

U.S. Department of Justice
Civil Rights Division



Minority Language Citizens

Section 203 of the Voting Rights Act

Issued August 2002

The United States is a diverse land with a government selected by the votes of its citizens. Federal law recognizes that many Americans rely heavily on languages other than English, and that they require information in minority languages in order to be informed voters and participate effectively in our representative democracy. Many provisions of federal law protect the voting rights of minority language Americans. Section 203 of the Voting Rights Act is the keystone. Congress has mandated minority language ballots in some jurisdictions since 1975, with the most recent changes in the method of determining which jurisdictions must provide minority language materials and information becoming law in 1992.

Section 203 of the Voting Rights Act

When Congress amended the Voting Rights Act in 1975 by adding Section 203, it found that “through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process....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.”

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

What jurisdictions are covered under Section 203?

The law covers those localities where there are more than 10,000 or over 5 percent of the total voting age citizens in a single political subdivision (usually a county, but a township or municipality in some states) who are members of a single minority language group, have depressed literacy rates, and do not speak English very well. Political subdivisions also may be covered through a separate determination for Indian Reservations.

Determinations are based on data from the most recent Census, and the determinations are made by the Director of the Census. The list of jurisdictions covered under Section 203 can be found at the web site of the Voting Section of the Justice Department's Civil Rights Division. <http://www.usdoj.gov/crt/voting/>

What languages are covered under Section 203?

Section 203 targets those language minorities that have suffered a history of exclusion from the political process: Spanish, Asian, Native American, and Alaskan Native. The Census Bureau identifies specific language groups for specific jurisdictions. In some jurisdictions, two or more language minority groups are present in numbers sufficient to trigger the Section 203 requirements.

What elections are covered?

Section 203 requirements apply to all elections conducted within the bounds of the jurisdiction identified as covered by Section 203 by the Census Bureau. The law applies to primary and general elections, bond elections and referenda, and to elections of each municipality, school district or special purpose district within the designated jurisdiction.

What information must be provided in the minority language?

All information that is provided in English also must be provided in the minority language as well. This covers not only the ballot, but all election information - voter registration, candidate qualifying, polling place notices, sample ballots, instructional forms, voter information pamphlets, and absentee and regular ballots - from details about voter registration through the actual casting of the ballot, and the questions that regularly come up in the polling place. Written materials must be translated accurately, of course. Assistance also must be provided orally. Most Native American languages historically are unwritten, so that all information must be transmitted orally. Oral communications are especially important in any situation where literacy is depressed. Bilingual poll workers will be essential in at least some precincts on election day, and there should be trained personnel in the courthouse or city hall who can answer questions in the minority language, just as they do for English-speaking voters.

What are the keys to a successful program?

1. Outreach

The cornerstone of every successful program is a vigorous outreach program to identify the needs and communication channels of the minority community. Citizens who do not speak English very well often rely on communication channels that differ from those used by English-speakers. Each community is different. The best-informed sources of information are people who are in the minority community and those who work with it regularly. Election officials should talk to them. Minority leaders are an important starting point, but

election officials should not stop there. By talking to a broad range of people in the minority community - educators, business groups, labor groups, ESL programs, parent-teacher organizations, senior citizen groups, church groups, social and fraternal organizations, veterans groups, and the like - election officials will be able to identify the most effective and most efficient program possible: where to post notices, what media to use, where to have bilingual poll officials. These same persons can help identify and recruit bilingual poll officials and some of them may be able to provide important feedback on proposed translations.

Minority community members and those who work with them can play a significant role in developing and maintaining an effective bilingual election program and need not wait to be contacted by election officials. Minority language citizens should promptly respond to requests for advice and feedback from local election officials, who often are faced with severe time constraints. They also should reach out to city and county election officials to make suggestions on the program, offer to serve as poll officials, and otherwise participate actively in the minority language program that is adopted. They should report any compliance problems to local election officials and, should those officials fail to adequately address the problems, they should notify the Justice Department. Contact information is included at the end of this brochure.

2. Bilingual election personnel

Voters ask questions at the polls on election day. They have trouble with the voting machines. They are not sure of their precinct. They may not be able to read the ballot. Failure to employ bilingual poll officials at all precincts where they are needed can deprive citizens of their right to vote.

New poll workers - and indeed many veteran poll officials - need effective training in matters beyond the operation of the polls, including the broader election process so that they can answer questions accurately. Experienced poll officials at times need training on the rights of minority language voters.

3. Accurately Translated and Effectively Distributed Materials

Materials for all stages of the election process must be translated. Care should be taken to provide an accurate translation that meets the needs of the minority community. Poor translations can be misleading for voters and embarrassing for local officials. Beyond quality control, there can be significant differences in dialect within a given language group, and it is the responsibility of local officials to provide a translation that local voters actually can use. Local officials should reach out to the local minority community to help produce or check translations.

4. Timing

Time before the next election is limited - extremely limited for some jurisdictions - and there is much to do to adjust something as complex as an election process. Outreach to the minority community should begin immediately to help establish an effective and efficient minority language election program, so that priorities can be set for the many tasks that must be completed.

5. Contingency Planning

Things go wrong. Poll officials get sick and don't show up. Materials wind up at the wrong place, or get lost completely. Minority language voters appear in unexpected polling places. An effective minority language program includes plans for addressing problems, such as training for poll officials in how to deal with surprise situations, back-up communication between the polling places and the central election office, and extra material and bilingual personnel to plug gaps.

Again, close communication with the minority community will help minimize the fallout from those inevitable problems that will occur.

6. Assess, Analyze and Improve

An effective minority language program is an ongoing exercise. Minority language citizens will move into some new areas and create a need for new communications and new bilingual poll officials. The need in other areas may disappear with time. Such changes are reflected in a number of ways, such as changes in school enrollment. Like a business enterprise, an elections office must meet the needs of a changing clientele. Continuing consultation with minority leaders and groups will remain a part of an effective program.

It also can help to make a record of consultations and other outreach activities. This helps identify both successes and gaps, and builds institutional memory.

THE ROLE OF THE JUSTICE DEPARTMENT

- **Inform** - The Department of Justice notifies each jurisdiction that it is covered under Section 203, and also reaches out to minority communities to make them aware of the law.

- **Assist** - We provide information to jurisdictions and answer questions about compliance plans.

- **Enforce** - We investigate and pursue allegations of violations of federal law, and take appropriate enforcement action.

Where do I go for more information?

Information about Section 203, including its text, a list of covered jurisdictions, and the Attorney General's Minority Language Guidelines, is on the Voting Section web site at <http://www.usdoj.gov/crt/voting/index.htm>

You also may contact

Voting Section
Civil Rights Division
Department of Justice
950 Pennsylvania Ave., N.W. - NWB
Washington, DC 20530

PHONE - 202-307-2767; 1-800-253-3931
FAX - 202-307-3961