding at the end the following new subsection:

Penalty.

"(c) (1) Whoever votes more than once in an election referred to in paragraph (2) shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

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"(2) The prohibition of this subsection applies with respect to any general, special, or primary election held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of the Commonwealth of Puerto Rico.

"(3) As used in this subsection, the term 'votes more than once' does not include the casting of an additional ballot if all prior ballots of that voter were invalidated, nor does it include the voting in two jurisdictions under section 202 of this Act, to the extent two ballots are not cast for an election to the same candidacy or office."

"Votes more than once."

42 USC
1973aa-1.

Sec. 410. Section 3 of the Voting Rights Act of 1965 is amended by inserting immediately before "guarantees" each time it appears the following "voting".

42 USC 1973a.

Approved August 6, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-196 (Comm. on the Judiciary).

SENATE REPORT No. 94-295 accompanying S. 1279 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 121 (1975):

June 2-4, considered and passed House.

July 21-24, considered and passed Senate, amended.

July 28, House agreed to Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 32:

Aug. 6, Presidential statement.

TUESDAY, JULY 20, 1976



PART V:

DEPARTMENT OF
JUSTICE

■

IMPLEMENTATION OF
THE PROVISIONS OF THE
VOTING RIGHTS ACT
REGARDING LANGUAGE
MINORITY GROUPS

Interpretation Guidelines

federal register

RULES AND REGULATIONS

28—Judicial Administration

I—DEPARTMENT OF JUSTICE

[Order No. 855-78]

IMPLEMENTATION OF THE PROVISIONS OF THE VOTING RIGHTS ACT REGARDING LANGUAGE MINORITY GROUPS

Interpretative Guidelines

On July 21, 1976, a document was published in the FEDERAL REGISTER (41 FR 2814) proposing Interpretative Guidelines on the Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups. Interested parties were given the opportunity to comment on the proposed Interpretative Guidelines on or before May 11, 1976. All comments received with respect to the proposed Interpretative Guidelines were given due consideration. In response to these comments a number of clarifications have been made.

Accordingly, 28 CFR Part 55 is revised as follows:

Effective date: These Interpretative Guidelines shall become effective on July 21, 1976.

EDWARD H. LEVI,
Attorney General.

Subpart A—General Provisions

§ 55.1 Definitions.
Purpose; standards for measuring compliance.
Statutory requirements.

Subpart B—Nature of Coverage

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Coverage under Section 203(c).
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Standards and proof of compliance.
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JURISDICTIONS COVERED

5 U.S.C. 301, 28 U.S.C. 509, 510,

Subpart A—General Provisions

§ 55.1 Definitions.

For purposes of this Part—

(a) "Act" means the Voting Rights Act of 1965, 79 Stat. 437, as amended by the Voting Rights Act Amendments of 1970, 84 Stat. 314, and the Voting Rights Act Amendments of 1975, Pub. L. 94-73, 42 U.S.C. 1973 *et seq.* Section numbers, such as "Section 14(c) (3)," refer to the Act.

(b) "Attorney General" means the Attorney General of the United States.

(c) "Language minority" or "Language minority group" means persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage. Sections 14(c) (3), 203(e). For the purposes of the Act, the following Asian American groups are considered language minority groups: Chinese Americans, Filipino Americans, Japanese Americans, and Korean Americans. As used in this Part, "applicable language minority group" refers to the group or groups listed in the determinations as to coverage published in the FEDERAL REGISTER. As used in this Part, each of the seven following groups is considered a "single language minority group": American Indians, Alaskan Natives, persons of Spanish heritage, Chinese Americans, Filipino Americans, Japanese Americans, and Korean Americans.

(d) "Political subdivision" means: " . . . any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting." Section 14(c) (2).

§ 55.2 Purpose; standards for measuring compliance.

(a) The purpose of this Part is to set forth the Attorney General's interpretation of the provisions of the Voting Rights Act, as amended by Public Law 94-73 (1975), which require certain States and political subdivisions to conduct elections in the language of certain "language minority groups" in addition to English.

(b) In the Attorney General's view the objective of the Act's provisions is to enable members of applicable language minority groups to participate effectively in the electoral process. This Part establishes two basic standards by which the Attorney General will measure compliance: (1) that materials and assistance should be provided in a way designed to allow members of applicable language minority groups to be effectively informed of and participate effectively in voting-connected activities; and (2) that an affected jurisdiction should take all reasonable steps to achieve that goal.

(c) The determination of what is required for compliance with Section 4(f) (4) and Section 203(c) is the responsibility of the affected jurisdiction. These guidelines should not be used as a substitute for analysis and decision by the affected jurisdiction.

(d) Jurisdictions covered under Section 4(f) (4) of the Act are subject to

the preclearance requirements of Section 5. See Part 51 of this Chapter. Such jurisdictions have the burden of establishing to the satisfaction of the Attorney General or to the United States District Court for the District of Columbia that changes made in their election laws and procedures in order to comply with the requirements of Section 4(f) (4) are not discriminatory under the terms of Section 5. However, Section 5 expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of the changes.

(e) Jurisdictions covered solely under Section 203(c) of the Act are not subject to the preclearance requirements of Section 5, nor is there a Federal apparatus available for preclearance of Section 203(c) compliance activities. The Attorney General will not preclear jurisdictions' proposals for compliance with Section 203(c).

(f) Consideration by the Attorney General of a jurisdiction's compliance with the requirements of Section 4(f) (4) occurs in the review pursuant to Section 5 of the Act of changes with respect to voting, in the consideration of the need for litigation to enforce the requirements of Section 4(f) (4), and in the defense of suits for termination of coverage under Section 4(f) (4). Consideration by the Attorney General of a jurisdiction's compliance with the requirements of Section 203(c) occurs in the consideration of the need for litigation to enforce the requirements of Section 203(c).

(g) In enforcing the Act—through the Section 5 preclearance review process, through litigation, and through defense of suits for termination of coverage under Section 4(f) (4)—the Attorney General will follow the general policies set forth in this Part.

(h) This Part is not intended to preclude affected jurisdictions from taking additional steps to further the policy of the Act. By virtue of the Supremacy Clause of Art. VI of the Constitution, the provisions of the Act override any inconsistent State law.

§ 55.3 Statutory requirements.

The Act's requirements concerning the conduct of elections in languages in addition to English are contained in Section 4(f) (4) and Section 203(c). These sections state that whenever a jurisdiction subject to their terms "provides any 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 language minority group as well as in . . . English. . . ."

Subpart B—Nature of Coverage

§ 55.4 Effective date; list of covered jurisdictions.

(a) The 1975 Amendments took effect upon the date of their enactment, August 6, 1975.

(1) The requirements of Section 4(f) (4) take effect upon publication in the FEDERAL REGISTER of the requisite determinations of the Director of the Census

and the Attorney General. Such determinations are not reviewable in any court.

(2) The requirements of Section 203(c) take effect upon publication in the FEDERAL REGISTER of the requisite determinations of the Director of the Census. Such determinations are not reviewable in any court.

(b) Jurisdictions determined to be covered under Section 4(f)(4) or Section 203(c) are listed, together with the language minority group with respect to which coverage was determined, in the Appendix to this Part. Any additional determinations of coverage under either Section 4(f)(4) or Section 203(c) will be published in the FEDERAL REGISTER.

§ 55.5 Coverage under Section 4(f)(1).

(a) *Coverage formula.* Section 4(f)(4) applies to any State or political subdivision in which (1) over five percent of the voting-age citizens were, on November 1, 1972, members of a single language minority group, (2) registration and election materials were provided only in English on November 1, 1972, and (3) fewer than 50 percent of the voting-age citizens were registered to vote or voted in the 1972 Presidential election.

All three conditions must be satisfied before coverage exists under Section 4(f)(4).¹

(b) Coverage may be determined with regard to Section 4(f)(4) on a statewide or political subdivision basis.

(1) Whenever the determination is made that the bilingual requirements of Section 4(f)(4) are applicable to an entire State, these requirements apply to each of the State's political subdivisions as well as to the State. In other words, each political subdivision within a covered State is subject to the same requirements as the State.

(2) Where an entire State is not covered under Section 4(f)(4), individual political subdivisions may be covered.

55.6 Coverage under Section 203(c).

There are two ways in which coverage under Section 203(c) may be established:

(a) Under the first method, a preliminary determination is made by the Director of the Census of States in which more than five percent of the voting-age citizens are members of a single language minority group the illiteracy rate of which, in the particular State, is greater than the national illiteracy rate. In these States, a particular political subdivision covered with respect to the State's applicable language minority group if five percent or more of the voting-age citizens of the political subdivision are members of the applicable language minority group.

(b) The second method of establishing coverage is used with respect to language minority groups not reached by preliminary determination based on statewide data. Under the second method,

coverage is based on Sections 4(b) (third sentence), 4(c), and 4(f)(3).

od, covered political subdivisions are those in which more than five percent of the voting-age citizens are members of a single language minority group the illiteracy rate of which, in the particular political subdivision, is greater than the national illiteracy rate.

(c) For the purpose of determinations of coverage under Section 203(c), "illiteracy means the failure to complete the fifth primary grade." Section 203(b)

§ 55.7 Termination of coverage.

(a) Section 4(f)(4). A covered jurisdiction may terminate coverage under Section 4(f)(4) (via Section 4(a)) by obtaining from the United States District Court for the District of Columbia a declaratory judgment that there has been no discriminatory use of a test or device for a period of ten years. The term "test or device" is defined in Section 4(c) and Section 4(f)(3). When an entire State is covered in this regard, only the State, and not individual political subdivisions within the State, may bring an action to terminate coverage.

(b) Section 203(c). The requirements of Section 203(c) apply until August 6, 1985. A covered jurisdiction may terminate such coverage earlier if it can prove in a declaratory judgment action in a United States district court, that the illiteracy rate of the applicable language minority group is equal to or less than the national illiteracy rate.

§ 55.8 Relationship between Section 4(f)(4) and Section 203(c).

(a) The statutory requirements of Section 4(f)(4) and Section 203(c) regarding minority language material and assistance are essentially identical.

(b) Jurisdictions subject to the requirements of Section 4(f)(4)—but not jurisdictions subject only to the requirements of Section 203(c)—are also subject to the Act's special provisions, such as Section 5 (regarding preclearance of changes in voting laws) and Section 8 (regarding Federal examiners).² See Part 51 of this Chapter.

(c) Although the coverage formulas applicable to Section 4(f)(4) and Section 203(c) are different, a political subdivision may be included within both of the coverage formulas. Under these circumstances, a judgment terminating coverage of the jurisdiction under one provision would not have the effect of terminating coverage under the other provision.

§ 55.9 Coverage of political units within a county.

Where a political subdivision (e.g., a county) is determined to be subject to Section 4(f)(4) or Section 203(c), all political units that hold elections within that political subdivision (e.g., cities, school districts) are subject to the same requirements as the political subdivision.

§ 55.10 Types of elections covered.

(a) *General.* The language provisions of the Act apply to registration for and

voting in any type of election, whether it is a primary, general or special election. Section 14(c)(1). This includes elections of officers as well as elections regarding such matters as bond issues, constitutional amendments and referendums. Federal, State and local elections are covered as are elections of special districts, such as school districts and water districts.

(b) *Elections for statewide office.* If an election conducted by a county relates to Federal or State offices or issues as well as county offices or issues, a county subject to the bilingual requirements must insure compliance with those requirements with respect to all aspects of the election, i.e., the minority language material and assistance must deal with the Federal and State offices or issues as well as county offices or issues.

(c) *Multi-county districts.* Regarding elections for an office representing more than one county, e.g., State legislative districts and special districts that include portions of two or more counties, the bilingual requirements are applicable on a county-by-county basis. Thus, minority language material and assistance need not be provided by the government in counties not subject to the bilingual requirements of the Act.

Subpart C—Determining the Exact Language

§ 55.11 General.

The requirements of Section 4(f)(4) or Section 203(c) apply with respect to the languages of language minority groups. The applicable groups are indicated in the determinations of the Attorney General or the Director of the Census. This Subpart relates to the view of the Attorney General concerning the determination by covered jurisdictions of precisely the language to be employed. In enforcing the Act, the Attorney General will consider whether the languages, forms of languages, or dialects chosen by covered jurisdictions for use in the electoral process enable members of applicable language minority groups to participate effectively in the electoral process. It is the responsibility of covered jurisdictions to determine what languages, forms of languages, or dialects will be effective.

§ 55.12 Language used for written material.

(a) *Language minority groups having more than one language.* Some language minority groups, for example, Filipino Americans, have more than one language other than English. A jurisdiction required to provide election materials in the language of such a group need not provide materials in more than one language other than English. The Attorney General will consider whether the language that is used for election materials is the one most widely used by the juris-

² In addition, a jurisdiction covered under Section 203(c) but not under Section 4(f)(4) is subject to the Act's special provisions if it was covered under Section 4(b) prior to the 1975 Amendments to the Act.

n's voting-age citizens who are members of the language minority group. *Languages with more than one form.* Some languages, for example, Japanese, have more than one form. A jurisdiction required to disseminate election materials in such a language need not provide more than one form. The Attorney General will consider whether the particular version of the language that is used for election materials is the one most widely used by the jurisdiction's voting-age citizens who are members of the language minority group. *Unwritten Languages.* Many of the languages used by language minority groups, for example, by some American Indians and Alaskan Natives, are unwritten. With respect to any such language, oral assistance and publicity are required. Even though a written form for a language may exist, a language may be considered unwritten if it is not commonly used in a written form. It is the responsibility of the covered jurisdiction to determine whether a language should be considered written or unwritten.

Language used for oral assistance and publicity.

Languages with more than one form. Some languages, for example, Spanish, have several dialects. Where a jurisdiction is obligated to provide oral assistance in such a language, the jurisdiction's obligation is to ascertain the dialect that are commonly used by members of the applicable language minority group in the jurisdiction and to provide oral assistance in such dialects. (See

language minority groups having more than one language. In some jurisdictions, members of an applicable language minority group speak more than one language other than English. Where a jurisdiction is obligated to provide oral assistance in the language of such a jurisdiction, the jurisdiction's obligation is to provide oral assistance in the languages that are commonly used by members of that group in the jurisdiction and to provide oral assistance in such languages. (See

D—Minority Language Materials and Assistance

General.

This Subpart sets forth the views of the Attorney General with respect to the requirements of Section 4(f) (4) and Section 203(c) concerning the provision of minority language materials and assistance and some of the factors that the Attorney General will consider in carrying out his responsibilities to enforce Section 4(f) (4) and Section 203(c) through the use of his authority under Section 5 and his authority to sue to enforce Section 4(f) (4) and Section 203(c). The Attorney General will prevent or remedy discrimination against members of language minority groups on the failure to use the appropriate minority language in the election process. The Attorney General also

has the responsibility to defend against suits brought for the termination of coverage under Section 4(f) (4) and Section 203(c).

(b) In discharging these responsibilities the Attorney General will respond to complaints received, conduct on his own initiative inquiries and surveys concerning compliance, and undertake other enforcement activities.

(c) It is the responsibility of the jurisdiction to determine what actions by it are required for compliance with the requirements of Section 4(f) (4) and Section 203(c) and to carry out these actions.

§ 55.15 Affected activities.

The requirements of Sections 4(f) (4) and 203(c) apply with regard to the provision of "any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots." The basic purpose of these requirements is to allow members of applicable language minority groups to be effectively informed of and participate effectively in voting-connected activities. Accordingly, the quoted language should be broadly construed to apply to all stages of the electoral process, from voter registration through activities related to conducting elections, including, for example the issuance, at any time during the year, of notifications, announcements, or other informational materials concerning the opportunity to register, the deadline for voter registration, the time, places and subject matters of elections, and the absentee voting process.

§ 55.16 Standards and proof of compliance.

Compliance with the requirements of Section 4(f) (4) and Section 203(c) is best measured by results. A jurisdiction is more likely to achieve compliance with these requirements if it has worked with the cooperation of and to the satisfaction of organizations representing members of the applicable language minority group. In planning its compliance with Section 4(f) (4) or Section 203(c), a jurisdiction may, where alternative methods of compliance are available, use less costly methods if they are equivalent to more costly methods in their effectiveness.

§ 55.17 Targeting.

The term "targeting" is commonly used in discussions of the requirements of Section 4(f) (4) and Section 203(c). "Targeting" refers to a system in which the minority language materials or assistance required by the Act are provided to less than all persons or registered voters. It is the view of the Attorney General that a targeting system will normally fulfill the Act's minority language requirements if it is designed and implemented in such a way that language minority group members who need minority language materials and assistance receive them.

§ 55.18 Provision of minority language materials and assistance.

(a) *Materials provided by mail.* If materials provided by mail (or by some comparable form of distribution) generally to residents or registered voters are not all provided in the applicable minority language, the Attorney General will consider whether an effective targeting system has been developed. For example, a separate mailing of materials in the minority language to persons who are likely to need them or to residents of neighborhoods in which such a need is in the general mailing in English and in the applicable minority language likely to exist, supplemented by a notice of the availability of minority language materials and by other publicity regarding the availability of such materials, may be sufficient.

(b) *Public notices.* The Attorney General will consider whether public notices and announcements of electoral activities are handled in a manner that provides members of the applicable language minority group an effective opportunity to be informed about electoral activities.

(c) *Registration.* The Attorney General will consider whether the registration system is conducted in such a way that members of the applicable language minority group have an effective opportunity to register. One method of accomplishing this is to provide, in the applicable minority language, all notices, forms and other materials provided to potential registrants and to have only bilingual persons as registrars. Effective results may also be obtained, for example, through the use of deputy registrars who are members of the applicable language minority group and the use of decentralized places of registration, with minority language materials available at places where persons who need them are most likely to come to register.

(d) *Polling place activities.* The Attorney General will consider whether polling place activities are conducted in such a way that members of the applicable language minority group have an effective opportunity to vote. One method of accomplishing this is to provide all notices, instructions, ballots, and other pertinent materials and oral assistance in the applicable minority language. If very few of the registered voters scheduled to vote at a particular polling place need minority language materials or assistance, the Attorney General will consider whether an alternative system enabling those few to cast effective ballots is available.

(e) *Publicity.* The Attorney General will consider whether a covered jurisdiction has taken appropriate steps to publicize the availability of materials and assistance in the minority language. Such steps may include the display of appropriate notices, in the minority language, at voter registration offices, polling places, etc., the making of announcements over minority language radio or television stations, the publication of no-

tices in minority language newspapers, and direct contact with language minority group organizations.

§ 55.19 Written materials.

(a) *Types of materials.* It is the obligation of the jurisdiction to decide what materials must be provided in a minority language. A jurisdiction required to provide minority language materials is only required to publish in the language of the applicable language minority group materials distributed to or provided for the use of the electorate generally. Such materials include, for example, ballots, sample ballots, informational materials, and petitions.

(b) *Accuracy, completeness.* It is essential that material provided in the language of a language minority group be clear, complete and accurate. In examining whether a jurisdiction has achieved compliance with this requirement, the Attorney General will consider whether the jurisdiction has consulted with members of the applicable language minority group with respect to the translation of materials.

(c) *Ballots.* The Attorney General will consider whether a jurisdiction provides the English and minority language versions on the same document. Lack of such bilingual preparation of ballots may give rise to the possibility, or to the appearance, that the secrecy of the ballot will be lost if a separate minority language ballot or voting machine is used.

(d) *Voting machines.* Where voting machines that cannot mechanically accommodate a ballot in English and in the applicable minority language are used, the Attorney General will consider whether the jurisdiction provides sample ballots for use in the polling booths. Where such sample ballots are used the Attorney General will consider whether they contain a complete and accurate translation of the English ballots, and whether they contain or are accompanied by instructions in the minority language explaining the operation of the voting machine. The Attorney General will also consider whether the sample ballots are displayed so that they are clearly visible and at the same level as the machine ballot on the inside of the polling booth, whether the sample ballots are identical in layout to the machine ballots, and whether their size and typeface are the same as that appearing on the machine ballots. Where space limitations preclude affixing the translated sample ballots to the inside of polling booths, the Attorney General will consider whether language minority group voters are allowed to take the sample ballots into the voting booths.

§ 55.20 Oral assistance and publicity.

(a) *General.* Announcements, publicity, and assistance should be given in

oral form to the extent needed to enable members of the applicable language minority group to participate effectively in the electoral process.

(b) *Assistance.* The Attorney General will consider whether a jurisdiction has given sufficient attention to the needs of language minority group members who cannot effectively read either English or the applicable minority language and to the needs of members of language minority groups whose languages are unwritten.

(c) *Helpers.* With respect to the conduct of elections, the jurisdiction will need to determine the number of helpers (i.e., persons to provide oral assistance in the minority language) that must be provided. In evaluating the provision of assistance, the Attorney General will consider such facts as the number of a precinct's registered voters who are members of the applicable language minority group, the number of such persons who are not proficient in English, and the ability of a voter to be assisted by a person of his own choice. The basic standard is one of effectiveness.

§ 55.21 Record keeping.

The Attorney General's implementation of the Act's provisions concerning language minority groups would be facilitated if each covered jurisdiction would maintain such records and data as will document its actions under those provisions, including, for example, records on such matters as alternatives considered prior to taking such actions, and the reasons for choosing the actions finally taken.

Subpart E—Preclearance

§ 55.22 Requirements of Section 5 of the Act.

For many jurisdictions, changes in voting laws and practices will be necessary in order to comply with Section 4(f) (4) or Section 203(c). If a jurisdiction is subject to the preclearance requirements of Section 5 (see § 55.8(b)), such changes must either be submitted to the Attorney General or be made the subject of a declaratory judgment action in the United States District Court for the District of Columbia. Procedures for the administration of Section 5 are set forth in Part 51 of this Chapter.

Subpart F—Sanctions

§ 55.23 Enforcement by the Attorney General.

(a) The Attorney General is authorized to bring civil actions for appropriate relief against violations of the Act's provisions, including Section 4 and Section 203. See Sections 12(d) and 204.

(b) Also, certain violations may be subject to criminal sanctions. See Sections 11(a)–(c) and 205.

Subpart G—Comment on This Part

§ 55.24 Procedure.

These guidelines may be modified from time to time on the basis of experience under the Act and comments received from interested parties. The Attorney General therefore invites public comments and suggestions on these guidelines. Any party who wishes to make such suggestions or comments may do so by sending them to: Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C. 20530.

APPENDIX.—Jurisdictions covered under secs. 4(f)(4) and 203(c) of the Voting Rights Act of 1965, as amended by the Voting Rights Act Amendments of 1975.

[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4)	Coverage under sec. 203(c)
Alaska	Alaskan Natives ¹	Alaskan Natives
Election District 1		Do.
Election District 2		Do.
Election District 3		Do.
Election District 4		Do.
Election District 5		Do.
Election District 14		Do.
Election District 15		Do.
Election District 16		Do.
Election District 17		Do.
Election District 18		Do.
Election District 19		Do.
Election District 21		Do.
Election District 22		Do.
Arizona	Spanish heritage ¹	Spanish heritage
Apache County	American Indian	American Indian
Cochise County		Spanish heritage
Cocconino County	American Indian	American Indian
Gila County		Spanish heritage
Graham County		Do.
Greenlee County		Spanish heritage
Maricopa County		Do.
Mohave County		Do.
Navajo County	American Indian	American Indian
Pima County		Spanish heritage
Pinal County	American Indian	American Indian
Santa Cruz County		Spanish heritage
Yavapai County		Do.
Yuma County		Do.
California		
Alameda County		Do.
Amador County		Do.
Colusa County		Do.
Contra Costa County		Do.
Fresno County		Do.
Imperial County		Do.
Inyo County		American Indian

¹ Statewide coverage.

RULES AND REGULATIONS

APPENDIX.—Jurisdictions covered under secs. 4(f)(4) and 203(c) of the Voting Rights Act of 1965, as amended by the Voting Rights Act Amendments of 1975.

[Applicable language minority group(s)]

APPENDIX.—Jurisdictions covered under secs. 4(f)(4) and 203(c) of the Voting Rights Act of 1965, as amended by the Voting Rights Act Amendments of 1975.

[Applicable language minority group(s)]

APPENDIX.—Jurisdictions covered under secs. 4(f)(4) and 203(c) of the Voting Rights Act of 1965, as amended by the Voting Rights Act Amendments of 1975.

[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4)	Coverage under sec. 203(c)
Texas	Spanish heritage. ¹	
Andrews County		Spanish heritage.
Aransas County		Do.
Atascosa County		Do.
Bailey County		Do.
Bandera County		Do.
Bastrop County		Do.
Bee County		Do.
Bell County		Do.
Bexar County		Do.
Brewster County		Do.
Brown County		Do.
Broward County		Do.
Burleson County		Do.
Burnet County		Do.
Caldwell County		Do.
Calhoun County		Do.
Cameron County		Do.
Castro County		Do.
Cochran County		Do.
Coke County		Do.
Colorado County		Do.
Comal County		Do.
Concho County		Do.
Coryell County		Do.
Cottle County		Do.
Crane County		Do.
Crockett County		Do.
Crosby County		Do.
Culberson County		Do.
Dallam County		Do.
Dawson County		Do.
Deaf Smith County		Do.
De Witt County		Do.
Dickens County		Do.
Dimmit County		Do.
Duval County		Do.
Ector County		Do.
Edwards County		Do.
Ellis County		Do.
El Paso County		Do.
Falls County		Do.
Fisher County		Do.
Floyd County		Do.
Foard County		Do.
Fort Bend County		Do.
Frio County		Do.
Gaines County		Do.
Galveston County		Do.
Garza County		Do.
Gillespie County		Do.
Glasscock County		Do.
Goliad County		Do.
Gonzales County		Do.
Grimes County		Do.

¹ Statewide coverage.

Jurisdiction	Coverage under sec. 4(f)(4)	Coverage under sec. 203(c)
Texas—Continued		
Guadalupe County		Do.
Hale County		Do.
Hall County		Do.
Hansford County		Do.
Harris County		Do.
Haskell County		Do.
Hays County		Do.
Hidalgo County		Do.
Hockley County		Do.
Howard County		Do.
Hudspeth County		Do.
Jackson County		Do.
Jeff Davis County		Do.
Jim Hogg County		Do.
Jim Wells County		Do.
Jones County		Do.
Karnes County		Do.
Kendall County		Do.
Kenedy County		Do.
Kerr County		Do.
Kimble County		Do.
Kinney County		Do.
Kleberg County		Do.
Knorr County		Do.
Lamb County		Do.
Lampasas County		Do.
La Salle County		Do.
Live Oak County		Do.
Lubbock County		Do.
Lynn County		Do.
Mculloch County		Do.
McLennan County		Do.
McMullen County		Do.
Maddison County		Do.
Martin County		Do.
Mason County		Do.
Matagorda County		Do.
Maverick County		Do.
Medina County		Do.
Menard County		Do.
Midland County		Do.
Milam County		Do.
Mitchell County		Do.
Moore County		Do.
Nolan County		Do.
Nueces County		Do.
Parmer County		Do.
Pecos County		Do.
Potter County		Do.
Presidio County		Do.
Reagan County		Do.
Real County		Do.
Reeves County		Do.
Refugio County		Do.
Robertson County		Do.
Runnels County		Do.
San Patricio County		Do.
San Saba County		Do.
Schleicher County		Do.
Sourry County		Do.

Jurisdiction	Coverage under sec. 4(f)(4)	Coverage under sec. 203(c)
Texas—Continued		
Sherman County		Do.
Starr County		Do.
Sterling County		Do.
Sutton County		Do.
Swisher County		Do.
Taylor County		Do.
Terrell County		Do.
Terry County		Do.
Throckmorton County		Do.
Tom Green County		Do.
Travis County		Do.
Upton County		Do.
Uvalde County		Do.
Val Verde County		Do.
Victoria County		Do.
Ward County		Do.
Webb County		Do.
Wharton County		Do.
Willacy County		Do.
Williamson County		Do.
Wilson County		Do.
Winkler County		Do.
Yoakum County		Do.
Zapata County		Do.
Zavala County		Do.
Utah:		
Carbon County		Spanish heritage.
San Juan County		American Indian.
Tooele County		Spanish heritage.
Utah County		American Indian.
Virginia: Charles City County		Do.
Washington:		
Adams County		Spanish heritage.
Columbia County		Do.
Ferry County		American Indian.
Grant County		Spanish heritage.
Okanogan County		American Indian.
Yakima County		Spanish heritage.
Wisconsin:		
Nashville Town (Forest County)		American Indian.
Bovina Town (Outagamie County)		Spanish heritage.
Onelda Town (Outagamie County)		American Indian.
Hayward City (Sawyer County)		Do.
Wyoming:		
Carbon County		Spanish heritage.
Fremont County		American Indian.
Laramie County		Spanish heritage.
Sweetwater County		Do.
Washakie County		Do.

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The member shall serve only in the precinct for which appointment is received.

1634. In any case where a precinct board may be appointed, the appointing authority may also appoint a substitutive counting board at the time when, and in the manner that, the precinct board is appointed and the members shall have the same qualifications. In the event of such appointment the substitutive board shall take over immediately after the closing of the polls, the powers, rights, and duties and thereafter perform all those functions relating to counting and declaring which, under this code, devolve upon precinct boards. The duties of the precinct board officiating prior to the closing of the polls shall then cease. No member of the precinct board shall be a member of the substitutive board in the same precinct. The provisions of this code relating to precinct boards are applicable to substitutive boards, except members of the substitutive board need not reside in any particular precinct or area.

1635. (a) No person who cannot read or write the English language is eligible to act as a member of any precinct board.

(b) It is the intent of the Legislature that non-English-speaking citizens, like all other citizens, should be encouraged to vote. Therefore, appropriate efforts should be made to minimize obstacles to voting by citizens who lack sufficient skill in English to vote without assistance.

(c) Where the county clerk finds that citizens described in subdivision (b) approximate 3 percent or more of the voting-age residents of a precinct, or in the event that interested citizens or organizations provided information which the county clerk believes indicates a need for voting assistance for qualified citizens described in subdivision (b), the county clerk shall make reasonable efforts to recruit election officials who are fluent in a language used by citizens described in subdivision (b) and in English. Such recruitment shall be conducted through the cooperation of interested citizens and organizations and through voluntarily donated public service notices in the media, including newspapers, radio,

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and television, particularly those media which serve the non-English-speaking citizens described in subdivision (b).

(d) At least 14 days before an election, the clerk shall prepare and make available to the public a list of the precincts to which officials were appointed pursuant to this section, and the language or languages other than English in which they will provide assistance.

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considers appropriate.

If a person resides in a house or apartment lying in more than one city, the person's residence shall be determined on the basis of the house or apartment's street address.

213. A person duly registered as a voter in any precinct in California who removes therefrom within 29 days prior to an election shall, for the purpose of such election, be entitled to vote in the precinct from which the person so removed until the close of the polls on the day of such election.

CHAPTER 2. REGISTRATION

Article 1. General Provisions

300. No person shall be registered except as provided in this chapter unless upon the production and filing of a certified copy of a judgment of the superior court directing registration to be made.

301. No person shall be registered as a voter except by affidavit of registration. The affidavit shall be mailed or delivered in person to the county clerk or his deputy and shall set forth all of the facts required to be shown by this chapter. A properly executed registration shall be deemed effective upon receipt of the affidavit by the county clerk.

Notwithstanding any other provision of law to the contrary, the affidavit of registration required under the provisions of this chapter shall not be taken under sworn oath, but the content of the affidavit shall be certified as to its truthfulness and correctness, under penalty of perjury, by the signature of the affiant.

302. (a) It is the intent of the Legislature that the election board of each county, in order to promote and encourage voter registrations, shall establish a sufficient number of registration places throughout the county, and outside the county courthouse, for the convenience of persons desiring to register, to the end that registration may be maintained at a high level.

(b) It is also the intent of the Legislature that county

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clerks, in order to promote and encourage voter registrations, shall enlist the support and cooperation of interested citizens and organizations, and shall deputize as registrars qualified citizens in such a way as to reach most effectively every resident of the county. The persons so deputized shall be permitted to register voters anywhere within the county, including at the places of residence of the persons to be registered, and the county clerk shall not deny deputy registrars the right to register voters anywhere in the county.

(c) It is also the intent of the Legislature that non-English-speaking citizens, like all other citizens, should be encouraged to vote. Therefore, appropriate efforts should be made to minimize obstacles to registration by citizens who lack sufficient skill in English to register without assistance.

(d) Where the county clerk finds that citizens described in subdivision (c) approximate 3 percent or more of the voting age residents of a precinct, or in the event that interested citizens or organizations provide information which the county clerk believes indicates a need for registration assistance for qualified citizens described in subdivision (c), the county clerk shall make reasonable efforts to recruit deputy registrars who are fluent in a language used by citizens described in subdivision (c) and in English. Such recruitment shall be conducted through the cooperation of interested citizens and organizations and through voluntarily donated public service notices in the media, including newspapers, radio, and television, particularly those media which serve the non-English-speaking citizens described in subdivision (c). Deputy registrars so appointed shall facilitate registration in the particular precincts concerned and shall have the right to register voters anywhere in the county.

(e) In furtherance of the purposes of this section, the governing board of any county, city, city and county, district, or other public agency, may authorize and assign any of its officers or employees to become deputy registrars of voters and to register qualified citizens on any premises and facilities owned or controlled by such

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public agencies during the regular working hours of such officers or employees; provided, that with the exception of firemen, any compensation to which said officer or employee may be entitled in payment for the services of such officer or employee as a deputy registrar may be paid by the authority which appointed such officer or employee as a deputy registrar to the public agency which regularly employs such officer or employee.

(f) It is the intent of the Legislature that no limitation be imposed on the number of persons appointed to act as deputy registrars of voters.

303. It is the intent of the Legislature that the introduction of registration by mail shall not in any way lead to administrative limitations on the use of deputy registrars of voters for the purpose of assisting in the registration of persons who may continue to require such assistance.

It is the intent of the Legislature that registrars continue to be deputized by the county clerk pursuant to Section 302, but that as the electorate becomes more conversant with mail registration procedures, the number of deputy registrars will naturally diminish due to a decrease in the demand for the services of such deputy registrars of voters.

304. It is the intent of the Legislature that voter registration be maintained at the highest possible level. The Secretary of State shall adopt regulations requiring each county to design and implement programs intended to identify qualified electors who are not registered voters, and to register such persons to vote. The Secretary of State shall adopt regulations prescribing minimum requirements for such programs. If the Secretary of State finds that a county has not designed and implemented a program meeting such prescribed minimum requirements, the Secretary of State shall design a program for such county and report the violation to the Attorney General.

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CHAPTER 2. PROCEDURES AT POLLS

Article 1. Election Day Preliminary Procedures

14200. The members of each precinct board shall distribute the duties devolving upon the precinct board, which are in addition to their individual duties, in such manner as they deem most advantageous.

14201. The polling places shall be arranged so that neither the ballot containers nor the voting booths or compartments shall be hidden from the view of those present.

14202. On the day of election the precinct board shall post at least one instruction card in each booth or compartment provided for the preparation of ballots, and not less than three instruction cards at other places in and about the polling place.

14203. The precinct board shall 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. Facsimile ballots shall also be printed in other languages and posted in the same manner if a significant and substantial need is found by the clerk.

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

14204. Before opening the polls the precinct board shall post in separate, convenient places at or near the polling place and of easy access to the voters not less than two of the copies of the index to the affidavits of registration for that precinct.

In any county in which tabulating equipment is used to produce the index of registration, the copies of the index posted pursuant to this section shall be by street addresses in numerical order, unless otherwise provided by Section 460.

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the telephone calls.

14213. If the surname of any woman offering to vote has been changed by reason of marriage or divorce since she has registered, she shall sign her name as it was before marriage or divorce and also her name as it is at the time she votes, indicating on the roster on the same line by brackets or other means that the two names are the name of one person.

14214. The precinct board shall provide upon request to any voter for use in the voting booth or compartment, a copy of the facsimile ballot containing ballot measures and instructions printed in Spanish or in other languages, as required by Section 14203, unless sample ballots and ballots for voting are already being provided in that language under the provisions of the Voting Rights Act of 1965 as amended by Public Law 94-73.

14215. At any election a majority of the members of any precinct board shall be present at the polling place at all times while the polling place is open.

14216. A person offering to vote may be orally challenged within the polling place only by a member of the precinct board upon any or all of the following grounds:

(a) That the voter is not the person whose name appears on the index.

(b) That the voter is not a resident of the precinct.

(c) That the voter is not a citizen of the United States.

(d) That the voter has voted that day.

(e) That the voter is presently on parole for the conviction of a felony, which, pursuant to Section 321.5, disqualifies the voter from voting.

On the day of the election no person, other than a member of a precinct board or other official responsible for the conduct of the election, shall challenge or question any voter concerning the voter's qualifications to vote.

If any member of a precinct board receives, by mail or otherwise, any document or list concerning the residence or other voting qualifications of any person or persons, with the express or implied suggestion, request, or demand that such person or persons be challenged, the

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14228. The precinct board shall compile a list showing:

- (a) The name and address of each person challenged.
- (b) The name, address, and any other identification as a voter, of each person offering information concerning any person's qualifications to vote, or testifying pursuant to Section 14223, together with the name and address and any other identification of the person about whom the information or testimony is given.
- (c) The grounds of each challenge.
- (d) The determination of the board upon the challenge, together with any written evidence pertaining thereto.

(e) If evidence has been presented to the board requesting challenges, such evidence shall be returned to the clerk responsible for the conduct of the election.

14229. In the event that the precinct board determines that persistent challenging of voters is resulting in a delay of voting sufficient to cause voters to forego voting because of insufficient time or for fear of unwarranted intimidation, the board shall discontinue all challenges, and so note on the roster.

14230. The precinct board shall give each voter only one ballot, as provided in Section 10200.5.

14231. Unless otherwise provided by law no person shall apply for or receive any ballot at any precinct other than that in which the voter is entitled to vote.

14232. Unless otherwise provided by law a voter shall not receive a ballot from any person other than one of the precinct officers. No person other than a precinct officer or officer authorized by law shall deliver a ballot to any voter.

14233. On receiving a ballot the voter shall forthwith retire alone to one of the booths or compartments provided, and mark the ballot.

14234. When a voter declares under oath, administered by any member of the precinct board at the time the voter appears at the polling place to vote, that the voter is then unable to mark a ballot, the voter shall receive the assistance of not more than two persons selected by the voter.

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No person assisting a voter shall divulge any information regarding the marking of the ballot.

In those polling places which do not meet the requirements specified by the State Architect for accessibility by the physically handicapped, a physically handicapped person may appear outside the polling place and vote a regular ballot. Such person may vote the ballot in a place which is as near as possible to the polling place and which is accessible to the physically handicapped. A precinct board member shall take a regular ballot to such person, qualify such person to vote, and return the voted ballot to the polling place. In those precincts in which it is impractical to vote a regular ballot outside the polling place, absentee ballots shall be provided in sufficient numbers to accommodate physically handicapped persons who present themselves on election day. The absentee ballot shall be presented to and voted by a physically handicapped person in the same manner as a regular ballot may be voted by such person outside the polling place.

14235. Any person assisting a voter in marking that voter's ballot shall subscribe and take the following oath before assisting the voter:

State of California, County of _____, _____
precinct, ss. I, _____

(Here insert the name of the person assisting the
_____ having been duly sworn, state that a request has
voter)

been made of me by _____ for

(Here insert the name of the voter)
assistance in marking his or her ballot, and that I never
will give any information concerning the marking of that
ballot.

(Signature of person assisting the voter)
Subscribed and sworn to before me, this _____ day of
_____, 19____.

(Signature of officer before whom oath is taken)

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CHAPTER _____

An act relating to elections, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1655, Marks. Voting Rights Act of 1965.

The Federal Voting Rights Act of 1965, as amended by Public Law 94-73, requires certain counties to furnish election services in other than the English language.

This bill would appropriate \$300,000 to such counties for purposes of financially assisting them in complying with such federal act.

The bill would also appropriate \$50,000 to the Secretary of State for purposes of assisting counties in providing voter assistance in designated precincts and for making a report to the Legislature. It would require the Secretary of State to submit a report concerning the operation of this act to the Legislature by January 15, 1977.

The bill would take effect immediately as an urgency statute.

Appropriation: yes.

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

SECTION 1. The sum of three hundred fifty thousand dollars (\$350,000) is hereby appropriated from the General Fund to the State Controller to be allocated and disbursed in the following manner:

(a) The sum of three hundred thousand dollars (\$300,000) for allocation and disbursement to counties for the purpose of financially assisting them for costs incurred by them in complying with the voter assistance requirements of the Voting Rights Act of 1965, as amended by Public Law 94-73, to furnish printed materials and oral assistance.

(b) The sum of fifty thousand dollars (\$50,000) to the Secretary of State for the purpose of assisting the counties in providing voter assistance in designated precincts and

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for the purpose of making a report to the Legislature.

The Secretary of State shall determine the maximum reimbursement available to each county on the basis of the number of precincts in that county for which the clerk has found that 3 percent or more of the voting-age residents are non-English-speaking citizens as of September 1, 1976.

Each county shall be reimbursed, at a rate to be determined by the Secretary of State, for each registration secured by deputy registrars in those precincts in which the county clerk finds that 3 percent or more of the voting-age residents are non-English-speaking citizens and in which the clerk has appointed at least one precinct board official who is fluent in that language and in English. Only such claims as have been approved by the Secretary of State may be submitted to the State Controller for reimbursement under subdivision (a).

The Secretary of State shall assist the counties in determining which precincts come within the coverage of this act, and shall submit a report concerning the operation of this act to the Legislature by January 15, 1977.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Under the provisions of the Voting Rights Act of 1965, as amended by Public Law 94-73, certain counties are required to furnish election services in other than the English language. In order that the funds appropriated by this act may be made available to such counties for the 1976 general election, it is necessary that this act go into immediate effect.

Appendix II

1. Assessment table - Strengths/Weaknesses: Table 1
2. Urban, Suburban and Rural Approaches: Table 2
3. County Targeting Results: Table 3

TABLE 1

ASSESSMENT OF COUNTY METHODS UTILIZED IN DETERMINING LANGUAGE NEED AREAS

<u>METHOD</u>	<u>STRENGTH</u>	<u>WEAKNESS</u>
Formal-Census Tracts	<ol style="list-style-type: none"> 1. Any time within one (1) year of publication - a good comparative index of language need population in high and moderate density areas. 2. Provides literacy and educational data for the purpose of determining relative need. 	<ol style="list-style-type: none"> 1. Data is out-dated; collected in 1969. 2. Not good in low-density areas. 3. Tracts are too large for accurate targeting, contain too many precincts. 4. The Spanish heritage variable is non-specific regarding language need. 5. The state population has increased 8% since 1970. 6. The number of persons of Spanish origin residing in the state has increased more than 25% since 1970. 7. This increase in the number of Spanish origin comprises over half of the statewide increase in population. 8. The Bureau of Census estimates that it undercounted persons of Spanish heritage by 7.7% in the 1970 enumeration. 9. There have been over 1,387,569 housing starts in California between 1970 and 1976.
Index of Registered Voters	<ol style="list-style-type: none"> 1. A current data base. No more than two (2) years old. 	<ol style="list-style-type: none"> 1. Does not provide for measuring language need relative to un-registered voter population; registration may be low where

METHOD

STRENGTH

WEAKNESS

need is highest

2. A good indicator of Spanish surnamed voter density.
3. If precincts ranked according to percentage it furnishes a good indicator of relative language need among registered voters.
4. This procedure of checking Spanish surnames is consistent with the Spanish heritage definition employed by the Census Bureau.
5. Finally, this method, when used in conjunction with Census information and interested community groups provides a good indication of relative language need.

Informal-Language Preference Return Postcards

1. Administratively easy to implement.
2. All registered voters receive them.

1. Erroneous assumption that any ethnic minority group would return these in frequency.
2. Language preference options are inadequate.
3. Low return rate.

Informal-County Clerk/Registrar Personal Identification

1. By far, the easiest targeting strategy to implement.
2. In rural counties, this method may bolster the effectiveness of other data bases (eg) the Census and Index of Registered Voters.

1. No statistical back-up
2. Leaves the definition of "need" in a relative framework dependent upon the extent of the clerks' familiarity and/or identity with the language minority community.
3. Potentially arbitrary means of exclusion.

METHOD

STRENGTH

WEAKNESS

Informal-Precinct
Election Officials
Survey

1. Easy to implement.
2. Usually accurate in high density language minority areas.
2. Surveys members of language minorities already on precinct boards.

4. No real means of accurately determining relative need for the allocation of limited resources.

1. Presumes that precinct workers are familiar enough with the boundaries of the language minority community to determine language "need".
2. No statistical back-up.
3. Has the potential of reflecting bias--for or against--language need targeting.

Blanketing

1. Total coverage.
2. More administratively feasible than targeting in jurisdictions where language need minorities are scattered throughout the entire jurisdiction.

1. Administratively and potentially cumbersome in that it requires distribution of bilingual materials to every voter regardless of need.
2. Does not enable the elections official to rank language need precincts if resources are limited.

TABLE 2
COUNTY-GROUP INDEX OF METHODOLOGIES

While each VRA county faced compliance problems unique to its geographical and socio-political make-up, the approaches utilized by county clerks/registrars can be classified (for discussion purposes) into three general categories: urban approaches, suburban approaches, and rural approaches. Listed below are the counties by classification.

<u>Urban (15%)</u>	<u>Suburban (26%)</u>	<u>Rural (59%)</u>	
Alameda	Contra Costa	Amador	San Luis Obispo
Los Angeles	Kern	Colusa	Santa Cruz
Orange	Fresno	Imperial	Sierra
San Diego	Riverside	Inyo	Solano
San Francisco	Sacramento	Kings	Sonoma
Santa Clara	San Bernadino	Lassen	Stanislaus
	San Joaquin	Madera	Sutter
	San Mateo	Merced	Tulare
	Santa Barbara	Monterey	Tuolumne
	Ventura	Napa	Yolo
		Placer	Yuba
		San Benito	

Urban, Suburban, Rural
County-Group Usage and
Frequency of Usage

Date Resources Utilized in
Constructing Methodologies

<u>U</u>	<u>SU</u>	<u>R</u>	<u>TOTAL</u>	
66%	50%	4%	26%	1. 1970 Census Tract Data on the Percentage of Single Language Minority
17%	8%	-	5%	2. Return Postcards Sent to Voters, Requesting Language Preference
17%	10%	13%	13%	3. Registered Voter File Identification of Single Language Minority
17%	20%	17%	10%	4. Precinct Election Official Needs Assessment Meeting/Survey.
-	30%	74%	51%	5. Personal Identification
-	-	4%	3%	6. Total Coverage/Blanketing

TABLE 3

RESULTS OF COUNTY LANGUAGE ASSISTANCE EFFORTS

	# of 3% Precincts Targeted	Total County Precincts	% of Bi- lingually Assisted Precincts	Estimated % of Bilingual/ Bicultural Board Members
Alameda:	102	1326	7	N/A*
Amador:	-	32	-	-
Colusa:	16	16	100	N/A
Contra Costa:	109	913	12	45
Fresno:	155	437	35	N/A
Imperial:	40	62	67	58
Inyo:	5	23	21	100
Kern:	84	365	23	98
Kings:	11	59	18	100
Lassen:	-	23	-	-
Los Angeles:	2565	7981	32	N/A
Madera:	13	46	28	92
Merced:	43	98	44	70

	# of 3% Precincts Targeted	Total County Precincts	% of Bi- lingually Assisted Precincts	Estimated % of Bilingual/ Bicultural Board Members
--	----------------------------------	------------------------------	--	---

Monterey:	53	225	23	90
Napa:	10	136	7	100
Orange:	228	1965	11	N/A
Placer:	5	105	4	80
Riverside:	15	546	3	93
Sacramento:	254	687	37	54
San Benito:	9	27	33	66
San Bernadino:	18	709	3	100
San Diego:	264	1875	14	47
San Francisco:	36	935	3	100
San Joaquin:	36	340	10	89
San Luis Obispo:	6	115	5	100
San Mateo:	31	768	4	96
Santa Barbara:	59	349	17	45
Santa Clara:	103	1208	9	68
Santa Cruz:	13	213	6	92

	# of 3% Precincts Targeted	Total County Precincts	% of Bi- lingually Assisted Precincts	Estimated % of Bilingual/ Bicultural Board Members
Sierra:	-	13	-	-
Solano:	0	195	-	-
Sonoma:	0	321	-	-
Stanislaus:	107	218	49	34
Sutter:	23	45	51	26
Tulare:	109	176	62	94
Tuolumne:	-	43	-	-
Ventura:	35	461	8	80
Yolo:	84	121	70	40
Yuba:	16	41	39	68
Totals:	3657	23218	16	N/A

* information not available

Appendix III

1. Recruitment of Bilingual Officials - Approaches

COUNTY APPROACHES TO RECRUITMENT
OF BILINGUAL ELECTIONS OFFICIALS

County	Recruitment From Index	Community Groups	Newspapers	Job Order EDD	Precinct Officials Recruitment	Elections Staff Recruitment	Other
Alameda:		x	x	x			
Amador:		No effort					
Colusa:						x	
Contra Costa:		x					
Fresno:			x		x	x	
Imperial:			x			x	
Inyo:						x	word of mouth
Kern:					x	x	
Kings:					x	x	Court Reporter
Lassen:		No effort					
Los Angeles:		x	x	x	x		word of mouth
Madera:		x				x	
Merced:		x			x	x	

County	Recruitment From Index	Community Groups	Newspapers	Job Order EDD	Precinct Officials Recruitment	Elections Staff Recruitment	Other
Monterey:			x		x		
Napa:		No effort					
Orange:	x	x	x	x	x	x	
Placer:						x	
Riverside:		x	x	x	x		
Sacramento:		x	x	x	x	x	word of mouth
San Benito:		No effort					
San Bernardino:				x	x		word of mouth
San Diego:	x	x		x	x		
San Francisco:			x				
San Joaquin:		x			x	x	
San Luis Obispo:							word of mouth
San Mateo:		x					word of mouth
Santa Barbara:		x		x		x	
Santa Clara:		x					
Santa Cruz:			x		x		word of mouth

County	Recruitment From Index	Community Groups	Newspapers	Job Order EDD	Precinct Officials Recruitment	Elections Staff Recruitment	Other
Sierra:		No effort					
Solano:		No effort					
Sonoma:		No effort					
Stanislaus:		x			x	x	
Sutter:		No effort					
Tulare:		x			x	x	
Tuolumne:			x			x	Community People
Ventura:	x						
Yolo:	x	x	x		x		Word of mouth
Yuba:	x	x					Word of mouth

AFFIRMATIVE REGISTRATION METHODS

	No Affirmative Effort	Used A Media Source At Least Once		Used LM Community Groups	Bilingual Deputy Registrars	Made Avail- able to Pri- vate Interests	Areawide Placement	Sole Method Used	Used wit Others
		Ethnic	Non-ethnic						
Alameda:					x				
Amador:	x								x
Colusa:				x					x
Contra Costa:							x		
Fresno:		x	x						x
Imperial:	x								
Inyo:							x		
Kern:		x	x						x
Kings:			x						
Lassen:	x								
Los Angeles:		x	x	x	x	x			x
Madera:	x								
Merced:			x						

No
Affirmative
Effort

Used A Media Source
At Least Once

Used LM
Community
Groups

Bilingual
Deputy
Registrars

Made Avail-
able to Pri-
vate Interests

Areawide
Placement

	Ethnic	Non-ethnic				Sole Method Used	Used with Others
Monterey:	x	x					x
Napa:	No Information						
Orange:	x	x	x	x	x		x
Placer:						x	
Riverside:	x	x					x
Sacramento:	x	x	x				x
San Benito:							
San Bernardino:	x	x				x	x
San Diego:						x	
San Francisco:						x	x
San Joaquin:		x	x	x			x
San Luis Obispo:						x	
San Mateo:						x	
Santa Barbara:						x	
Santa Clara:	x	x					x

	No Affirmative Effort	Used A Media Source At Least Once		Used LM Community Groups	Bilingual Deputy Registrars	Made Avail- able to Pri- vate Interests	Areawide Placement	
		Ethnic	Non-ethnic				Sole Method Used	Used with Others
Santa Cruz:		x	x			x		x
Sierra:	No Information							
Solano:	No Information							
Sonoma:	No Information							
Stanislaus:			x					x
Sutter:						x		
Tulare:			x	x				x
Tuolumne:	x							
Ventura:							x	
Yolo:			x					
Yuba:						x		x

Appendix V

1. S.B. 1655 Claim Reimbursement Memo
2. Accounting
 - a. Total VRA Related Expenses
 - b. Election Notices
 - c. Local Ballot Pamphlet
 - d. Sample Ballot
 - e. Facsimile Ballot
 - f. Official Ballot
 - g. Voting Machine Instructions
 - h. Written Materials

Memorandum

COUNTY CLERKS AND REGISTRARS IN
VRA COUNTIES

Date: November 19, 1976

Secretary of State - MARCH FONG EU *ME*

Reimbursement for Costs of Compliance with the Voting Rights Act;
Claims Procedure; Deadline for Submitting Claims

We appreciate the cooperation most of you and your respective staffs have given the VRA/SB 1655 project consultants. We hope we have been of some assistance to you despite the time constraints we all faced. The information you made available to the consultants promises to form a fund of practical knowledge useful to our preparation of the required report and to our continuing implementation of the VRA and the Elections Code provisions on bilingual assistance.

CLAIMS PROCEDURE AND
REPORTING REQUIREMENTS

Attached is a claim form calling for the information required to assess state-wide costs of VRA compliance and which we need to determine each county's share of reimbursement under SB 1655 (Chapter 1163).

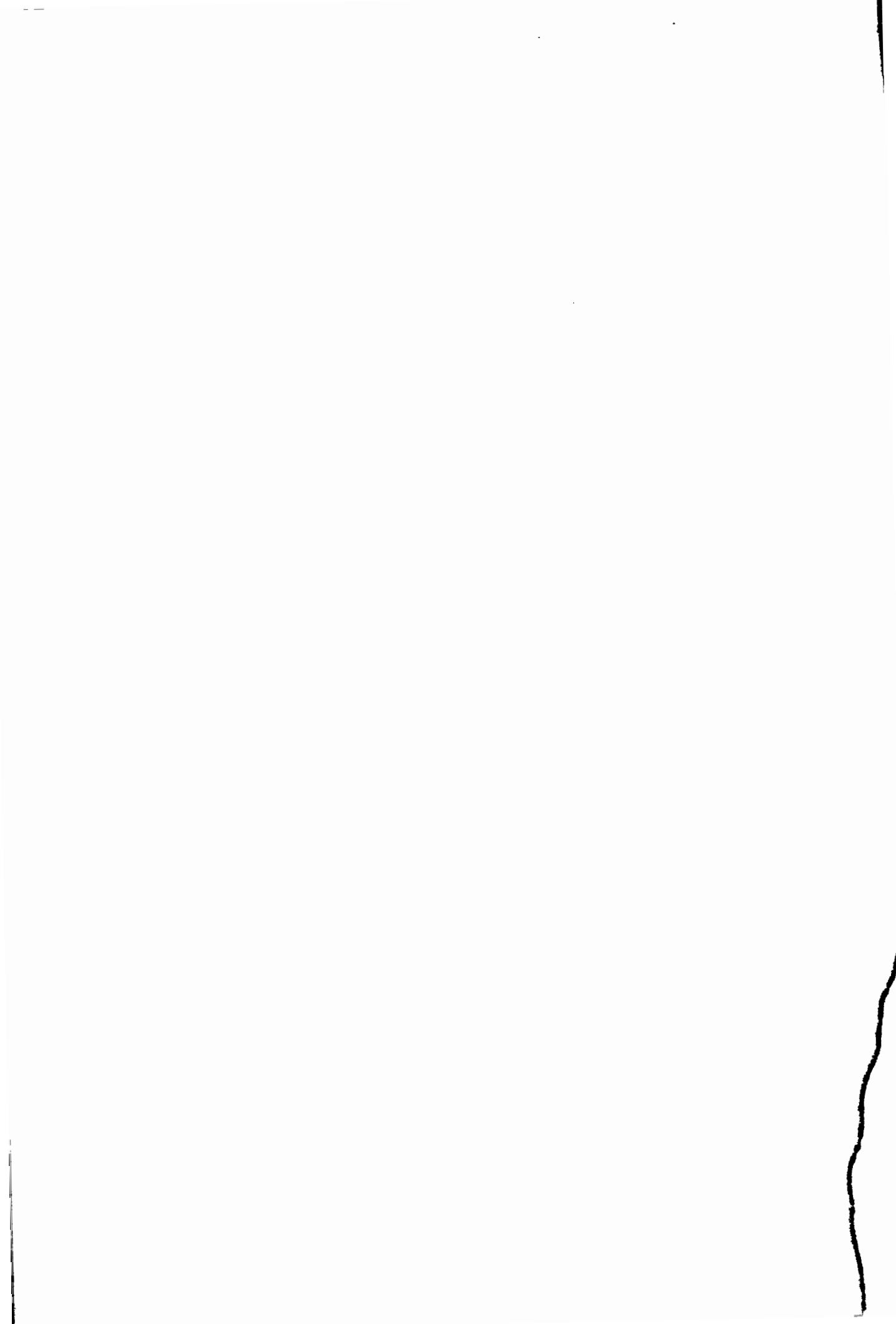
Counties not desiring reimbursement should so indicate. However, the information required to make a claim is also required as a report, pursuant to Elections Code Section 64 and Government Code Section 12172. Failure to make a claim for reimbursement does not relieve a county from its responsibility to report the information requested herein.

DEADLINE: December 6, 1976

Completed claim forms must be submitted to the Secretary of State no later than Monday, December 6, 1976.

Claim forms should be directed to:

VRA Project
Secretary of State
925 L Street, Suite 605
Sacramento, CA 95814



County: _____

3. Total number of precincts for November election: _____
4. Total number of three percent precincts serviced by a bilingual worker: _____
5. Cost of written materials:

Instructions: (Refer to pages 5.A and 5.B)

This question calls for itemization of costs of providing written materials required by the Voting Rights Act. For each category of costs, please list the total cost and the portion of that cost attributable to requirements of the Voting Rights Act. The cost attributable to the VRA is the difference between the actual total cost and what the cost would have been but for the requirements of the VRA. Question 5B calls for the same information for the June Primary.

While data on the June Primary is not required for reimbursement under SB 1655 it is requested for comparative purposes if available.

NOVEMBER 1976 PRIMARY ELECTION

County: _____

	<u>Translation Costs</u>	<u>Set-up Costs</u>		<u>Printing Costs</u>		<u>Distribution Costs</u> (eg.: Publication, Postage, etc.)		
		Total Costs	"VRA" Costs	Total Costs	"VRA" Costs	Total Costs	"VRA" Costs	
ELECTION NOTICES								
LOCAL BALLOT PAMPHLET								
SAMPLE BALLOT								
FACSIMILE BALLOT								
OFFICIAL BALLOT								
VOTING MACHINE INSTRUCTION								
OTHER WRITTEN MATERIALS SPECIFY: _____ _____								
TOTAL COST								

NOVEMBER 1976 GENERAL ELECTION

	<u>Translation Costs</u>	<u>Set-up Costs</u>		<u>Printing Costs</u>		<u>Distribution Costs</u> (eg.: Publication, Postage, etc.)		
		Total Costs	"VRA" Costs	Total Costs	"VRA" Costs	Total Costs	"VRA" Costs	
ELECTION NOTICES								
LOCAL BALLOT PAMPHLET								
SAMPLE BALLOT								
FACSIMILE BALLOT								
OFFICIAL BALLOT								
VOTING MACHINE INSTRUCTION								
OTHER WRITTEN MATERIALS SPECIFY: _____ _____								
TOTAL COST								

County: _____

6. Costs of Oral Assistance.

a. Special recruitment costs incurred in recruiting bilingual poll workers. If such costs are claimed please itemize with specificity: (eg: Announcement on Spanish language radio station soliciting applications for bilingual election officials- \$125.)

B. Costs of bilingual polling place assistants hired in addition to regular elections officers. The cost of regular elections officials used to provide oral assistance is not a reimbursable cost. If costs are claimed for extra personnel, please provide the total number of assistants, the costs claimed and place an asterisk next to the name of each such individual listed in your answer to question.

C. Other costs of providing oral assistance required by the Voting Rights Act. If such costs are claimed, please specify the nature of such costs and itemize with specificity.

County: _____

7. Special Registration Efforts in Three Percent Precincts.

SB 1655 provides that reimbursement is available for, "each registration secured by deputy registrars in those precincts in which the county clerk finds that 3 percent or more of the voting-age residents are non-English-speaking citizens and in which the clerk has appointed at least one precinct board official who is fluent in that language and in English."

If the county claims reimbursement under this provision, please describe the special registration effort, give the number of registrations secured, by precinct number, and itemize costs incurred.

8. Other Costs.

If the county has incurred costs attributable to VRA compliance other than those specifically mentioned in the claim form, please describe and itemize.

9. Total Costs.

Please list the total of all county costs listed above, attributable to compliance with the Voting Rights Act.

There are 8,947,297 registered voters in California's thirty nine VRA counties. Pursuant to S.B. 1655, thirty three counties submitted figures representing the total 1976 General Election costs for designing, printing and distributing election materials. The total cost was \$3,575,394. This amounted to a cost of 41¢ per voter.

Thirty four counties submitted figures representing total costs for VRA expenses for the same General election. The total cost was \$902,392 or 10¢ per voter.

Twenty six counties submitted figures representing the total VRA cost for the June '76 Primary. Twenty one of these counties showed a thirty six percent (36%) decrease in elections expenditures from the Primary to the General. Five of these counties showed a seventeen percent (17%) increase between the two elections. In contrast, twenty one of these counties showed a fifty one percent (51%) decrease in VRA election expenses. Five of the counties showed a thirty one (31%) increase in VRA expenses. It is not unusual for elections costs to decrease between the Primary and the General elections. However, the Primary and General election cost differential for VRA related costs is well below the medium decrease for over all elections costs. These figures tend to suggest that some VRA related costs in the Primary election were attributable to start-up costs necessary to open the formal lines of organizational

communication which are necessary to produce Bilingual materials. These start-up costs should not impact on future elections. Hence, the Primary-General elections cost differential for VRA related elections expenses constitute real savings.

Counties Reporting Election Cost 33 Counties Decrease from General
 Expended to Reporting to Primary
 Meet VRA Cost 33 Counties Reporting

	VRA Cost	Total Cost		VRA Voter	All Voters	VRA%	Total%
Alameda:	38661	189669	20.3				
Amador:	1745	10147	17.1	14¢	78¢	-19	-22
Colusa:	3256	5647		52¢	92¢		
Contra Costa:	29813	161667	18.4	10¢	51¢	-24	+28
Fresno:	105139	218770	48.0	54¢	\$1.13	N/A	N/A
Imperial:							
Inyo:							
Kern:	16748	48969	34.2	12¢	35¢	-53	-46
Kings:	7786	18943	41.1		89¢	-74	-36
Lassen:	3060	6898	44.3	34¢	78¢		
Los Angeles:	192718	1262596	16.0	6¢	40¢	-71	-22
Madera:	4172	9085	46.0	23¢	50¢	-63	-59
Merced:	5802	27136	21.3	15¢	68¢	-53	-43
Monterey:	11639	43672	26.6	11¢	43¢	+29	+15
Napa:	22352	50814	43.9	45¢	\$1.02	+29	+29

Reporting
Election Cost 33 Counties
Reporting
Decrease from General
to Primary

Expended to
Meet VRA Cost
33 Counties
Reporting

	VRA Cost	Total Cost		VRA Voter	All Voters	VRA %	Total %
Orange:	2444	126415	1.9	.2¢	14¢	-45	-42
Placer:							
Riverside:	2989	75152	3.9	1¢	30¢	-89	-20
Sacramento:	90708	204057	44.4	26¢	59¢	+80	+69
San Benito:							
San Bernardino:	36496	88068	41.4	13¢	30¢	-89	-20
San Diego:	161206	327514	49.2	20¢	42¢	+32	+12
San Francisco:	24826	156735	15.8	7¢	45¢	-55	-23
San Joaquin:	9655	27168	35.5	7¢	21¢	-70	-73
San Luis Obispo:	7312	27366	26.7	10¢	40¢	-67	-34
San Mateo:	18570	52150	35.6	6¢	19¢	+16	-76
Santa Barbara:	4661	43031	1.0	3¢	29¢	-59	-32
Santa Clara:	4705	105955	4.3	1¢	19¢	-58	-12
Santa Cruz:	12511	20995	59.5	13¢	21¢		
Sierra:							
Sonoma:	22504	93536	24.0	16¢	69¢	-41	-23

Counties Reporting Election Cost 33 Counties Decrease from General
 Expended to Reporting to Primary
 Meet VRA Cost 33 Counties Reporting

	VRA Cost	Total Cost		VRA Voter	All Voters	VRA %	Total %
Solano:	3814	35060	10.8	5¢	45¢	-86	-54
Stanislaus:	12684	42489	30.0	14¢	48¢	-12	+10
Sutter:	2341	7313	31.6	11¢	37¢	-59	-59
Tulare:	11943	30584	39.0	16¢	42¢	-18	-25
Tuolumne:	2456	5173	47.4	14¢	31¢		
Ventura:	8769						
Yolo:	15754	44646	35.2	28¢	81¢		
Yuba:	3471	13901	25.0	21¢	84¢	-24	-23

VRA EXPENSES
ELECTION NOTICES

	TRANSLATION			SET-UP			PRINTING			DISTRIBUTION		
	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL
Alameda:	319	.8	.2	19	.5	.1				473	1.2	.2
Amador:												
Colusa:	19	.5	.3				555	17.0	10.0			
Contra Costa:	45	.1	.3							100	.3	.6
Fresno:	446	.4	.2									
Imperial:												
Inyo:												
Kern:	150	.08	.03							2340	14.0	4.7
Kings:	140	1.7	.7							170	2.1	.8
Lassen:	110	3.5	1.5							3	.09	.04
Los Angeles:										27000	14.0	2.
Madera:	80	1.9	.8							235	5.6	2.5
Merced:	152	2.6	.5				224	3.8	.8			
Monterey:	30	.2	.06								9.6	2.5
Napa:										518	2.3	1.0

ELECTION NOTICES

	TRANSLATION			SET-UP			PRINTING			DISTRIBUTION		
	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL
Orange:												
Placer:												
Riverside:	140	4.6	.1							356	11.4	.4
Sacramento:	145	.15	.07							4862	5.3	2.3
San Benito:												
San Bernardino:	285	.7	.3							3151	8.6	3.5
San Diego:	108	.07	.03							11979		
San Francisco:				3384	13.4	2.1				1500	6.0	.9
San Joaquin:				63	.6	.2				197	2.0	.7
San Luis Obispo:	130	1.7	.4							325	4.4	.11
San Mateo:	42	.2	.08							132	.7	.2
Santa Barbara:												
Santa Clara:				50	1.0	.04						
Santa Cruz:				727	5.8	3.4						
Sierra:												
Sonoma:	185	.8	.19	854	3.7	.9				3701	16.4	3.9

ELECTION NOTICES

	TRANSLATION			SET-UP			PRINTING			DISTRIBUTION		
	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL
Solano:												
Stanislaus:	320	2.5	.7	63	.4	.14						
Sutter:										185	7.9	2.5
Tulare:	42	.3	.13									
Tuolumne:										182	7.4	3.5
Ventura:												
Yolo:	101	.6	.2							482	3.0	1.0
Yuba:												

	TRANSLATION			SET-UP			PRINTING			DISTRIBUTION		
	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL
Alameda:	683	1.7	.3	140	.3	.5	8331	21.0	4.0	99	.3	.4
Amador:												
Colusa:				113	3.4	2.0	193	6.0	3.0			
Contra Costa:	1357	4.5	.8	1000	3.0	.2	3835	12.0	2.4			
Fresno:												
Imperial:												
Inyo:												
Kern:	175	1.0	.3	-			755	4.5	1.5			
Kings:	105	1.3	.5	376	4.8	1.9	2417	31.0	12.0	837	10.0	4.0
Lassen:	58	1.8	.8	260	8.4	3.7	112	3.6	1.6			
Los Angeles:							27595	14.3	2.1			
Madera:							2263	54.0	25.0	685	16.4	7.5
Merced:	290	4.9	1.0				1324	22.8	4.8			
Monterey:	296	2.5	.6	1380	11.8	3.1	3193	27.4	7.3			
Napa:							8862	39.6	17.4			

	TRANSLATION			SET-UP			PRINTING			DISTRIBUTION		
	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL
Orange:												
Placer:												
Riverside:	359	12.0	.4				650	21.0	.8			
Sacramento:	185	.17	.06				163	16.0	.06			
San Benito:												
San Bernardino:	573	1.5	.6				3486	9.5	3.9			
San Diego:	856	.5	.2	6425	3.9	1.9	37229	23.0	11.3			
San Francisco:	2511	10.4	1.6				11374	45.8	7.2			
San Joaquin:	35	.3	.1									
San Luis Obispo:	316	4.3	.11				1141	15.6	4.1	319	4.4	.12
San Mateo:	720	3.8	1.3	600	3.2	1.1	859	4.6	1.6			
Santa Barbara:							647	13.8	1.5			
Santa Clara:												
Santa Cruz:												
Sierra:												
Sonoma:	75	.03	.008	900	4.0	.9	14335	64.0	15.0			

	TRANSLATION			SET-UP			PRINTING			DISTRIBUTION		
	COST	% OF TOTAL		COST	% OF TOTAL		COST	% OF TOTAL		COST	% OF TOTAL	
		VRA TOTAL			VRA TOTAL			VRA TOTAL			VRA TOTAL	
Solano:	755	19.2	2.0	800	20.9	2.2	2450	64.2	6.9			
Stanislaus:	585	4.6	1.3	358	2.8	.9						
Sutter:												
Tulare:												
Tuolumne:										584	23.0	11.3
Ventura:										2000	N/A	N/A
Yolo:							2027	12.2	4.1	2266	14.0	5.1
Yuba:	50	1.4	.3				427	12.3	3.0			

VRA EXPENSES
SAMPLE BALLOT

	TRANSLATION			SET-UP			PRINTING			DISTRIBUTION		
	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL
Alameda:	287	.7	.1	372	1.1	.2	15123	39.0	5.0			
Amador:	388	22.0	4.0	709	40.0	7.0	419	24.0	4.0	161	9.2	1.5
Colusa:				45	1.3	.7	1395	42.0	25.0			
Contra Costa:	98	.3	.2	1000	3.0	.2	15351	51.0	9.0	36	.2	.1
Fresno:							77820	74.0	36.0	15076	14.0	6.8
Imperial:												
Inyo:												
Kern:				1400	8.0	2.0	3515	21.0	7.1			
Kings:												
Lassen:	472	15.2	6.8	902	29.4	13.7	893	29.1	12.9			
Los Angeles:							48018	24.9	4.0	11117	5.7	.8
Madera:												
Merced:							1820	31.3	6.7			
Monterey:	30	.2	.6	840	7.2	1.9	3741	32.1	8.5			
Napa:							5831	26.0	11.4			

VRA EXPENSES
SAMPLE BALLOT

	TRANSLATION			SET-UP			PRINTING			DISTRIBUTION		
	COST	% OF TOTAL		COST	% OF TOTAL		COST	% OF TOTAL		COST	% OF TOTAL	
		VRA TOTAL			VRA TOTAL		VRA TOTAL		VRA TOTAL	VRA TOTAL		VRA TOTAL
Orange:												
Placer:												
Riverside:	20	.6	.02									
Sacramento:	342	.3	.16	1987	2.1	.9	60607	66.8	29.7	14551	16.0	7.1
San Benito:												
San Bernardino:							28039	75.8	31.8			
San Diego:	856	.5	.2	4922	3.0	1.5	14050	8.7	4.2	32292	20.3	9.8
San Francisco:	837	3.5	.5				2609	10.6	1.5			
San Joaquin:							9359	96.2	34.4			
San Luis Obispo:	235	3.2	.8	2835	38.7	10.3	1189	16.2	4.3	50	.6	.1
San Mateo:				6750	36.3	12.9	4455	23.9	8.5	36	.2	.1
Santa Barbara:							2311	49.5	5.3			
Santa Clara:							2378	50.5	2.2			
Santa Cruz:							11696	93.0	55.7			
Sierra:												
Sonoma:										925	4.1	1.0

VRA EXPENSES
SAMPLE BALLOT

	TRANSLATION			SET-UP			PRINTING			DISTRIBUTION		
	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL
Solano:												
Stanislaus:				837	6.5	1.9	10146	80.0	23.8			
Sutter:												
Tulare:							10661	89.2	34.8			
Tuolumne:				1213	49.3	23.4						
Ventura:										3421	N/A	N/A
Yolo:							3870	24.5	8.6			
Yuba:	305	817	2.1	1082	31.1	7.7	911	26.2	6.5	106	20.3	9.8

	TRANSLATION			SET-UP			PRINTING			DISTRIBUTION		
	COST	% OF TOTAL		COST	% OF TOTAL		COST	% OF TOTAL		COST	% OF TOTAL	
		VRA TOTAL			VRA TOTAL			VRA TOTAL			VRA TOTAL	
Alameda:												
Amador:												
Colusa:							15	.4	.2			
Contra Costa:												
Fresno:												
Imperial:												
Inyo:												
Kern:												
Kings:												
Lassen:	264	8.6	3.8									
Los Angeles:							4600	2.3	.3			
Madera:												
Merced:							821	14.1	3.1			
Monterey:												
Napa:												

	TRANSLATION			SET-UP			PRINTING			DISTRIBUTION		
	COST	% OF TOTAL		COST	% OF TOTAL		COST	% OF TOTAL		COST	% OF TOTAL	
		VRA	TOTAL		VRA	TOTAL		VRA	TOTAL		VRA	TOTAL
Orange:												
Placer:												
Riverside:							97	3.2	.1	78	3.1	.1
Sacramento:	342	.3	.16	2856	3.1	1.3	3267	3.6	1.6			
San Benito:												
San Bernardino:												
San Diego:							215	.13	.06			
San Francisco:	837	3.5	.5				1000	4.0	.6			
San Joaquin:												
San Luis Obispo:												
San Mateo:												
Santa Barbara:												
Santa Clara:												
Santa Cruz:												
Sierra:												
Sonoma:							413	1.8	.4			

	TRANSLATION		SET-UP		PRINTING		DISTRIBUTION	
	COST	% OF TOTAL	COST	% OF TOTAL	COST	% OF TOTAL	COST	% OF TOTAL
	VRA TOTAL		VRA TOTAL		VRA TOTAL		VRA TOTAL	
Solano:								
Stanislaus:								
Sutter:					2083	88.9	28.4	
Tulare:								
Tuolumne:								
Ventura:								
Yolo:								
Yuba:								

	TRANSLATION			SET-UP			PRINTING			DISTRIBUTION		
	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL
Alameda:	15	.04	.01	233	.6	.1	7829	20.0	4.0			
Amador:												
Colusa:												
Contra Costa:												
Fresno:				11797	11.2	5.3						
Imperial:												
Inyo:												
Kern:	490	2.9	1.0	2284	13.6	4.6	4112	24.5	8.3			
Kings:	185	2.3	.9	2236	28.7	12.0	676	8.6	3.5	88	1.3	.4
Lassen:												
Los Angeles:												
Madera:	15	.3	.1				505	12.1	5.5	141	.3	1.4
Merced:												
Monterey:	30	.2	.06				785	6.5	1.7			
Napa:							5831	26.0	11.4			

	TRANSLATION		SET-UP			PRINTING			DISTRIBUTION		
	COST	% OF TOTAL VRA TOTAL	COST	% OF TOTAL VRA TOTAL		COST	% OF TOTAL VRA TOTAL		COST	% OF TOTAL VRA TOTAL	
Orange:						2342	.95	1.8			
Placer:											
Riverside:											
Sacramento:											
San Benito:											
San Bernardino:											
San Diego:			9845	6.1	3.1	28355	17.	8.6			
San Francisco:											
San Joaquin:											
San Luis Obispo:						243	3.3	.8	230	3.1	.9
San Mateo:			1333	7.1	2.5						
Santa Barbara:						1602	34.3	3.7			
Santa Clara:			600	12.7	.5	1835	39.0	1.7			
Santa Cruz:											
Sierra:											
Sonoma:						361	1.6	.3			

	TRANSLATION			SET-UP			PRINTING			DISTRIBUTION		
	COST	% OF TOTAL		COST	% OF TOTAL		COST	% OF TOTAL		COST	% OF TOTAL	
		VRA TOTAL			VRA TOTAL			VRA TOTAL			VRA TOTAL	
Solano:												
Stanislaus:	50	.5	.14	119.60	.9	.2	205	1.9	.8			
Sutter:												
Tulare:												
Tuolumne:				477	19.4	9.2						
Ventura:												
Yolo:							4467	28.3	10.			
Yuba:												

	TRANSLATION			SET-UP			PRINTING			DISTRIBUTION		
	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL
Alameda:							27	.07	.01			
Amador:												
Colusa:				34	1.0	.05	155	5.0	3.0			
Contra Costa:												
Fresno:												
Imperial:												
Inyo:												
Kern:												
Kings:							523	6.7	2.7	6	.07	.03
Lassen:							25	7.3	3.1			
Los Angeles:							1449	.7	.1			
Madera:												
Merced:							500	8.6	1.8			
Monterey:												
Napa:												

	TRANSLATION			SET-UP			PRINTING			DISTRIBUTION		
	COST	% OF TOTAL		COST	% OF TOTAL		COST	% OF TOTAL		COST	% OF TOTAL	
		VRA	TOTAL		VRA	TOTAL		VRA	TOTAL		VRA	TOTAL
Orange:												
Placer:												
Riverside:												
Sacramento:	20	.										
San Benito:												
San Bernardino:												
San Diego:												
San Francisco:	837	3.5	.5									
San Joaquin:												
San Luis Obispo:												
San Mateo:												
Santa Barbara:												
Santa Clara:												
Santa Cruz:												
Sierra:												
Sonoma:							382	1.6	.4			

	TRANSLATION		SET-UP		PRINTING		DISTRIBUTION	
	COST	% OF TOTAL	COST	% OF TOTAL	COST	% OF TOTAL	COST	% OF TOTAL
	VRA TOTAL		VRA TOTAL		VRA TOTAL		VRA TOTAL	
Solano:								
Stanislaus:								
Sutter:								
Tulare:								
Tuolumne:								
Ventura:								
Yolo:								
Yuba:								

	TRANSLATION			SET-UP			PRINTING			DISTRIBUTION		
	COST	% OF TOTAL		COST	% OF TOTAL		COST	% OF TOTAL		COST	% OF TOTAL	
		VRA TOTAL			VRA TOTAL			VRA TOTAL			VRA TOTAL	
Alameda:							4663	12.0	2.5	57		
Amador:							117	15.0	1.0			
Colusa:							601	18.0	11.0			
Contra Costa:	18	.06	.01				6973	23.0	4.3			
Fresno:												
Imperial:												
Inyo:												
Kern:	75	.4	.1				1452	8.6	2.9			
Kings:				2	.02	.01	25	.3	.1			
Lassen:												
Los Angeles:							3541	1.8	.2			
Madera:							248	5.9	2.7			
Merced:							671	11.5	2.4			
Monterey:							200	1.7	.4			
Napa:										1309	5.8	2.5

	TRANSLATION			SET-UP			PRINTING			DISTRIBUTION		
	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL	COST	% OF TOTAL	VRA TOTAL
Orange:							102	4.1	.08			
Placer:												
Riverside:	339	11.3	.4				948	31.7	1.2			
Sacramento:										1380	1.5	.6
San Benito:												
San Bernardino:	80	.2	.09				882	2.4	1.0			
San Diego:				14070	8.7	4.2						
San Francisco:												
San Joaquin:												
San Luis Obispo:	10	.7	.27							286	3.9	1.0
San Mateo:												
Santa Barbara:	161	3.4	.3									
Santa Clara:							267	5.6	.2			
Santa Cruz:												
Sierra:												
Sonoma:							333	1.4	.3			

	TRANSLATION			SET-UP			PRINTING			DISTRIBUTION		
	COST	% OF TOTAL		COST	% OF TOTAL		COST	% OF TOTAL		COST	% OF TOTAL	
		VRA TOTAL			VRA TOTAL			VRA TOTAL			VRA TOTAL	
Solano:							352	9.2	1.0			
Stanislaus:												
Sutter:							74	3.1	1.1			
Tulare:							1133	9.1	3.6			
Tuolumne:												
Ventura:										1481	N/A	N/A
Yolo:							2768	17.5	6.1			
Yuba:							590	16.9	4.2			

Appendix VI

1. Memo Regarding Vague and Ambiguous Language of S.B. 1655
2. County Listing of Funds Disbursed Pursuant to S.B. 1655



Office of the Secretary of State
March Fong Eu

111 Capitol Mall
Sacramento, California 95814

	152
Executive Office	(916) 445-6371
Certification	(916) 445-1430
Corporation Index	(916) 445-2900
Corporation Records	(916) 445-1768
Election Division	(916) 445-0820
Legal Division (Corp.)	(916) 445-0620
Notary Public Division	(916) 445-6507
State Archives	(916) 445-4293
Uniform Commercial Code	(916) 445-8061

TO: March Fong Eu

FROM: Charles M. Calderon, VRA Project Attorney

RE: Reimbursement under S.B. 1655

The Problem

The language in S.B. 1655 is hopelessly vague and ambiguous. It is not clear whether the Legislature intended to reimburse counties for specific costs incurred in complying with the oral and written requirements of the VRA; or whether it intended only to reimburse the counties for costs incurred in complying with the oral voter provisions of the VRA; or whether the legislature intended only to reimburse for costs in complying with the state requirements regarding oral voter assistance in designated precincts; or whether the Legislature intended only to reimburse for costs incurred in complying with the oral voter provisions of both state and federal law; or whether the Legislature intended to reimburse counties for costs generally, whether they were incurred in complying with state or federal law.

In addition, the act offers no definite standard for deriving a formula for reimbursement.

Brief Answer

The legislature intended to provide a general sum of money to certain counties to help defray costs incurred for VRA compliance. At the same time, the legislature intended to encourage compliance under state law requiring oral voter assistance in designated precincts. Thus, it made compliance with state requirements the basis for determining the maximum reimbursement allowable to each county for VRA related expenses. Consistent with this thinking, the legislature also intended to reimburse counties for costs incurred in complying with state law. This includes costs incurred for registrations secured in three percent precincts as well as costs incurred for identifying language need precincts and for the hiring of bilingual polling officials.

In light of this legislative intent, the following reimburse-

ment formula should be employed. Upon receipt of all county claims for registration, the total dollar amount should be computed. This total sum should then be subtracted from the appropriated 300,000 dollars. This will produce an adjusted appropriated sum. Once the adjusted appropriated sum is derived, the total number of three percent precincts for all counties should be ascertained. The adjusted sum should then be divided by the total number of three percent precincts. This will produce a per precinct disbursement amount. Counties should receive this amount for each precinct that they have identified as being a three percent precinct and for which they have hired a bilingual precinct official.

Discussion

SECTION I of S.B. 1655 reads:

The sum of three hundred fifty (sic) thousand dollars... is hereby appropriated...to be allocated and disbursed in the following manner:

(a) ...three hundred thousand...for allocation and disbursement to counties for the purpose of financially assisting them for costs incurred by them in complying with the voter assistance requirements of the Voting Rights Act of 1965, as amended,...to furnish printed materials and oral assistance.

In SECTION 2, the facts set forth as bringing this act within the urgency provisions of the Constitution are:

Under the provisions of the Voting Rights Act, as amended, certain counties are required to furnish election services in other than the English language. In order that the funds appropriated...may be made available to such counties for the 1976 General Election, it is necessary that this act go into immediate effect.

Read together, the Legislature clearly intended to provide some form of monetary relief for costs incurred by counties in complying with the Voting Rights Act, as amended. However, the standard provided as the basis for computing maximum disbursements under the act: identified three percent precincts; and the only specifically defined costs listed as being reimburseable: registrations in three percent precincts containing a bilingual official; are both specific references to state law.

Paragraphs two and three of SECTION 1, Subsection (b) read:

The Secretary of State shall determine the maximum reimbursement available to each county on the basis of the number of precincts in that county for which the clerk has found that 3 percent or more of the voting-age residents

are non-English-speaking citizens as of September 1, 1976.

Each county shall be reimbursed, at a rate to be determined by the Secretary of State, for each registration secured by deputy registrars in those precincts in which the county clerk finds that 3 percent or more of the voting-age residents are non-English-speaking citizens and in which the clerk has appointed at least one precinct board official who is fluent in that language and in English. Only such claims as have been approved by the Secretary of State may be submitted to the State Controller for reimbursement under subdivision (a).

The above language is specifically referring to sections 301 and 1635 of the California Elections Code.

Thus, notwithstanding the reference to "printed materials" in SECTION 1, subsection (a), did the legislature intend only to reimburse counties for costs incurred in providing oral assistance under the VRA or did it intend to include reimbursement for costs incurred for written assistance as well? Did the Legislature intend only to reimburse counties for costs incurred in complying with the oral assistance requirements under state law? Did the Legislature intend merely to provide a general sum of money to help defray VRA and similar state law costs, using county compliance under state law as the basis for computing maximum reimbursements?

The only way to reconcile the VRA language with the 3 percent language is to read them as being consistent with each other. Under this analysis, the latter conclusion above is the best formulation of probable legislative intent.

The legislature intended to provide a general sum of money to help cover the costs incurred in complying with the VRA. At the same time, the Legislature intended to encourage compliance with state law requiring oral voter assistance in designated precincts. Equating this state law with the oral assistance provisions of the VRA, the Legislature made compliance with state law the basis for determining the maximum grants allowable for VRA costs. Consistent with this thinking, the Legislature assumed that by reimbursing counties for expenses incurred in their efforts to register language minorities under state law, they would also be reimbursing for related VRA affirmative registration requirements.

1655 Reimbursement

<u>County</u>	<u># of Precincts Covered</u>	<u>Amount of Reimbursement @ 62.13.4 per precinct</u>
Alameda:	102	6439.26
Amador:	No Coverage	No claim
Colusa:	16	1010.08
Contra Costa:	109	6881.17
Fresno:	155	9785.15
Imperial:	40	2525.20
Inyo:	5	315.65
Kern:	84	5302.42
Kings:	11	694.43
Lassen:	No Coverage	No claim
Los Angeles:	2565	161928.45
Madera:	13	820.69
Merced:	43	2714.59
Monterey:	53	3345.89
Napa:	10	631.30
Orange:	228	18408.80/4015.16*
Placer:	No Coverage	No claim
Riverside:	15	946.95
Sacramento:	254	16035.02
San Benito:	9	568.17
San Bernardino:	18	1136.34
San Diego:	264	16666.32
San Francisco:	36	2272.68
San Joaquin:	36	4576.76/2304.08*
San Luis Obispo:	6	378.78
San Mateo:	31	1957.03
Santa Barbara:	59	3724.67
Santa Clara:	103	6502.39
Santa Cruz:	13	820.69
Sierra:	No Coverage	No claim
Solano:	No Coverage	No claim
Sonoma:	No Coverage	No claim
Stanislaus:	107	6754.91
Sutter:	23	1451.91
Tulare:	109	6881.17
Tuolumne:	No Coverage	No claim
Ventura:	35	2209.55
Yolo:	84	5302.92
Yuba:	16	1010.08
	<u>4658 Covered</u>	<u>300000.00 Allocated</u>

Reimbursement for Registration Costs.

County

COUNTY DATA
VOTING RIGHTS ACT PROJECT
FALL 1976

I. History of County Efforts to Identify "Language Need" Precincts.

1. What methods did the county use to identify precincts where oral language assistance is required?

Statistical Data Bases	Informal Personal Assessment	
Census Data	23%	Precinct Official Needs Assessment
RV Files	13%	Personal Identification by the
Return Postcards	6%	Elections Official
		6%
		49%

3% of the counties "blanketed"

- A. Did the county seek and/or receive input from community groups or individuals regarding possible "language need" precincts? Explain.

Yes 22% No 78%

Resources utilized included: business groups, California Rural Legal Assistance, academicians, church groups, community groups and organizations, Intertribal Councils, and interested citizens.

- B. Did the county have a citizen advisory board, and, if so, did that board participate in efforts to identify language need precincts?

Four counties received help from community groups in identifying areas of language need.

2. Did the county accept our offer of assistance?

Yes 74% No 26%

A. If not, why?

These counties either claimed that it was too late for assistance, were satisfied with their targeting efforts or insisted that they were under no obligation to target.

3. How many additional precincts were targeted with our assistance?

Approximately 1500 located in eight counties:

Alameda	Placer
Contra Costa	San Luis Obispo
Los Angeles	Madera
Orange	Imperial

4. Would the county have attempted to target three percent precincts without our help? (thirty five counties reporting)

Yes 24%
 No 29%
 if they had the information prior to the
 "29 day close" 47%

5. Is the county aware of language minorities other than Spanish (Chinese)?

Greek	8%	Belgium	3%	German	6%
Thai	3%	Armenian	11%	French	3%
Vietnamese	6%	Japanese	11%	Israeli	6%
Lithuanian	3%	Korean	8%	Somoan	11%
Tagalog	8%	Portuguese	11%		
Russian	6%	Indian dialects	8%		
Italian	11%	Arabic	6%		
Bengali	3%	Danish	3%		

A. What groups, and have they identified three percent precincts?

Greek	3%	Japanese	8%	Somoan	6%
Tagalog	8%	Korean	3%	Russian	3%
Italian	8%	Portuguese	8%	Armenian	3%

II. History of County Efforts to Recruit and Train Bilingual Elections Officials.

1. What methods did the county use to recruit and train bilingual elections officials?

1. Recruitment from Registered Voter Index	13%
2. Community Groups	44%
3. Newspapers	31%
4. EDD Job Order	21%
5. Precinct Officials	41%
6. Elections Staff Recruitment	41%
7. Word of Mouth	39%
8. Court Reporters	3%
9. Interested Individuals	3%

A. EDD job order? What results?

Eight counties used the EDD job order to recruit bilingual polling place officials, sixty five people were hired. More elections officials would have utilized this job order had it been more timely.

2. Would the county use an EDD job order to recruit bilingual elections officials in the future?

See A above

3. What kind of testing, if any, is given bilingual elections officials for language fluency?

No county tested for language competency. Each county assumed competency based on the individual's assurance.

4. Did the county bump or move existing elections officials to comply with oral language assistance requirements of §1635 and the VRA?

Didn't Bump	89%
Bumped	11%

5. What instructions, if any, are given elections officials regarding the VRA and §1635?

Sixty nine percent (69%) offered no instruction while thirty one (31%) instructed their election officials as to the requirements of the VRA and §1635.

6. What efforts, if any, have been made (are being made) to assign existing bilingual election officers to language need precincts.

Overt efforts to recruit from community	22%
Employment of election staff to train and recruit bilingual assistance	11%
No effort	56%

7. How stable is the county's elections officer (polling place) work force?

In urban counties	65% - 75% stable
In suburban counties	70% - 75% stable
In rural counties	75% - 90% stable

A. Bilingual elections officials?

Where bilingual board members are consistent with Election code 1633, they are as stable as general work force.

Where recruited from outside community: very unstable.

III. Outreach Data Relating to VRA Compliance

1. What voter outreach, if any, has been directed toward language minority groups? (35 counties)

Put voter postcard in public buildings	71%
Sent Deputy Registrars into language minority community to register voters	10%
No effort	17%
Ethnic and non ethnic media sources	46%
Distribution of postcards through interest groups	46%

2. What plans does the county have for use of deputy registrars, in light of mail registration?

Four counties stated that they planned to discontinue the deputy registrar program. Twenty counties maintained that they would continue the program as part of their voter outreach program. However, six of these counties stated that their Board of Supervisors might reduce the bounty paid to deputies in light of the implementation of postal registration.

3. If community college students or state college students were available as precinct or neighborhood interns would you use them as part of your voter outreach program? (thirty five counties reporting)

Yes	47%
Yes, but impractical	30%
No	24%

IV. Written Materials

1. Does the county plan to target or blanket regarding minority language written materials? If the county plans to blanket, why?

Blanketed	92%
Sent return postcards to all registered voters and supplied only those who requested assistance	8%

(Examples of each VRA county's written materials are on file in the State Archives.)

V. Polling Place Location as Related to VRA Compliance

1. Are polling places in the county more or less stable locations? (thirty five counties reporting)

Twenty one percent (21%) indicated stable polling place locations
Where high Voter turnout 59% indicated a 75% - 90% stability rate.

Where low Voter turnout 59% indicated a 30% - 40% stability rate.

Eleven percent (11%) indicated a 50% - 60% stability rate irrespective of voter turnout.

Ten percent (10%) felt that they were not at all stable

2. If not, could they be stabilized, and at what costs? (thirty five counties reporting)

No	94%
Yes, but at a considerable cost	6%

3. Could polling places become relatively permanent and serve as neighborhood registration posts? What problems, what costs? (thirty five counties reporting)

Yes, but at a considerable cost	6%
No, not with present registration system	94%

4. Roughly, what percentage or number of polling places are located in each of the following? (twenty four counties reporting)

	Urban	Suburban	Rural
Schools:	15%	10%	25%
Other Public Buildings:	8%	5%	25%
Private Homes:	65%	75%	33%
Churches:	1%	1%	12%
Other:	11%	9%	15%

5. Does the county presently have a bias toward certain types of polling places when available? (eg: schools in preference to other types) (twenty four counties reporting)

All counties reported a bias toward schools and public buildings and established landmarks.

VI. Continuing Role of the Secretary of State in VRA Compliance Assistance.

1. Would the county utilize continuing technical assistance from the Secretary of State in VRA and §1635 compliance if such assistance became available? Would the county find such assistance highly useful, some-

what useful or only marginally useful in the future?

If offered would utilize technical assistance	81%
Would not use such assistance	8%
No need for language need estimation: not VRA county	11%

2. Does the county presently plan to combine any other files with its RV file? (eg: DMV, SOC) (thirty two counties reporting)

Would investigate data bases, particularly jury lists	57%
Said no	26%
No answer	17%

Appendix VIII

1. Senator Garcia Memo and Response

ND TO:
 RICT OFFICE
 O BROADWAY
 UITE 708
 I, CALIFORNIA 90012
) 628-5155

IENTO ADDRESS
 TE CAPITOL
 , CALIFORNIA 95814
) 445-3456

COMMITTEES:
 AGRICULTURE AND WATER
 RESOURCES
 ELECTIONS AND
 REAPPORTIONMENT
 HEALTH AND WELFARE
 TRANSPORTATION
 VICE CHAIRMAN

ALEX P. GARCIA
 TWENTY-FOURTH SENATORIAL DISTRICT
 LOS ANGELES COUNTY

CALIFORNIA LEGISLATURE

Senate

June 30, 1976

Honorable March Fong Eu
 Secretary of State
 925 L Street, Suite 605
 Sacramento, CA 95814

Dear March:

Because I share your sincere interest with respect to the just implementation of the Voting Rights Act amendments of 1975, I am submitting the following questions which I hope will give me greater personal insight into many of the issues raised recently concerning this very complex matter:

1. In general, what was done by your office and county election officials in the June primary to comply with the VRA?
2. Were you satisfied that all county election officials complied with the letter and spirit of the VRA in preparation for and in the conduct of the June primary election?
3. What was the total statewide cost (i.e., including every political subdivision) for all election materials printed in each language?
4. What was the statewide cost breakdown for each language used?
5. How did your office assess the language needs of voters prior to the distribution of election materials for the primary?
6. In general, were you satisfied with the efforts made by county election officials in their needs assessment of language minority voters?

Honorable March Fong Eu
June 30, 1976
Page 2

7. Does your office have any plans as to conducting a more extensive needs assessment of language minority voters for the general election?
8. In general, does your office plan to make any changes for the general election with respect to meeting the requirements of the VRA?
9. How does your office intend to distribute the ballot pamphlet in languages other than English for the general election?
10. How many English language ballot pamphlets were not used in the June primary?
11. What specific plans does your office have to implement the voter registration outreach program with respect to language minority groups?
12. What would be the total statewide cost (i.e., including every political subdivision) if it were decided to blanket all counties covered by the VRA?
13. Has your office been able to estimate the number of English, Spanish and Chinese ballot pamphlets needed for the general election?
14. If so, does your office have a cost estimate for the general election with respect to the printing and distribution of the ballot pamphlet in English, Spanish and Chinese?
15. Because of the difficulty in making some county election officials identify 3 percent language minority precincts, would you favor having your office identify such precincts if the proper funding were made available?
16. Would your office be willing to monitor a representative sample of language minority precincts throughout the state on the day of the general election to determine if the VRA and state bilingual election laws are being complied with by local election officials?

Thank you, March, for your kind attention to these questions. I know that you have tried diligently for many, many months to

Honorable March Fong Eu
June 30, 1976
Page 3

address this very difficult issue in the fairest way possible.

I look forward to your reply.

Sincerely,



ALEX P. GARCIA
State Senator

APG:dg

cc: Honorable Omer L. Rains
Honorable Jim Keysor



Office of the Secretary of State
March Fong Eu

111 Capitol Mall
Sacramento, California 95814

Executive Office	166 (916) 445-6371
Certification	(916) 445-1430
Corporation Index	(916) 445-2900
Corporation Records	(916) 445-1768
Election Division	(916) 445-0820
Legal Division (Corp.)	(916) 445-0620
Notary Public Division	(916) 445-6507
State Archives	(916) 445-4293
Uniform Commercial Code	(916) 445-8061

November 9, 1976

Honorable Alex P. Garcia
California State Senate
State Capitol - Room 5095
Sacramento, CA 95814

Dear Senator Garcia:

When you originally expressed interest in the implementation, impact and costs of the Voting Rights Act amendments of 1975, we had little information from the counties to report, and had too little time to assess our own activities. What little there was to report, I believe Bill Durley communicated to Bob Ryan of your office by telephone.

Since then we have established an Advisory Committee on Outreach and Bilingual Elections composed of 24 members, 14 of them representatives of minority language groups. The Committee has met three times to discuss methods of compliance with the VRA. We have recently hired six consultants (with the funds provided to us by SB 1655) to assist the counties in providing bilingual assistance to voters and to assist us in preparing a report to the Legislature about the administrative and voter assistance impact of the VRA and related state laws. The consultants are all people knowledgeable about relevant state and federal law. We expect to have a report completed by the first of the year, and it should answer the questions you raise and those raised by other legislators.

As you know, this office provided English versions of the California Voter's Pamphlet to all registered voters pursuant to § 3573 of the Elections Code, and, in the 39 covered counties, captioned the cover to inform all voters (in the appropriate minority language as well as in English) that Spanish (or Chinese) versions would be provided upon request. A postcard was enclosed for the convenience of those who wished to make such requests. This "captioning" plan was approved by the U.S. Department of Justice.

Some counties followed the "captioning" method, while others preferred to blanket the county with bilingual materials. Most, if not all, counties provided bilingual ballots.

Honorable Alex P. Garcia
November 9, 1976
Page Two

We printed roughly 515,000 Spanish ballot pamphlets and 25,000 Chinese. We received requests for 1,095 Chinese, and 9,298 Spanish versions. We have reason to believe that may not reflect accurately an ongoing preference for bilingual materials. For example, Contra Costa used the captioning method, as we did, with the following results: 108 requests were received for Spanish sample ballots, 52 of which were to non-Spanish surnamed voters. By comparison, the Secretary of State received 251 Contra Costa requests for the state ballot pamphlet in Spanish, of these 36 were in common with county requests. At the polls on June 8, 51 requests were received for Spanish ballots.

The costs of conducting the bilingual portion of the primary election in Contra Costa have been estimated at \$60,000.

At the state level, we spent \$93,750 on the printing, translating and shipping of the state ballot pamphlets to the counties in Spanish and in Chinese.

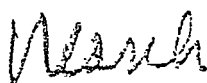
Since we have not yet received full reports from all counties on their methods and costs of complying with the VRA, it is impossible to fully assess those efforts. Our own experience in the primary election is of little help since there is reason to believe some people requested minority language materials out of curiosity. We feel the combination of data gathered from the June primary and November general elections will prove more helpful.

We have been working closely with the U.S. Department of Justice in implementing the federal law, and it appears that that Department is satisfied with what they know of California's compliance in letter and spirit.

I feel sure that our January report to the Legislature will provide the answers to your questions. In the meantime, we cannot answer many of them because we have not received all the facts. Some of your questions are unanswerable because they require value judgments.

We used the same captioning method in the November election that we used for the June primary. We plan to target in 1978.

Sincerely,



MARCH FONG EU



Office of the Secretary of State
March Fong Eu

111 Capitol Mall
Sacramento, California 95814

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Executive Office	(916) 445-6371
Certification	(916) 445-1430
Corporation Index	(916) 445-2900
Corporation Records	(916) 445-1768
Election Division	(916) 445-0820
Legal Division (Corp.)	(916) 445-0620
Notary Public Division	(916) 445-6507
State Archives	(916) 445-4293
Uniform Commercial Code	(916) 445-8061

January 14, 1977

The Honorable Alex Garcia
State Capitol
Sacramento, California 95814

RE: Your letter dated 6/30/76 concerning the '75 VRA

Dear Senator Garcia:

In my letter dated 11/9/76, I was unable to answer many of your questions regarding the 1975 Voting Rights Act. Reliable information was simply nonexistent and, at the time I received your letter, unattainable. At that time, I informed you that a report on the administrative and voter assistance impact of the VRA and related state law was forthcoming. That report has been completed. What follows is a question by question response to your 6/30/76 letter.

Question

1. In general, what was done by your office and county election officials in the June primary to comply with the VRA?

Answer

For the Primary, roughly 515,000 Spanish ballot pamphlets and 25,000 Chinese ballot pamphlets were printed.

For the total number of Spanish and Chinese ballot pamphlets printed for the General, see answer to question 13.

English versions of the California Voter's ballot pamphlet were provided to all registered voters. Pamphlets sent to VRA jurisdictions contained a "caption" on the cover (in the appropriate language and in English) informing voters that Spanish or Chinese versions were available upon request.

Approximately three weeks prior to the General, six consultants were hired pursuant to S.B. 1655 to aid VRA jurisdictions in identifying minority language need areas for the purpose of providing oral voter assistance. Using the "3 percent"

The Honorable Alex Garcia
January 14, 1977
Page 2

precinct standard of California Elections Code Section 1635, these consultants identified language need precincts by way of census data, surnames listed on registered-voter-files, and assistance from language minority community groups.

Approximately 185 bilingual officials were hired through the assistance provided by the consultants. Statewide, 4658 precincts were furnished with bilingual oral assistance.

Question

2. Were you satisfied that all county election officials complied with the letter and spirit of the VRA in preparation for and in the conduct of the June primary election?

Answer

With respect to bilingual elections notices, bilingual local ballot pamphlets, bilingual sample ballots, bilingual facsimile ballots, bilingual official ballots, and bilingual voting booth instructions, the answer is "yes". With respect to oral assistance, the answer is "uneven".

Nevertheless, having experienced a Primary and General with the VRA in effect, county Clerks and Registrars have become aware of the special problems faced by language minority voters as well as the budgetary, administrative and political factors associated with servicing them. With this newly gained experience and support and assistance from my office, I am confident that the VRA and state law compliance effort with respect to oral assistance will improve.

Question

3. What was the total statewide cost (i.e., including every political subdivision) for all election materials printed in each language?

Answer

Please see Appendix V, Tables 1 through 8 of the report. Note that figures listed for Inyo county reflect costs for assistance to Native Americans. Those listed for San Francisco, represent costs for assistance to Chinese and Spanish heritage citizens. The figures for all other counties represent costs for assistance to Spanish heritage citizens only.

The Honorable Alex Garcia
January 14, 1977
Page 3

Question

4. What was the statewide cost breakdown for each language used?

Answer

See answer to question three (3) above.

Question

5. How did your office assess the language needs of voters prior to the distribution of election materials for the primary?

Answer

We "captioned" for both the Primary and General. For explanation of captioning method please see 11/9/76 letter.

Question

6. In general, were you satisfied with the efforts made by county elections officials in their needs assessment of language minority voters?

Answer

See answer to question two (2).

Question

7. Does your office have any plans as to conducting a more extensive needs assessment of language minority voters for the general election?

Answer

An extensive needs assessment of language minority voters was conducted pursuant to S.B. 1655. See report for results.

Question

8. In general, does your office plan to make any changes for the General election with respect to meeting the requirements of the VRA?

The Honorable Alex Garcia
 January 14, 1977
 Page 4

Answer

Other than assisting counties in identifying language need precincts and hiring bilingual precinct officials, nothing more was done for the General.

Question

9. How does your office intend to distribute the ballot pamphlet in languages other than English for the General election?

Answer

See answer to question two (2).

Question

10. How many English language ballot pamphlets were not used in the June primary?

Answer

It is impossible to answer this question. All ballot/ ^{pamphlets} printed were distributed to the counties. An attempt was made to ascertain this information via a questionnaire. The response has been unsatisfactory. Another questionnaire will be sent in the near future.

Question

11. What specific plans does your office have to implement the voter registration outreach program with respect to language minority groups?

Answer

The outreach plans are currently being processed. State funding for their implementation is being sought.

Question

12. What would be the total statewide cost (i.e., including every political subdivision) if it were decided to blanket all counties covered by the VRA?

The Honorable Alex Garcia
 January 14, 1977
 Page 5

Answer

In the absence of knowing what services or materials one wants to "blanket", it is impossible to answer this question.

Question

13. Has your office been able to estimate the number of English, Spanish and Chinese ballot pamphlets needed for the General election?

Answer

The Secretary of State printed:

English ballots (including bilingual ballots).....	11.8 million
Spanish-only ballots.....	250,000
Chinese-only ballots.....	<u>30,000</u>
Total.....	12,080,000
Voters requesting ballots in languages other than English..	10,033
Voters requesting ballots in Spanish.....	8598
Voters requesting ballots in Chinese.....	1435

Question

14. If so, does your office have a cost estimate for the General election with respect to the printing and distribution of the ballot pamphlet in English, Spanish and Chinese?

Answer

Total Cost.....	\$1,217,000
Shipping.....	\$24,000
Translation.....	<u>\$16,000</u>
Total.....	\$1,257,000

Question

15. Because of the difficulty in making some county election officials identify three percent language minority precincts, would you favor having your office identify such precincts if the proper funding were made available?

Answer

That is currently being done.

The Honorable Alex Garcia
January 14, 1977
Page 6

Question

16. Would your office be willing to monitor a representative sample of language minority precincts throughout the state on the day of the General election to determine if the VRA and state bilingual election laws are being complied with by local election officials?

Answer

In conjunction with our office, language minority community groups in two counties (Fresno and Tulare) monitored a cross-section of precincts for the specific purpose of determining whether local polling officials were complying with the VRA. See Appendix VII for their findings.

Sincerely,



March Fong Eu

MFE:cid

Appendix IX

1. Fresno, Tulare, Kern and Madera Monitoring Reports

1976 Fresno County Primary Election:
Survey Results

A survey on the June 8, 1976 Fresno County Primary Elections was conducted by CRLA (Madera office) in cooperation with the San Joaquin Voter Registration Project. The purpose of the survey was to monitor compliance with the bilingual election laws.

120 of approximately 433 precincts in Fresno County were selected for the survey, representing a sample size of 28%. Broken down by city and county precincts, 37%(68 of 182) of all city precincts and 21%(52 of 251) of all county precincts were surveyed. Precinct selections were based on census tract information and on known areas with a high concentration of Spanish-surnamed people.

The selected precincts were monitored using two methods. 73% were monitored by pollwatchers who visited the polls while the remaining 27% were monitored by telephone. Forms were provided to the pollwatchers and the telephone survey operators which served as both a checklist and as a declaration of certain observations made. Samples of these forms are included at the back of of this report.

Nearly all pollwatchers and telephone survey operators were bilingual. Each was asked to identify himself/herself in Spanish as conducting a survey on compliance with the bilingual election laws. Each was to ask how many bilingual pollworkers were present. This approach served two purposes. First, it served as a proper question seeking information relevant to the survey. Second, it served as a measurement of the bilingual ability, if any, of the pollworkers present.

Each pollwatcher and telephone survey operator was also asked to judge the attitude and cooperation of the pollworkers contacted. They were also encouraged to make any additional comments they felt would be relevant to the survey.

Pollwatchers were asked to make several additional observations. Each was to note whether voting instructions in Spanish were posted conspicuously and whether cards with the telephone number of the County Clerk were available. Each was also to note the location of each polling place.

Contained in this report are the results of the entire survey which are summarized and analyzed in the Survey Analysis Summary. This summary contains the results of both the pollwatchers' survey, which are detailed in Schedule A, and the results of the telephone survey, which are detailed in Schedule B. Comments written by the pollwatchers are listed in Schedule C whereas comments written by the telephone survey operators are listed in Schedule D. Finally, Schedule E contains a list of names collected for various reasons by the pollwatchers.

SURVEY ANALYSIS SUMMARY

	Pollwatcher Survey (Schedule A)		Telephone Survey (Schedule B)		Total	
	Amt	(%)	Amt	(%)	Amt	(%)
<u>BILINGUAL POLLWORKERS</u>						
Precincts with at least one bilingual pollworker	41	47%	15	45%	56	47%
Precincts with no bilingual pollworkers	46	53%	18	55%	64	53%
Total precincts tested	<u>87</u>	<u>100%</u>	<u>33</u>	<u>100%</u>	<u>120</u>	<u>100%</u>
<u>ATTITUDE OF POLLWORKERS</u>						
	Amt	(%)	Amt	(%)	Amt	(%)
Hostile	6	7%	1	3%	7	6%
Neutral	27	31%	6	18%	33	27%
Friendly	48	55%	18	55%	66	55%
No Response	6	7%	8	24%	14	12%
Total	<u>87</u>	<u>100%</u>	<u>33</u>	<u>100%</u>	<u>120</u>	<u>100%</u>

OTHER TELEPHONE SURVEY OBSERVATIONS (Schedule B - - 33 Precincts)

Spanish-speaking ability:

	Amt	(%)
Fluent	7	21%
Adequate	1	3%
None	8	24%
No Response	17	52%
	<u>33</u>	<u>100%</u>

OTHER POLLWATCHER OBSERVATIONS (Schedule A - - 87 Precincts)

	<u>YES</u>		<u>NO</u>		<u>NO RESPONSE</u>		<u>TOTAL</u>	
	<u>Amt</u>	<u>%</u>	<u>Amt</u>	<u>%</u>	<u>Amt</u>	<u>%</u>	<u>Amt</u>	<u>%</u>
Adequate bilingual oral assistance given	36	41%	50	58%	1	1%	87	100%
Voting instructions posted conspicuously	73	84%	14	16%	0	0%	87	100%
Cards available with County Clerk phone number	72	83%	13	15%	2	2%	87	100%

POLLING LOCATIONS:

	<u>Amt</u>	<u>%</u>
Schools	39	45%
Churches	18	21%
Residences	8	9%
Playgrounds	4	5%
Firestations	4	5%
Community Center	2	2%
Senior Citizens Village	2	2%
Hall	2	2%
Lodge	1	1%
Airport	1	1%
Mobile Village Clubhouse	1	1%
Library	1	1%
Boys' Club	1	1%
No Response	3	4%
Total	<u>87</u>	<u>100%</u>

POLLWATCHER SURVEY RESULTS

precincts tested87
 Number of precincts with at least one bilingual pollworker.....41
 Total number of bilingual pollworkers claimed.....51

Attitude of pollworkers:

Hostile	6
Neutral	27
Friendly	48
No response	<u>6</u>
Total	<u><u>87</u></u>

Polling locations:

Schools	39	Community Centers	2
Churches	18	Mobile Village	
Residences	8	Clubhouse	1
Playgrounds	4	Library	1
Firestations	4	Boys' Club	1
Senior Citizens		No Response	<u>3</u>
Village	2	Total	<u><u>87</u></u>
Halls	2		
Lodge	1		
Airport	1		

Other observations:

	<u>Yes</u>	<u>No</u>	<u>No Response</u>	<u>Total</u>
Adequate bilingual oral assistance given	36	50	1	87
oting instructions posted conspicuously	73	14	0	87
ards available with ounty Clerk's phone number	72	13	2	87

	Claimed	Assistance given	Posted Conspicuously	Available		Pollworkers
007	0	No	Yes	Yes	School	Neutral
008	0	"	No	"	"	"
011	0	"	Yes	"	Airport	"
017	0	"	"	"	Church	Friendly
018	0	"	No	"	School	"
019	3	Yes	Yes	No	Playground	"
020	2	"	"	"	Church	"
021	2	"	"	"	Firestation	"
022	1	"	"	"	School	"
023	0	No	"	"	Residence (lower class) -	
024	0	"	"	"	School	-
025	0	"	"	"	Church	-
026	0	"	No	"	School	-
027	0	"	"	"	Residence (middle class) -	
028	0	"	"	"	Church	-
029	1	Yes	Yes	"	School	Friendly
030	1	"	"	"	Church	Neutral
031	0	No	"	Yes	Residence	"
032	0	"	"	"	School	"
033	0	"	"	"	Residence	"
034	0	"	"	"	School	Friendly
035	1	Yes	"	"	Playground	"
036	0	No	"	"		Neutral
037	0	"	"	"	Church	"
038	1	Yes	"	"	"	"
039	1	"	"	"	Firestation	Friendly
040	1	"	"	"	Church	Neutral
041	1	"	"	"	School	Friendly
042	2	Yes	Yes	Yes	Hall	Friendly
043	1	Yes	Yes	Yes	Senior Citizens Village	"
044	1	"	"	"	"	"
045	0	No	"	"	Church	Hostile
047	1	Yes	"	"	School	Neutral

Conspicuously

048	0	No	Yes	Yes	Firestation	Neutral
049	0	No	No	Yes	Church	Friendly
050	1	Yes	Yes	Yes	School	"
051	1	"	No	"	Church	Neutral
052	1	No	No	"	Church	"
053	1	Yes	Yes	"	Playground	Friendly
057	0	No	"	"	Residence	"
064	0	"	"	"	School	Neutral
065	1	"	"	"	Church	Friendly
067	1	Yes	No	Yes	(Moose)Lodge	Friendly
074	0	No	Yes	"	Church	"
077	1	Yes	"	"	Residence	"
079	0	"	"	"	School	"
084	0	No	"	"	School	Neutral
163	0	"	No	"	Church	Hostile
165	0	"	"	"	School	Friendly
167	0	"	Yes	"	School	"
168	0	No	No	"	Church	"
400	0	"	Yes	"	School	Neutral
401	0	"	"	"	School	Hostile
402	1	Yes	"	"	Church	Friendly
413	1	"	"	Yes	School	"
415	0	No	"	No	School	Neutral
416	2	"	"	Yes	School	Hostile
417	0	"	"	"	School	Neutral
421	0	"	Yes	"	School	Friendly
422	1	"	"	"	School	Friendly
423	1	"	"	"	Playground (gym)	"
424	0	"	"	"	School	Neutral
425	0	"	No	"	Firestation	"
426	0	"	Yes	"	School	Friendly
437	0	"	"	"	Church	"
438	0	-	"	"	Residence (middle class)	"

	Assistance given	Posted	Available	Conspicuously	Fullworkers
471	1	Yes	Yes	Yes	Residence (upper class) Neutral
562	3	"	"	"	School Friendly
563	1	"	"	"	Boys Club (Pinedale) Neutral
564	0	No	Yes	Yes	School Friendly
565	1	Yes	"	"	Mobile Village Clubhouse "
660	4	Yes	Yes	Yes	School "
661	1	"	"	"	School "
663	1	"	"	"	" "
664	1	"	"	"	" "
665	0	No	"	"	Library Neutral
675	1	Yes	"	-	- Friendly
679	0	No	"	Yes	Hall Neutral
681	1	Yes	"	"	- Friendly
750	1	Yes	Yes	Yes	School Friendly
751	0	No	"	"	" "
754	1	Yes	"	"	" "
756	1	"	"	"	" Neutral
757	0	No	"	"	" Hostile
758	0	"	"	"	" "
759	0	Yes	"	"	Community Center Friendly
901	1	"	"	"	" "

TELEPHONE SURVEY RESULTS

Precincts tested	33
Number of precincts with at least one bilingual pollworker.....	15
Total number of bilingual workers claimed.....	17

Attitude of pollworkers:

Hostile	1
Neutral	6
Friendly	18
No Response	8
Total	<u>33</u>

Spanish-speaking ability:

Fluent	7
Adequate	1
None	8
No Response	17
Total	<u>33</u>

	Examined	ability		
006	0	fluent	friendly	Spanish-speaking "aide" said to be available
009	-	-	-	Disconnected number .
060	-	-	-	Said not to be a polling place .
071	-	-	-	"
089	-	-	hostile	Information refused.
090	0	none	-	
094	0	fluent	friendly	
096	0	none	friendly	
098	1	-	friendly	
120	-	-	-	Said not to be a polling place .
122	-	-	-	No answer .
126	0	none	friendly	Person employee of school not pollworker .
136	0	none	friendly	Bilingual assigned did not report .
140	1	adequate	friendly	Bilingual assigned former Spanish teacher .
142	1	-	friendly	
143	0	none	neutral	
179	2	-	neutral	
406	2	-	friendly	
408	1	fluent	neutral	
409	1	-	friendly	
420	1	fluent	friendly	
431	1	-	friendly	
434	1	fluent	friendly	
441	1	fluent	neutral	
442	0	none	neutral	Bilingual assigned did not report .
444	0	none	neutral	
446	0	none	friendly	
775	1	-	friendly	
777	1	fluent	friendly	
778	1	-	friendly	
779	-	-	-	No answer .
805	-	-	-	No answer .
806	1	-	friendly	Bilingual assigned did not report .

phone call. Was referred by her to other precincts where Spanish-speaking pollworkers were available.

- 011 Spoke to bilingual voter whose application to work as precinct worker had been denied by elections official. Had previously worked 5 years as precinct worker.
- 034 Pollworker claims no need for bilingual person. There were no Spanish surnamed voters on voting list.
- 036 Pollworker claimed no need for a bilingual person.
- 045 Pollworkers made remarks about "waste of paper" and excessive cost to taxpayers.
- 048 Pollworker claimed there was no need for a Spanish-speaking person. There were 15 Spanish surnames on voting list.
- 049 Pollworker claimed bilingual pollworker did not report because of baby-sitting problems.
- 057 Pollworkers felt issuance of bilingual material was a burden to the taxpayers. Pollworker also felt individuals should be able to speak English to vote.
- 065 Pollworkers claimed bilingual pollworker out to lunch.
- 074 Pollworkers expressed strong sentiments against any type of ballots in foreign languages.
- 163 Pollworkers remarks included: "We don't have bilingual official here. The people around this area are educated"; "We have written materials in Spanish. That's all they need isn't it?"; "I don't agree with this whole idea. Next thing you'll want is for us to register these people. I'm sure not going to do that"; "Actually, there are not many bilingual people in this area." Hostile atmosphere.

assistance to Spanish-speaking voters so she gave them County Clerk's phone number.

- 168 Three Armenian pollworkers claiming to be bilingual did not speak adequate Spanish.
- 400 Pollworker claimed that bilingual assigned could not make it. Also remarked that if a Spanish-speaking person came into work, she would not get paid.
- 401 Pollworker was very hostile. Remarked that people should know how to read and write English before coming to vote. Claimed that his relatives came from Sweden and that they had to learn English just like everyone else. Stated that they (pollworkers) could use sign language. Said "If people did not know how to read or write, they had no business voting".
- 415 Pollworker remarked that there were not many Spanish-speaking people in that district. Added, "they didn't vote anyway".
- 416 Bilingual pollworkers were hostile. They spoke in a very nasty attitude. They refused to speak in Spanish. Asked the pollwatcher to speak in English so everyone could understand.
- 437 Precinct worker suggested that Spanish-speaking voter could be assisted by family member or friend (no bilingual pollworkers here).
- 564 Pollworker stated that bilingual pollworker assigned did not report so non-bilingual was assigned as substitute. Added that they had tried all morning to phone County Clerk's office but received busy signal. Time was 9:55 a.m.
- 565 Polling place was difficult to locate. Was located in clubhouse at back of mobile home estate.
- 661 Bilingual assigned did not report because could not get babysitter.
- 665 No bilingual pollworkers. Pollworker remarked that Mexican-American people could not be trained to the work. Asked "Why should they train persons to do that type of work since they would not attend instruction meetings?"

Area heavily populated with Chicanos. ~~There~~ have one Spanish-speaking person as a precinct worker. Pollworkers remarked that issuance of bilingual materials is a "waste of taxpayer's money". All of them reiterated the story of how their immigrant parents acquired the English usage.

- 751 Follow-up. Follow-up on above precinct done. No bilingual pollworkers. Pollworker complained about visit of earlier pollwatcher. Did not feel pollwatcher should have spoken in Spanish when he knew how to speak English. Two Spanish-speaking voters were observed to have had difficulties in voting. Also complained about special privileges being given to Spanish-speaking people. Stated that knew 90% of the people in area were Spanish-surnamed but the fact that there were no bilingual pollworkers here was the fault of the elections department.
- 756 Bilingual pollworker asked permission from Anglo pollworker to respond in Spanish. Bilingual pollworker was granted permission but was warned that conversation had to pertain to voting issues.
- 757 Pollworker stated they had a "custodian" who could assist Spanish-speaking voters.
- 758 No bilingual pollworkers available. Pollworkers refused to cooperate. Was asked to leave premises.

Precinct No.	Comments
006	Bilingual aide , but not pollworker , was available.
089	Pollworker uncooperative. Refused to give out information.
136	Bilingual pollworker was assigned but did not report.
442	Bilingual pollworker was assigned but did not report.

NAMES OBTAINED BY POLLWATCHERSSchedule E

Precinct No.	Name Address/phone	Reason
11		Bilingual voter who had applied to two precincts to work as precinct worker. Application was denied. Had previously worked 5 years in one of those precincts.
45		Hostile pollworker Critical pollworker
67		Pollworker who mentioned that could not give oral assistance to Spanish-speaking voters earlier so gave them County Clerk's phone number.
101		Hostile pollworker.
751		Voter who had some difficulties in voting. Was physically shown how to operate voting machine.
		Voter who was not allowed to vote apparently due to administrative mix-up.
		Critical precinct worker.

POLLWATCHER

NAME: _____

PRECINCT # _____

ADDRESS: _____

LOCATION _____

PHONE: _____

TIME ARRIVED _____ LEFT _____

OBSERVATIONS

In Spanish, I did/did not identify myself to a precinct worker as taking a survey on bilingual elections and asked to speak with the bilingual precinct workers.

I was/was not given adequate assistance in Spanish by a precinct worker bilingual in Spanish and English.

Further Comments: _____

There were _____ of precinct workers who calimed to be bilingual in
(number)
English and Spanish.

The attitude and cooperation of the bilingual officials appeared to be _____
(e.g. hostile, neutral, friendly).

Voting instructions in Spanish were/were not posted in a conspicuous place:---

Cards were/were not available which contained the telephone number of the office to which a voter may call to obtain information about his precinct location.

I did/did not observe Spanish-speaking voters experience difficulties in voting.
(Obtain name, address and describe nature of difficulty).

The polling place was located in a _____ (e.g. school, church, firestation, if residence indicate whether upper, middle, or lower class).

Additional comments: _____

I declare under penalty of perjury that the foregoing is true and correct.

Date: _____.

Signature: _____

POLLWATCHER (TELEPHONE)

NAME: _____ PRECINCT # _____
 ADDRESS: _____ LOCATION: _____
 PHONE: _____ PRECINCT PHONE: _____

On June 8, 1976, at approximately __: __.M., I telephoned the following place
 or Precinct # _____ located at _____,
 phone number _____.

I identified myself in Spanish in the following words:

"Yo estoy haciendo un estudio sobre las leyes con respecto a las elecciones bi-
 lingües, y quisiera saber cuantos trabajadores de habla espana trabajan en su lugar de
 votacion."

The English translation is, "I am taking a survey on the bilingual election laws
 and would like to know how many, if any, Spanish-speaking precinct workers are located
 at your polling place".

The individual who answered responded to my question in English/Spanish.

The individual responding to my request spoke in Spanish which was fluent/
 adequate/very limited.

The individual responding to my request claimed that they had _____ Spanish-
 (number)
 speaking precinct workers present.

The attitude and cooperation of the precinct worker I spoke to appeared to be
hostile/neutral/friendly.

Other comments: _____

I declare under penalty of perjury that the foregoing is true and correct.

Date: _____.

Signature: _____

San Joaquin Voter Registration Project

P.O. Box 12814 • Fresno, California 93779 • (209) 268-7094

December 29, 1976

Ricardo Nieto
P.O. Box 682
Clovis, CA 93612

Dear Mr. Nieto:

Enclosed is a summary report on the general election that took place in Fresno County on November 2, 1976. The intent of this summary report is to indicate compliance with the bilingual election laws. Monitoring was achieved thru the aid of several individuals in the community this report would not have been possible.

The report indicates that 59% of the precincts had at least one bilingual pollworker, however, of the 59%, 14% could not provide adequate oral assistance in Spanish when asked to.

There was also encountered a 10% degree of hostility when questioned on the bilingual capabilities of the precincts. Comments are listed at the end of this report. What this report describes is that the needs of a major segment of the community are not being met.

We would, therefore, like to recommend a meeting with the Elections Department, County Clerk and all concerned individuals as to the implications of this report and how we, as concerned individuals, can work with the Elections Division and the County Clerk to channel our efforts towards an equitable voting environment. With this in mind, I would greatly appreciate your comments as to when a meeting could be called. We will be contacting you regarding this meeting.

Sincerely,


Cruz Bustamante


Luis Ambriz

LA/rr

cc: Pat Holm, Election Department
Amanda Navarro, MAOF
Dennis Nishikawa
Gil Gutierrez
Peter Weiner, CRLA
Jim Perez, MALDEF

San Joaquin Voter Registration Project

P.O. Box 12814 • Fresno, California 93779 • (209) 268-7094

1976 Fresno County Elections

General Election

November 2, 1976

A survey was taken on November 2, 1976, of the Fresno County general election. The San Joaquin Voter Registration Project took the survey to monitor compliance with the bilingual election laws.

Eighty-five of approximately 433 precincts in Fresno County were monitored. This represents a sample size of 20% of the total precincts were monitored. This breaks down to 22% (39 of 182) of all city precincts and 17% (46 of 251) of all county precincts.

Precinct selection was based on known areas of high concentration Spanish-speaking persons.

The precincts were monitored using two methods. One was a pollwatcher type. In this type of survey an individual visited the poll and met the precinct workers. The second method was contact by telephone. Forms were provided as a checklist and a declaration of observations made. Samples of these forms are attached at the back of this report.

Nearly all pollwatchers and telephone survey operators were bilingual. Each was asked to identify himself/herself in Spanish as conducting a survey on compliance with the bilingual election laws. Each was to ask how many bilingual pollworkers were present. This approach served two purposes. First, it served as a proper question seeking information relevant to the survey. Second, it served as a measurement of the bilingual ability, if any, of the pollworkers present.

Each pollwatcher and telephone survey operator was also asked to judge the attitude and cooperation of the pollworkers contacted. They were also encouraged to make any additional comments they felt would be relevant to the survey.

Pollwatchers were asked to make several additional observations. Each was to note whether voting instructions in Spanish were posted conspicuously and whether cards with the telephone number of the County Clerk were available. Each was to also to note the location of each polling place.

Contained in this report are the results of the entire survey which are summarized and analyzed in the Survey Analysis Summary. This summary contains the results of both the pollwatchers' survey, which are detailed in Schedule A, and the results of the telephone survey, which are detailed in Schedule B. Comments written by the pollwatchers are listed in Schedule C whereas comments written by the telephone survey operators are listed in Schedule D. Finally, Schedule E. contains a list of names collected for various reasons by the pollwatchers.

1976 FRESNO COUNTY GENERAL ELECTION

SURVEY ANALYSIS SUMMARY

	<u>Pollwatcher Survey (Schedule A)</u>		<u>Telephone Survey (Schedule B)</u>		<u>Total</u>	
	<u>Amt.</u>	<u>(%)</u>	<u>Amt.</u>	<u>(%)</u>	<u>Amt.</u>	<u>(%)</u>
<u>BILINGUAL POLLWORKERS</u>						
Precinct with at least bilingual pollworker	43	59%	4	33%	47	55%
Precincts with no bilingual pollworkers	30	41%	4	33%	34	40%
Remainder			4	33%	4	5%
Precincts Tested	73	100%	12	100%	85	100%
<u>ETHNICITY OF POLLWORKERS</u>						
White	7	10%			7	8%
Latino	31	43%	1	8%	32	38%
Black	33	44%	7	58%	40	47%
Other	2	3%	4	34%	6	7%
Total	73	100%	12	100%	85	100%

TELEPHONE SURVEY OBSERVATIONS (Schedule B - 12 Precincts)

English-speaking abilities:

	<u>Amt.</u>	<u>(%)</u>
Not	3	25%
Fluent	1	9%
Intermediate	4	33%
Other	4	33%
Total	12	100%

OTHER POLLWATCHER OBSERVATIONS (Schedule A - 73 Precincts)

	<u>YES</u>		<u>NO</u>		<u>NO RESPONSE</u>		<u>TOTAL</u>	
	<u>Amt.</u>	<u>(%)</u>	<u>Amt.</u>	<u>(%)</u>	<u>Amt.</u>	<u>(%)</u>	<u>Amt.</u>	<u>(%)</u>
Adequate bilingual oral assistance given	32	44%	37	51%	4	5%	73	100%
Voting cards posted conspicuously	52	71%	14	20%	7	9%	73	100%
Cards available with County Clerk's phone number	55	75%	12	17%	6	8%	73	100%

POLLING LOCATIONS:

	<u>Amt.</u>	<u>(%)</u>
Schools	30	14%
Churches	23	17%
Residences	4	5%
Playgrounds	3	5%
Firestations	2	3%
Community Centers	4	5%
Senior Citizens Village Hall	2	3%
Court House	3	5%
Recreation Area	1	1%
Social Club	1	1%
Library	1	1%
Hospital	1	1%
No Response	3	5%
Total	73	100%

Precinct No.	Bilingual pollworkers claimed	Adequate bilingual oral assistance given	Voting instructions posted conspicuously	Telephone cards available	Polling place	Attitude of pollworkers
017	1	Yes	Yes	Yes	Church	Neutral
018	0	No	Yes	Yes	School	Neutral
019	1	Yes	Yes	Yes	Playground	Friendly
020	0	No	Yes	Yes	Church	Neutral
021	2	Yes	Yes	Yes	Firestation	Friendly
022	0	No	Yes	Yes	Church	--
023	0	No	Yes	Yes	Residence	Hostile
024	0	No	Yes	Yes	School	Neutral
034	1	Yes	Yes	Yes	School	Friendly
035	1	Yes	Yes	Yes	Playground	Friendly
036	0	No	Yes	Yes	Church	Friendly
037	0	No	Yes	Yes	Church	Neutral
038	1	Yes	Yes	Yes	Church	Neutral
039	1	Yes	Yes	Yes	Firestation	Friendly
040	1	No	No	Yes	Church	Hostile
041	2	No	Yes	Yes	School	Hostile
042	0	No	Yes	Yes	Hall	Hostile
043	1	Yes	Yes	Yes	Community Center	Friendly
044A	0	No	No	Yes	Senior Citizen Village	Friendly
044B	0	No	No	No	Senior Citizen Village	Friendly
045	0	No	No	No	Church	Neutral
049	1	Yes	Yes	Yes	Church	Friendly
050	1	Yes	Yes	Yes	School	Neutral
051	1	Yes	Yes	Yes	Church	Friendly
052	1	Yes	Yes	Yes	School	Friendly
053	2	Yes	Yes	Yes	Playground	Friendly
054	0	No	No	Yes	Residence	Neutral
060	0	No	Yes	Yes	Church	Friendly
061	1	No	Yes	Yes	School	Neutral
062	0	No	Yes	Yes	School	Neutral
063	1	Yes	Yes	Yes	Residence	Friendly
064	2	Yes	Yes	Yes	School	Friendly
070	0	No	No	Yes	Church	Neutral
071	1	Yes	Yes	Yes	School	Friendly
072	0	No	No	Yes	Hospital	Neutral
073	0	No	No	Yes	School	Neutral

Precinct No.	Bilingual pollworkers claimed	Adequate bilingual oral assistance given	Voting instructions posted conspicuously	Telephone cards available	Polling place	Attitude of pollworkers
074	0	No	Yes	Yes	Church	Neutral
184	1	No	Yes	Yes	School	Neutral
400	1	Yes	Yes	Yes	Church	Neutral
401	1	No	Yes	Yes	Park	Neutral
402	1	Yes	Yes	Yes	School	Friendly
406	1	No	Yes	Yes	Social Club	Hostile
407	0	No	No	No	Church	Neutral
408	0	No	Yes	Yes	Church	Neutral
409	1	Yes	Yes	Yes	School	Neutral
410	0	No	No	Yes	School	-
413	0	No	-	Yes	School	-
414	1	Yes	-	Yes	School	Neutral
416	0	No	Yes	Yes	School	Neutral
416	0	No	No	-	Residence	Neutral
422	0	No	Yes	Yes	School	-
562	4	Yes	Yes	Yes	Community Center	Friendly
604	2	Yes	Yes	Yes	School	Neutral
663	1	Yes	Yes	No	School	Friendly
664	1	Yes	Yes	No	School	Neutral
665	1	Yes	Yes	No	Library	Friendly
666	0	No	Yes	No	School	Neutral
	1	Yes	Yes	No	School	Friendly
680	1	Yes	Yes	Yes	School	Friendly
710	0	No	Yes	No	Court House	Hostile
711	0	No	Yes	Yes	Church	Hostile
712	1	Yes	Yes	Yes	School	Friendly
713	1	Yes	No	No	Community Center	Friendly
734	2	Yes	Yes	Yes	Hall	Friendly
801	0	No	Yes	No	Hall	-
805	1	Yes	No	Yes	Library	Friendly
806	1	Yes	No	Yes	School	Friendly
884	1	-	-	-	-	Friendly
885	1	-	-	-	-	Friendly
886	1	-	-	-	-	Friendly
887	1	-	-	-	-	Friendly
889	0	-	-	-	School	Friendly
910	1	Yes	Yes	Yes	School	-
					Community Center	Friendly

TELEPHONE SURVEY RESULTS

Precincts tested	12
Number of precincts with at least one bilingual pollworker	4
Number of precincts with no bilingual pollworker	4

Attitude of Pollworkers:

Hostile	0
Neutral	1
Friendly	7
No Response	<u>4</u>
Total	12

Spanish-speaking ability:

Fluent	3
Adequate	1
None	4
No Response	<u>4</u>
Total	12



Precinct No.	Bilingual pollworkers claimed	Spanish speaking ability	Attitude of pollworkers	Comments
009	-	-	-	No telephone
453	-	-	-	No telephone
467	0	-	Friendly	No telephone
460	0	-	-	No telephone
461	-	-	-	No telephone
563	1	Fluent	Friendly	Very friendly response
750	1	Fluent	Friendly	Good response.
751	1	Adequate	Neutral	Responses in English,
752	0	-	Friendly	No bilingual pollworker
753	0	-	Friendly	No bilingual pollworker
754	3	Fluent	Friendly	-
755	0	-	Friendly	No bilingual pollworker

Precinct No.

Comments

- 018 There were no bilingual pollworkers there. Clerks claimed no one came this morning. One of the workers stated that they hadn't had any problems, but that she knew some Spanish, if one should arise.
- 023 People were very insulted when asked if Spanish assistance was needed. They claimed that they never had any problem with any race.
- 024 They claimed that all of their Mexican-American people could speak English. "We have a direct line in case we have any problems with Spanish, we call a special phone number direct and they will help us."
- 034 I did not have to ask about bilingual workers, because I saw one of the workers speaking to someone in Spanish.
- 036 According to the pollworker no one had requested assistance.
- 039 There was only one bilingual pollworker, she started at 6:30 a.m. til 8:00 p.m.
- 042 Bilingual worker did not show up for work. Co-workers were hostile including the inspector because bilingual worker didn't show up.
- 041 Bilingual worker didn't want to answer questions asked in Spanish. She answered them in English after interpreting questions. Furthermore, her supervisor didn't permit bilingual pollworkers to answer question in Spanish.
- 044A Pollworker claimed that no Spanish speaking voters there.
- 044B They have not seen need for bilingual precinct workers there.
- 052 Bilingual pollworker claimed to have helped a few people.
- 054 The voting instruction in Spanish were posted in a conspicuous place only after I asked about them.
- 060 Bilingual worker called in sick.
- 061 Bilingual person did not answer understandable questions. Polling place divided in two sections (different precincts).

062 Bilingual person did not work for precinct on both sides. This precinct combined with precinct #061.

063 Bilingual pollworker was an Anglo - spoke very good Spanish.

064 There was good cooperation.

070 Pollworker stated that she could help someone if she had to.

071 Precinct #178 was in same location and it was quite adequate.

072 Pollworkers claimed that they haven't had any request for assistance.

073 Pollworker said, "We haven't had very many Spanish-speaking people."

074 A pollworker who was a teacher, claimed that he could communicate with Spanish-speaking people if he had to.

401 Pollworkers stated that bilingual person was out to lunch at the time.

402 There was no problems there.

406 Most precinct workers here were sarcastic regarding the word "bilingual". Did not speak in Spanish at any time.

407 There was no bilingual pollworker available.

408 No bilingual pollworker there.

410 Pollworker stated that they did not need anyone who spoke Spanish because that in four years no Spanish-speaking people went there.

414 The bilingual pollworker there seemed to get tensed when spoken to in Spanish.

416 The bilingual pollworker failed to show up.

663 The pollworkers there were just curious about who sent me to check on them.

664 "I had to wait for quite some time before they asked me if they could help me, even though they were not busy."

Precinct No.

Comments

665 The bilingual pollworker was very helpful and friendly, but spoke very little Spanish.

666 The pollworkers there were not friendly and there was no Spanish-speaking pollworker because she got sick.

680 The workers there stated that the bilingual pollworker was out to lunch, but she didn't see any problems.

710 I saw two individuals having difficulties voting - help came from the people in line.

711 Hostile feelings.

801 They had difficulty locating the information cards, after some search they were found, but the pollworker there stated that they were told to give them the cards only after they asked for them.

884 This polling place was divided into precinct number 884 and 885 to give voter an advantage.

889 The pollworker there stated, "We have no bilingual person on our precinct", but that they wondered why they not because during the last election there was a bilingual pollworker there.

TELEPHONE SURVEY COMMENTSSchedule D

<u>Precinct No.</u>	<u>Comments</u>
009	No answer,
453	There was no phone in voting locality and phones calls could not get through,
460	Secretary of school stated that there were no phones and no way to reach voting site through phone,
461	Secretary of school stated that there were no phones there,
563	Attitude there was very friendly,
750	Precinct workers there were very friendly,
752	There was no bilingual worker,
753	Pollworker claimed that they had no bilingual worker, but that all the voters had to do was to give their name in English, then they would receive Spanish ballots.
754	The school secretary answered and connected me with one of the three workers,
755	Very friendly, but no bilingual pollworker,


AMERICAN FRIENDS SERVICE COMMITTEE, Incorporated

Northern California Regional Office • 2160 Lake Street • San Francisco, California 94121 • Phone 752-7766

FARM LABOR PROJECT
1012 NORTH COURT STREET
VISALIA, CALIFORNIA 93277
(209) 733-4844

November 19, 1976

Jay Bayliss, Clerk
County of Tulare
County Courthouse
Visalia, CA. 93277

Re: Voting Rights Act

Dear Mr. Bayliss;

You will recall that Bob Lindsay and I met with you on October 29th and advised you that we would be coordinating a survey on Election Day to determine what Tulare County was doing to comply with the Voting Rights Act in regard to Spanish-speaking citizens. This letter is to report to you our findings and recommendations.

We visited a total of 42 precinct throughout Tulare County chosen on the basis of relatively high registration of Spanish-surnamed voters. We sought to determine whether there was a Spanish-speaking worker at each precinct and, if so, to evaluate his or her fluency in Spanish, attitude of cooperation, and knowledge of voting rights. We also made note of the location of the polling place in relation to what effect that might have on potential voters.

In general, we found that most precinct we surveyed had at least one worker who was capable of assisting Spanish-speaking voters. It was also clear that precinct workers had been forewarned about our survey and that several Spanish-speaking persons had been recruited or transferred during the last few days before the election to cover precincts where no Spanish-speaking person had previously been assigned. This observation is in contradiction to your statements at our meeting that assignments had been finalized in September and could not be adjusted.

In three particular precincts, we encountered individual precinct workers who, by their reaction to a Spanish-speaking persons, showed that they are unqualified to serve as election officials. I visited the polling place for the TUL- precinct located at the Building in Tulare. When I asked "Alguin habla Espanol?", I initially received no response other than some nervous glances. Then, , the precinct Judge, protested loudly and repeatedly "I am bilingual, I speak Armenian!". Finally I asked in English to speak to the person in charge and explained my purpose

Jay Bayliss
 November 19, 1976
 Page two

to her. All the while, _____ was literally screaming at me. The Inspector, although courteous, did nothing to control _____.

I also visited the polling place for the IOP- _____ precinct at the _____ Building in Poplar. I explained my purpose first in Spanish to the bilingual worker and then in English. During this entire time, Ms. _____, although she did not say anything, made it very clear by her actions and facial expressions that she was annoyed by my presence and the fact that I was speaking Spanish. I was told that she reacted in the same unfriendly way to other Spanish-speaking persons.

In Orosi, Raul Pickett visited the ORO- _____ polling place at the _____. The worker assigned there to assist Spanish-speaking voters was _____, whose ability to speak Spanish was very limited --- too limited to be of any assistance. She became very defensive and emotional about her limited Spanish ability, and was rude and uncooperative. We strongly recommend that none of these three individuals be hired again in the future to serve as election officials.

Based upon our experience, we also have several comments and recommendations to make about the recruitment, training, and assignment of election officers. With a few exceptions, polling places had only one bilingual precinct worker, even in precincts where 35% to 50% or more of the registered voters have Spanish surnames. While the majority of these voters may not require voting assistance in Spanish, the appearance of tokenism is not lost on them. Citizens who do not speak English have been effectively excluded from the voting process for all their lives and will not begin to participate in it until it begins to reflect their needs and interests too. Therefore, we recommend that the Clerk's office in the future conduct a more active recruitment effort within the Spanish-speaking community, THROUGH community organizations, radio stations, unions, etc. In that regard, we would urge that individuals not be given any preference because they have served as election workers in the past or because they belong to organizations that have traditionally provided workers. Selection criteria should be reevaluated to assure that they select only necessary job skills.

The present system of long hours and low pay for election workers clearly discriminates against people other than those with an independent income and no family responsibilities, no matter how great their desire to serve. Therefore, we recommend that an effort be made to overcome financial barriers to service, perhaps by utilizing split shifts or part-time workers, child care assistance, compensation for lost wages, etc.

We found during our survey that the bilingual precinct workers were generally friendly and cooperative, and that any negative reactions came from the other workers. There is clearly a need to sensitize Anglo workers and to eliminate those who do not support making the

Jay Bayliss
November 19, 1976
Page three

election process bilingual. We also found that most workers lacked a thorough understanding of the Voting Rights Act as it applies to Spanish-speaking persons and had received no specific training about it. Therefore, we recommend that all election workers receive additional training to cover the provisions of the Voting Rights Act and to sensitize them to the needs of Spanish-speaking voters.

In regard to the location of specific polling places, we have already raised the question with you about the location of the polling place for the TAU-499 precinct at the Boys Ranch. The Boys Ranch is six to eight miles from the majority of the voters in the precinct and from the previous polling place at the Stone Corral School in Seville. The consolidation of ATS-400, (with 27 voters) with TAU-400 (with 229 voters) to form TAU-499 did not significantly change the distribution of voters and did not justify moving the polling place from the TAU precinct to an isolated prison facility at the opposite edge of the ATS precinct. We received several complaints from voters in the precinct that the relocation of the polling place would make it very difficult for them to vote. Therefore, we recommend that the polling place for TAU-499 be returned to the Stone Corral School and that all polling places be evaluated in the future in terms of their convenience to voters and their appearance of neutrality.

We have some additional comments to make about the location of polling places generally. Of the 177 polling places in Tulare County, we found that about 97 of them (55%) were located in schools or other public buildings such as community centers, memorial buildings, and government offices. The remainder were located in churches, private businesses and residences, or in fraternal organizations and private clubs. We recommend that you discontinue the use of private buildings as much as possible, particularly the use of fraternal organizations and clubs. All may frequently be associated with political issues and candidates. Many common fraternal organizations practice race and/or sex discrimination. In at least three precincts, a Grange Hall was used as a polling place although the Grange actively campaigned against Proposition 14 on the ballot. In three other precincts, farm or packinghouse buildings were used.

In conclusion, it appears to us that Tulare County has made progress in meeting the technical requirements of the Voting Rights Act to provide bilingual voting assistance, and now needs to extend the scope of its efforts to make the whole election process more sensitive to the needs of Spanish-speaking citizens. As I stated to you before, our purpose in all this is not simply to criticize, but to work with your office to accomplish this result.

Jay Bayliss
November 19, 1976
Page four

We look forward to discussing these matters further with you on
Wednesday, November 24th at 9:30 AM.

Sincerely,

Ernesto G. Loreda
Farm Labor Secretary

cc: Ricardo Nieto
Office of the Secretary of State
Voting Rights Task Force

MEMORANDUM

TO: Ricardo Nieto

FROM: Claudia Smith, Staff Attorney, CRLA (Delano)

RE: Kern County's Compliance with the Bilingual Elections Law

On November 2, 1976, our office monitored the compliance by Kern County with the bilingual elections law in various precincts of Arvin, Lamont, Delano, Shafter & Wasco which we considered to be ones in which many Spanish monolingual voters resided. All of these had been identified as precincts in which three percent or more of the voting age population lacked sufficient skill in English either to register or to vote. Our pollwatchers made the following observations:

1. Arvin Precinct No. 1: The polling place was at the Veterans Building and the attitude of the precinct workers seemed friendly towards Spanish-speaking voters. The bilingual official assigned to it, Mrs. _____, was fluent in Spanish, sought out Spanish monolingual voters, and thoroughly explained voting instructions to them.

2. Arvin Precinct No. 2: The polling place was the Arvin Women's Club and the attitude of the precinct workers seemed friendly towards Spanish-speaking voters. Although they claimed that "one-and-a-half" bilingual official had been assigned to it, only one of them, Mrs. _____, understood and spoke sufficient Spanish to assist Spanish monolingual voters. She first spoke to voters whom she thought might be Spanish monolingual ones in English and then switched to Spanish if they did not seem to understand her.

3. Arvin Precinct No. 3: The polling place was at the

United Pentacostal Church. The bilingual official assigned to it, Mrs. _____, seemed reluctant to speak in Spanish although her knowledge of it seemed adequate.

4. Arvin Precinct No. : The polling place was at the _____ Building and the attitude of the precinct workers seemed neutral towards Spanish-speaking voters. To each voter they would say something to the effect of: "~~W~~ould you like your voting material to come to you next time in English or in Spanish? This is so the spanish people will know what they are voting for." Although the bilingual official assigned to it, Mrs. _____, spoke fluent Spanish, she seemed reluctant to do so and made no effort to seek out Spanish monolingual voters. When she left for half-an-hour at 11:00 a.m., the Spanish monolingual voters who then came in had to be assisted by other voters.

7. Lamont Precinct No. : The polling place was at the _____ Building and the attitude of the precinct workers seemed hostile to Spanish-speaking voters as well as to our poll-watcher. The inspector assigned to it, Mrs. _____, was heard to remark that "people who look like illegals or who look like they shouldn't vote should be told to stand aside and should not be allowed to vote until further notice." The bilingual official assigned to it, Mrs. _____, was fluent in Spanish. Voting instructions in Spanish were inconspicuously placed on the side of an open door.

8. Lamont Precinct No. 4: The polling place was at the Church of Christ and the attitude of the precinct workers seemed neutral towards Spanish-speaking voters. The bilingual official assigned to it, Mrs. _____, spoke adequate Spanish, but was reluctant to do so. She made no effort to seek out Spanish-

speaking voters and limited herself to explaining the voting instructions in Spanish when it was clear they did not understand them in English.

9. Delano Precinct No. 1: Polling place was at Albany Park School and the attitude of the precinct workers seemed neutral towards Spanish-speaking voters. The bilingual officials assigned to it, Mrs. _____ and _____, spoke Spanish adequately.

10. Delano Precinct No. _____ : The polling place was at the _____ and the attitude of the precinct workers seemed hostile towards Spanish-speaking voters. The inspector assigned to it, Mrs. _____, objected to our poll watcher's speaking in Spanish to the bilingual official, Mrs. _____, "because only Spanish monolingual voters could so so." No voting instructions in Spanish were posted there.

11. Delano Precinct No. 3: The polling place was at the Delano High School. When one of our poll watchers took two Spanish monolingual voters there at 7:55 a.m. there was no bilingual official to assist them.

12. Delano Precinct No. _____ : The polling place was at the _____ and the precinct workers seemed hostile to Spanish-speaking voters as well as to our poll watchers. The bilingual official assigned to it, Mrs. _____, had an adequate knowledge of Spanish but made no effort to seek out Spanish monolingual voters and sat far from the entrance. At 5:00 p.m. so many Spanish monolingual voters were waiting to cast their ballots that she was unable to give each sufficient assistance.

13. Delano Precinct No. _____ : The polling place was at the _____ and the attitude of the precinct workers seemed

hostile towards Spanish-speaking voters as well as towards our poll-watchers. They made no effort to advise voters that they could be given ballots in either English or Spanish. When ballots in Spanish were requested, voters were told that this choice was irrevocable and henceforth all election materials would be sent to them in Spanish. Although the precinct workers claimed that two of them were bilingual, only Mrs. _____ spoke Spanish adequately. When she left at 3:40 p.m., Mrs. _____ did not do a good job of explaining voting instructions to Spanish monolingual voters. Ballots in Spanish were no longer available at 4:00 p.m., so Spanish monolingual voters were forced to vote on ballots that were in English.

14. Delano Precinct No. 8: The polling place was at the Delano Branch Library and our pollwatchers found that Spanish-speaking voters had problems locating it. The attitude of the precinct workers seemed friendly towards Spanish-speaking voters and the bilingual official assigned to it, Mrs. _____, sought out Spanish monolingual voters and thoroughly explained voting instructions to them.

15. Shafter Precincts Nos. 1,2,3,4&5: The polling places were at the Memorial Hall, Saint Therese Church, Primera Iglesia Bautista Church, Bellow's Garage and Shafter High School, respectively. Our pollwatchers did not feel that Spanish-speaking voters there encountered any difficulties in voting.

16. Wasco Precincts Nos. 1,2,3,4,5,&6: The polling places were at the Wasco Union High School, Thomas Jefferson High School, Wasco Fire Station, Wasco Women's Club, Wasco Veteran's Hall and True Light Baptist Church Recreation Hall, respectively. Our pollwatchers did not feel that Spanish-speaking voters there

experienced any difficulties in voting.

The chief complaints that we received from our pollwatchers in Delano after 4:00p.m. were that ballots in Spanish were uniformly not available and Spanish-speaking voters either had to wait until more were brought or vote on English ones. The high turn out of Spanish-speaking voters in Delano can be directly attributed to the registration drive by the UFWA.

Memorandum

Christopher Hamilton, Director
CRLA (Madera)

DATE: November 29, 1976

Ruben Rodriguez

Pollwatcher activities done on November 2, 1976

Candy and myself on November 2 went to Dairyland Precinct location 12861 Avenue 18. At the time of our arrival at this precinct the Spanish instructions were not posted on the voting machines. There was one member of the precinct workers who claimed to be bilingual in English and Spanish. We tested this individual and appeared to be very fluent in Spanish. The voting instructions were not posted in a conspicuous place. I did not observe any Spanish-speaking voters having any difficulties. Upon my request Spanish instructions were posted on the machines with no problem whatsoever.

We both then went to the Berenda Precinct which was located at the fairgrounds. They had one bilingual precinct worker and we could find no problems at all here.

We then went to Precinct #13 which was located at Sierra Vista School. At this precinct there were two Spanish-speaking persons working there, no Spanish instructions were posted anywhere around the machines or where people could read them. Upon my request the workers complied with posting the Spanish instructions and we had no problems whatsoever.

Precinct Alpha location Road 231/2 and Howard Road. This precinct had no bilingual person although there was a Mrs. who is listed to be a bilingual speaker. Both Candy and myself spoke Spanish to Mrs. , she could not understand what we were saying at all, she could not speak Spanish whatsoever, they were very friendly but they did not have a bilingual speaker, this was the only problem we had at this precinct.

We then went to Madera City # which was located at the library. The Spanish-speaking worker listed at this precinct was Mrs. . Mrs. could not understand our speaking at least well enough to translate anything to Spanish-speaking persons concerning their voting rights. The attitude of this precinct worker was very bad, she claimed she could not see any reason for providing Spanish-speaking precinct workers for the Spanish-speaking people because they not provide them for any other race that didn't speak English.

I then went to Madera City #1 located at the Government Center. At this precinct they claimed to have two precinct workers who were supposed to be bilingual in English and Spanish, but upon testing them we found that neither one could speak Spanish or understand it well enough to give adequate instructions or advise in Spanish. They did claim that if they had problems with anyone they would be able to go into the Clerk's office and get the Spanish-speaking girl that works there to help them.

Memorandum

Christopher E. Hamilton

DATE: November 29, 1976

Ruben Rodriguez, Page 2

cc:

We then went to Madera City #9A & 9B location was in a church, there was one bilingual speaker in each of these precincts both of them were very good in Spanish and we felt there were no problems with either of these individuals in giving good instructions to any Spanish-speaking person who'd require it.

We went to Madera City #7 located at 200 North Q Street. There was one Spanish-speaking bilingual person in this precinct who was very good in Spanish. We felt that no Spanish-speaking person would have any difficulty in getting instructions or advise from this person.

These were the only precincts which we checked because the rest of them on the list, somebody in our office whether it be Candy, Jay, myself or Lita knew the individual working in the other precincts and knew of their qualifications thereby no inspection was needed at these precincts.

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NOTICE
WRITTEN VOTING MATERIAL
AVAILABLE IN
ENGLISH

AVISO
MATERIAL ESCRITO
PARA VOTAR,
DISPONIBLE EN
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