

Language Assistance and the Voting Rights Act: An Introduction to Section 203

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Overview

- Language Needs
- Section 203 of the Federal Voting Rights Act (VRA)
 - Goals
 - Coverage
 - Requirements
 - Compliance
 - Enforcement
- Effects on Political Participation

LEP Populations and Language Needs

- Census Report on Language Use (2022):
 - 22% of the American population aged five or over—nearly 67 million people—spoke a language other than English at home
 - Of these, 38% spoke English less than “very well”—nearly 25 million people—meaning they were Limited-English-Proficient (LEP)
 - Among some groups, the LEP percentage was higher:
 - Spanish – 38.6% LEP
 - Chinese – 52.0% LEP
 - Korean – 51.0% LEP
 - Vietnamese – 56.9% LEP

Federal Voting Rights Act of 1965

- History of Language-Based Discrimination in Voting
 - Literacy Tests, English-Only Requirements
- VRA Language Assistance Provisions Focus on Remedying Discrimination in K-12 Education and Political Process That Have Affected Voting Rights
- VRA Amended in 1975 to Cover “Language Minorities”
 - Spanish-Heritage (Spanish Language)
 - Asian American (Multiple Languages)
 - American Indian (Multiple Languages)
 - Alaska Native (Multiple Languages)
- Later Amendments Have Revised Coverage Formulas



Federal Voting Rights Act – Major Language Assistance Provisions

- Section 203 (Election Materials and Assistance)
 - Applies to eligible language minority groups
 - Specific coverage based on local context, demographics, and language group
- Additional VRA Provisions (Not Discussed)
 - Sections 4(e) (Puerto Rican voters), 4(f) (remedial coverage)
 - Section 208 (Accommodation Allowing Individual Assistors)

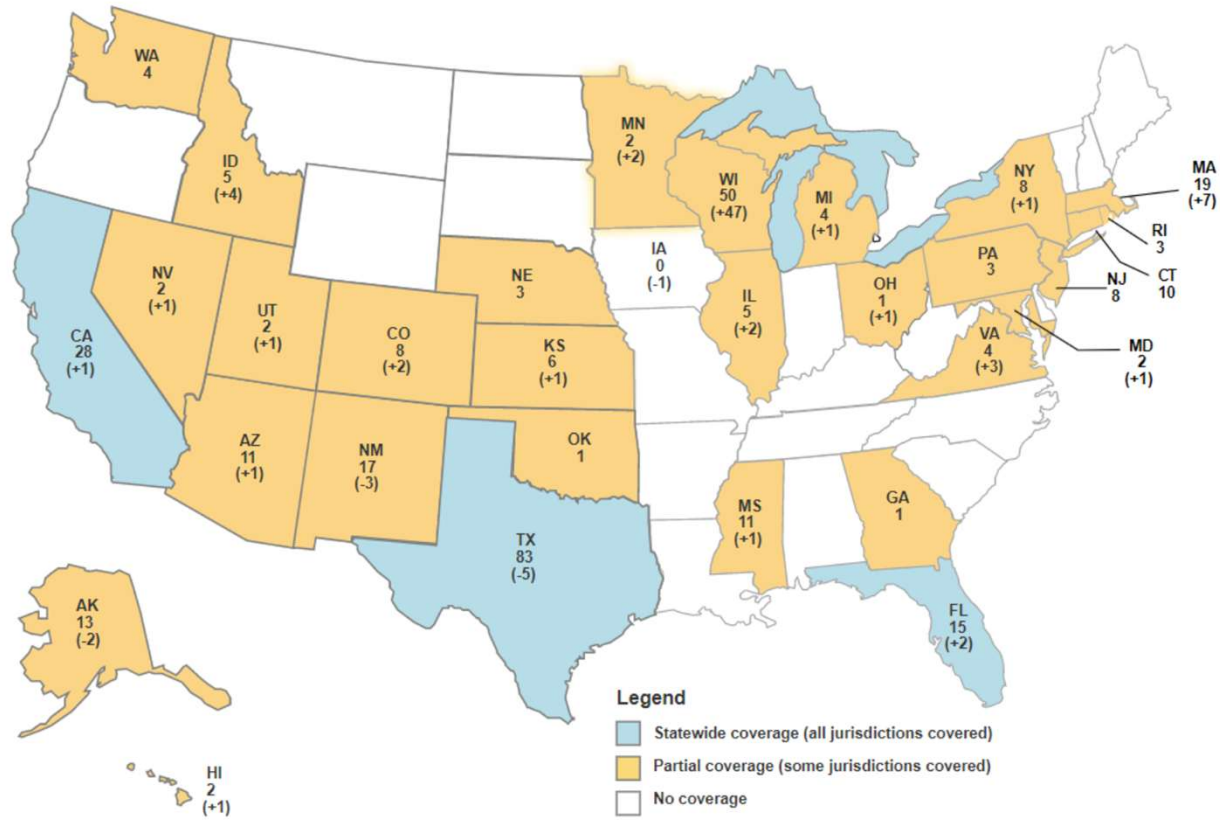
Section 203 Eligibility

- Triggers for Specific Language Minority Group Coverage of Political Subdivisions (E.g., Counties, Cities, Towns)
 - Mathematical Benchmark -- Either:
 - *Percentage Test*: **5% of All Voting Age Citizens are LEP and members of a covered language group, OR**
 - *Numeric Test*: **10,000 Voting Age Citizens are LEP and members of a covered language group**
 - Limited-English-Proficiency: Speak English Less Than “Very Well”
 - Depressed Literacy Levels: Illiteracy Rate (Less-than-5th-Grade Education) is Above National Average

Section 203 Eligibility

- 5% Test Used for States
- Special Rule for Reservations and American Indian/Alaska Native Areas
 - All Jurisdictions (e.g., towns) Inside a Reservation or AIAN are Covered
- Falling Below a Benchmark: No Assistance Required
- Census Determinations Made Every 5 Years
 - Use American Community Survey Data and Statistical Modeling
 - Last Published in December 2021; next Determinations in 2026

Number of County-Level Jurisdictions Covered under Section 203, by State, in the December 2021 Determinations



Section 203 Covered Jurisdictions – Examples

- Queens County, NY
 - Spanish
 - Asian Indian
 - Bangladeshi
 - Chinese
 - Korean
- Dallas County, TX
 - Spanish
 - Vietnamese
- Los Angeles County, CA
 - Spanish
 - Cambodian
 - Chinese
 - Filipino
 - Korean
 - Vietnamese
- Kodiak Island Borough, AK
 - Yup'ik
 - Filipino

Section 203 Requirements

- Translation of Election Materials, Including Ballots, Sample Ballots, Voter Information Materials; Oral Assistance for Languages Without Written Tradition
- Providing Bilingual Poll Workers
- Offering Sufficient Signage and Poll Information at Voting Sites

Section 203 Compliance & Enforcement Issues

- Common Problems:
 - Failure to Translate Election Materials, Including Sample Ballots and Signage/Instructions at Precincts
 - Inadequate Recruitment of Bilingual Poll Workers
 - Poor Training of Poll Workers at High-Use Precincts
- Additional Jurisdictions Covered Every 5 Years
- New Languages in Already-Covered Jurisdictions
- U.S. Department of Justice (Civil Rights Division – Voting Section) Can Litigate, But Community Monitoring is Often Necessary
 - Private Right Action Still Available, But At Risk

Section 203 Effects on Participation

- Research is Limited, But Studies Have Found Positive Effects on Political Participation
 - Registration
 - Turnout
 - E.g., B. Fraga & J. Merseeth (2016):
 - 14-16% increase in Latino voter registration
 - 15-18 point increase in relative voter turnout among registered Asian Americans