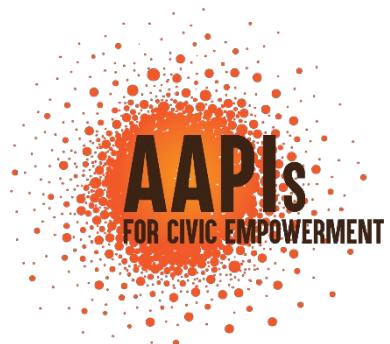




Southern California



Northern California



October 7, 2025

Sent via e-mail

Dr. Shirley N. Weber
California Secretary of State
1500 11th Street
Sacramento, CA 95814
secretary.weber@sos.ca.gov

Re: Section 14201 Determinations, Arabic Language Assistance in Fresno County, and Discretionary Coverage Guidance

Dear Secretary of State Weber:

The California chapter of the Council on American-Islamic Relations (CAIR-CA), Partnership for the Advancement of New Americans (PANA), Asian Law Caucus, California Common Cause, the ACLU of Southern California, the ACLU of Northern California, Chinese for Affirmative Action, Stop AAPI Hate, and AAPIs for Civic Empowerment urge you to use your authority to require that elections officials provide language assistance to all California communities that meet the state's statutory population threshold. In doing so, you will help California get one step closer to guaranteeing that all voters have equal access to the ballot.

Every election, tens of thousands of limited English proficient ("LEP") California voters must either vote in English without assistance or forgo voting because their languages are not covered in the most recent Section 14201 determinations. This exclusion is arbitrary: African and Middle Eastern languages were left out of the federal language categories—which your office relies on—due to federalism concerns and historical circumstances unrelated to current needs. As a result, LEP voters who speak these languages are denied the assistance routinely provided to voters who speak English, Spanish, Asian languages, and Native American languages.

Your office has the authority to address this gap in coverage, and we urge you to do so through your forthcoming Section 14201 determinations, which are required by January 1, 2026. First, we ask that you implement a statewide solution by mandating that counties offer language assistance to *all* communities that meet Section 14201's three percent population threshold. This would result in assistance to LEP voters who speak languages like Arabic, Amharic, and Farsi. Second, we specifically call on you to mandate coverage for Arabic in Fresno County, a community that has long needed and repeatedly requested assistance. Finally, we urge your office to issue guidance on the process for requesting discretionary coverage, including the factors and evidence considered, given that communities with language needs have never received clear direction.

I. Request for a Statewide Solution: 2026 Section 14201 Determinations

Special tabulation data from the U.S. Census shows that, as of 2023, about 300,000 LEP adults in California do not currently receive in-language assistance to help them navigate the voting process because their language groups are not covered under your office's past application of Section 14201. Within this population, approximately 60,000 LEP adults live in precincts where their community meets Section 14201's three percent population threshold, a substantial population whose needs remain unmet. This includes sizable African and Middle Eastern language communities, including Arabic (~13,000), Farsi/Persian (~6,000), Amharic (~1,500), Pashto (~1,500), as well as other excluded communities like Russian (~12,000) and Ukrainian (~3,000).¹ And, because your 2026 determinations will rely on more recent Census data, that data will likely reveal an even greater unmet need.

These disparities underscore the critical role of leadership in ensuring all voters can participate meaningfully in the democratic process. Advocates have long urged the Secretary of State to close these coverage gaps, and that call continues today, as former Executive Director of California Common Cause Jonathan Mehta Stein wrote in a recent *Capitol Weekly* op-ed: the Secretary has the authority to "knock down barriers to the ballot for immigrant Californians" overnight.² Your demonstrated leadership in 2022, when you reinstated prior language determinations after Census data underreported counts of LEP adults, shows that you have both the authority and the track record to address such inequities.³

In particular, as Secretary of State, you have the authority to designate which languages must receive language assistance under state law. The Legislature expressly granted you authority to designate coverage whenever there is "a significant and substantial need." Elec. Code § 14201(a). That need exists throughout California for all language communities not covered by the federal definition but that nonetheless have large proportions of LEP voters meeting Section 14201's population thresholds. Put another way, there is no meaningful difference in need between LEP voters who speak Spanish and meet Section 14201's threshold and those who speak Arabic or Somali and also meet the same threshold.

In addition to addressing significant and substantial need, the Secretary has a mandatory duty to designate coverage for "single language minority" communities if the number of LEP adults is three percent or more of the voting-age residents of a precinct. Elec. Code §§ 14201(a) & (b). In the past, the Office of the

¹ U.S. Census Bureau, Special Tabulation of the American Community Survey: Limited English Proficient Voting-Age Population (Nov. 2023), prepared for Asian Law Caucus & California Common Cause (on file with authors).

² Jonathan Mehta Stein, *CA SOS Can Advance Voting Rights with One Simple Move*, Capitol Weekly (Oct. 6, 2025), <https://capitolweekly.net/ca-sos-can-advance-voting-rights-with-one-simple-move/>.

³ During your keynote remarks at the 50th Anniversary of Section 203: *More Voices, Stronger Democracy*, you further emphasized your commitment to removing language barriers, stating that you were "going to continue to push and push and push to make sure that these [language] barriers do not stand in the way of all Californians who are citizens of this country who actually want to vote. Our job is to encourage them, to expand the opportunity." You also acknowledged that California is a "very diverse state," and that we "should not create obstacles" but instead "should create opportunities for people to vote."

Secretary of State has interpreted “single language minority” to mean only those language groups that receive coverage under Section 203 of the federal Voting Rights Act, namely Spanish, Asian languages, and Native American languages. But that is not the only reasonable interpretation of “single language minority.” Indeed, when the Court of Appeal reviewed this statute in *AAAJ v. Padilla*, it held only that then-Secretary Alex Padilla did not “err or abuse his discretion in referring to the Voting Rights Act’s definitional guidance” of “language minority.” 41 Cal. App. 5th 850, 875 (2019); *see also id.* at 853 (the Secretary “acted within his discretion in looking to the [federal VRA] to inform his interpretation of ‘single language minority’”). In other words, while the Court of Appeal confirmed that the Secretary may look to the federal definition, it did not hold that she is limited to it. We therefore urge you to adopt a broader definition of “single language minority.”

As you know, the federal definition is tied not to language groups, but to specific ethnicities: Spanish heritage, Asian American, Native American, and Native Alaskan. 52 U.S.C. § 10503(f). This limitation does not reflect the full scope of communities with language assistance needs, but rather the limits of federal authority and the country’s demographics at the time the law was passed. Under federal law, the government may impose remedial voting legislation like Section 203 on states only to address racial discrimination. *State of South Carolina v. Katzenbach*, 386 U.S. 803, 817-18 (1966); *see also* 52 U.S.C. § 10303(f)(1) (noting that the legislative intent for Section 203 was “to enforce the guarantees of the Fourteenth and Fifteenth Amendments” by eliminating discrimination in voting through “remedial devices”). When Section 203 was adopted in 1975, Congress received evidence about discrimination against only these four groups, in part because national origin quotas had effectively barred African migration and because other communities, while present in the United States, were less visible.⁴

California, however, is not similarly constrained. It can impose requirements on its own subdivisions to further voting rights, regardless of whether it makes predicate findings of discrimination. Since the adoption of Section 203, changes in immigration law, including the passage of the Refugee Act of 1980 and subsequent immigration policies in the 1990s, have led to significant migration from African countries and the Middle East.⁵ These growing communities continue to establish themselves in the United States but are left out of democratic processes if they are limited English proficient.

State law gives you two distinct mechanisms to expand language access. You can use either of these methods to ensure that LEP voters in currently excluded communities receive assistance. Interpreting “single language minority” more broadly than the narrow federal categories or recognizing the demonstrated needs of excluded communities would ensure that all voters who meet Section 14201’s thresholds receive assistance. Doing so would close the coverage gap for tens of thousands of LEP Californians and reaffirm the state’s commitment to meaningful participation for every voter.

II. Request for Arabic Language Assistance Services in Fresno County

a. Background on Prior Requests and Commitments from the Secretary of State’s Office

Some of the undersigned organizations have previously urged the Fresno County Elections Office to provide language access services in Arabic. In 2019, numerous organizations sent three letters to then-Registrar of Voters Brandi Orth making this request, followed by another in June 2020 to former

⁴ Randy Capps, Kristen McCabe & Michael Fix, *Diverse Streams: African Migration to the United States* at 2, Migration Policy Institute (Apr. 2012), <https://www.migrationpolicy.org/sites/default/files/publications/CBI-AfricanMigration.pdf>.

⁵ Jane Lorenzi & Jeanne Batalova, *Sub-Saharan African Immigrants in the United States*, Migration Policy Institute (May 11, 2022), <https://www.migrationpolicy.org/article/sub-saharan-african-immigrants-united-states-2019#:~:text=The%20first%20wave%20of%20large,for%20the%20Diversity%20Visa%20lottery>; Brandon Marrow & Jeanne Batalova, *Middle Eastern and North African Immigrants in the United States*, Migration Policy Institute (June 12, 2024), <https://www.migrationpolicy.org/article/middle-eastern-and-north-african-immigrants-united-states>.

Secretary Padilla and Registrar Orth.⁶ In response, the Secretary of State’s office stated that the information would “assist us in making this next set of language determinations under Section 14201,” which were scheduled to be released by January 1, 2022.⁷ On April 7, 2021, the Language Accessibility Advisory Committee (“LAAC”), which is made up of county elections officials and language access experts, voted to recommend that the Secretary require coverage for Arabic in Fresno County and Somali in San Diego County.⁸

Despite these commitments, the 2022 language determinations did not include coverage for Arabic in Fresno County and Somali in San Diego County, without explanation. The needs of the Arabic-speaking community in Fresno County—and numerous other communities throughout the state—thus remain unmet and have only grown more urgent since 2020.⁹

b. Language Access Needs of the Arabic-Speaking Community in Fresno County

Fresno County is home to a large and rapidly growing Arabic-speaking community. In 2019, when community members first began advocacy for Section 14201 coverage, available data showed that there were 1,704 Arabic speakers in the county, including 496 who were LEP.¹⁰ According to the most recent American Community Survey (“ACS”) data, the Arabic-speaking population has now grown to 7,699, with 3,165 residents identified as LEP.¹¹ Adult LEP residents make up a large proportion of this population: a 2023 special tabulation obtained by advocates shows that adult LEP Arabic-speakers in Fresno County total 1,844 residents, with 1,307 of those residents living in the City of Fresno.¹² Four census tracts in Fresno County exceed the three percent population threshold—demonstrating that the Arabic-speaking community clearly meets the criteria for Section 14201 language coverage.¹³ Notably, although three additional tracts fall short of the three percent threshold, those tracts contain more Arabic-speaking LEP adults in absolute numbers than some qualifying tracts. This confirms that Arabic-speaking voters have a “significant and substantial need” in precincts where they are highly concentrated *and in precincts* where their numbers are large but dispersed—further reinforcing the need for language coverage.

For years, Fresno County’s Arabic-speaking community has made these language assistance needs known to advocates, county elections officials, and your office. In the June 2020 letter some of the undersigned organizations sent to your office, we highlighted a project by the California chapter of CAIR, the ACLU of California (now ACLU California Action), and UC Berkeley law students documenting the language

⁶ See June 23, 2020, Letter to Secretary of State Alex Padilla and Fresno County Registrar Brandi Orth from CAIR Sacramento Valley/Central California and ACLU of Northern California re Request for Language Access Services in Arabic in Fresno County, available at https://www.aclunc.org/sites/default/files/Request_for_Arabic_Language_Services_in_Fresno_County.pdf (requesting coverage and attaching previous coverage requests to the County) (hereinafter June 2020 Request for Coverage).

⁷ July 1, 2020, Letter to CAIR Sacramento Valley/Central California and ACLU of Northern California from Lisa M. Alarcón, Special Counsel to the California Secretary of State.

⁸ May 5, 2025 Memorandum from the LAAC to Secretary of State Weber re LAAC Vote to Include Arabic and Somali as Covered Languages, available at <https://elections.cdn.sos.ca.gov/laac/letter-to-secretary.pdf>; see also Yesenia Amaro, ‘Language Barriers’: Will Fresno County Election Ballots Accommodate Arabic Speakers, The Fresno Bee (Apr. 20, 2021), <https://www.fresnobee.com/news/politics-government/article250789599.html>.

⁹ Although advocates were not successful in getting your office to provide coverage for Somali in San Diego County, they were able receive a commitment for limited assistance from the county.

¹⁰ 2017 1-year ACS (Table C16001, Language Spoken at Home for the Population 5 Years and Over for Fresno County).

¹¹ 2024 1-year ACS (Table C16001, Language Spoken at Home for the Population 5 Years and Over for Fresno County).

¹² U.S. Census Bureau, Special Tabulation of the American Community Survey: Limited English Proficient Voting-Age Population (Nov. 2023), prepared for Asian Law Caucus & California Common Cause (on file with authors).

¹³ *Id.*

access needs of Fresno's Arabic-speaking population.¹⁴ They found that Fresno's Arabic-speaking voters and soon-to-be-eligible voters want and need services like translated voter guides and reference ballots because, without them, many cannot understand the voting process, ballot measures, or candidates' platforms.¹⁵ One voter explained that a major fear she and other LEP voters face is of "making the wrong decision due to not understanding the process and everything else that is going on during voting."¹⁶ This concern is consistent with the observations of a local leader who noted that when voter information guides are in English, many LEP voters default to voting for names they recognize, leaving them effectively shut out of ballot measures and many down-ballot races where candidates often lack name recognition.¹⁷

For some LEP voters the barriers are insurmountable and they forgo voting altogether.¹⁸ One study participant put it plainly, stating "I know people who will not take part in the voting process due to their lack of English proficiency and not wanting to deal with the difficulties they could face."¹⁹ Another community leader observed that without language services some "Arabic speakers most likely won't vote . . . [and] a lot of voices will be lost."²⁰ The lack of language assistance also hinders local community-based organizations, whose voter outreach efforts are "inherently limited when election materials remain in a language many cannot understand."²¹ By contrast, language access services would expand participation, with an organizer stating that "[i]f we can reach [LEP voters] in their mother tongue and explain to them, give them the resources they need to vote, it would make a huge difference."²² Arabic-speaking LEP voters agree—one noted that "the more we are informed, the more we are likely to vote," while another added that "Arabic ballots would greatly increase the population of Arabic speakers that would want to vote."

The need for language assistance remains today. In a recently-released report by Asian Law Caucus, PANA, and California Common Cause titled *Forging Ahead: Community Voices and the Impact of Language Access in the Electoral Process*, Arabic-speaking voters described in detail the barriers they face when attempting to vote.²³ One LEP voter from Fresno County, Sofyan Saleh, depended on a friend to translate his ballot when he first gained the right to vote in 2008.²⁴ More than fifteen years later, California has continued to fail him: because Fresno County does not provide in-language reference ballots and voter information guides, Mr. Sayeh does not vote independently and instead has to rely on his college-aged daughter to translate information. This also puts a burden on unofficial translators, instead of on professional translators, who must attempt to become experts on ballot measures they themselves may struggle to understand. Other voters are not as lucky as "[m]any Arabic-speaking voters in Fresno County, including Yemeni American elders, do not read or speak English proficiently and do not have access to translation support at home."²⁵

The undersigned organizations believe that the Arabic-speaking community members in Fresno County have a "significant and substantial need" for Section 14201 coverage. We hope your office will help ensure their equal access to the ballot in the upcoming language determinations.

¹⁴ June 2020 Request for Coverage, *supra* note 6, at 1, 4-5.

¹⁵ *Id.* at 4.

¹⁶ *Id.* at 4 (citing Interview with Diala H., an Arabic speaker in Fresno, April 2020 [translated]).

¹⁷ *Id.* at 5. (citing Interview with Reza Nekumanesh, Executive Director of ICCF, April 13, 2020).

¹⁸ *Id.* at 4-5.

¹⁹ *Id.* at 4 (citing Interview with Diala H., an Arabic speaker in Fresno, April 2020 [translated]).

²⁰ *Id.* at 4-5 (citing Interview with Dr. El Sayed Ramadan, MFIC, April 22, 2020).

²¹ *Id.* at 6.

²² *Id.* at 6 (citing Interview with Zena Chafi, CAIR-CC, April 15, 2020).

²³ Asian Law Caucus, California Common Cause, Partnership for the Advancement of New Americans, *Forging Ahead: Community Voices and the Impact of Language Access in the Electoral Process* at 16, available at <https://online.fliphtml5.com/designmyprintxpress/ibej/#p=1>.

²⁴ *Id.* at 16.

²⁵ *Id.* at 17.

III. Request for Guidance on the Petitioning Process for Discretionary Coverage

A key recommendation from the *Forging Ahead* report is that your office provide a standard procedure for community-based organizations to request language assistance coverage under Section 14201(a).²⁶ The report notes that, to date, your office has never actually used this discretion to expand coverage, but instead has only recognized a need “when a local election official has either voluntarily provided reference ballots or provided them pursuant to a local policy.”²⁷ On June 2, 2021, Secretary of State staff informed the LAAC that a petition process for requesting language coverage was being developed,²⁸ but to our knowledge, no such process has been published. We therefore request that your office promptly publish guidance for requesting discretionary coverage so that impacted communities have clear information about how to advocate successfully for language assistance.

* * *

We respectfully urge you to take action to ensure that all California voters have meaningful access to the ballot and to provide clear guidance for communities seeking language assistance. We look forward to working together to uphold the state’s commitment to equal participation for every voter and would appreciate a response by October 31, 2025.

Sincerely,

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²⁶ *Id.* at 40.

²⁷ *Id.*

²⁸ LAAC June 2, 2021, Meeting Minutes at 2-3 (Aug. 12, 2021), <https://elections.cdn.sos.ca.gov/laac/minutes-6-2-21.pdf>