

HB 3506

Relating to bilingual election requirements

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. A language is considered to be covered by the Federal Voting Rights Act (VRA) as mandatory for translated election materials if more than 10,000, or more than five percent, of all voting age citizens in a county, township or municipality are a member of a language minority and who indicated on their U.S. Census form a lack of proficiency in English. House Bill 3506 establishes the Task Force on Minority Language Voting Materials.

The task force is charged with determining the best way to ensure that members of large language-minority receive necessary voter materials in the appropriate language. Voter materials include registration forms, ballots, instructions on how to cast a vote, and voters' pamphlets. The task force is required to submit a report to an interim committee by October 1, 2014. The task force sunsets at the convening of the 2015 legislative session.

The fiscal impact of this bill is anticipated to be minimal. The Secretary of State will use existing staff and resources to support the work of the task force.

Your General Government Subcommittee recommends HB 3506 be reported out "do pass".

Joint Committee on Ways and Means

Carrier – House: Rep. Gallegos
Carrier – Senate: Sen. Steiner Hayward

Revenue: No revenue impact

Fiscal: Minimal fiscal impact, no statement issued

Action: Do Pass the A-Engrossed Measure

Vote:

House

Yeas:

Nays:

Exc:

Senate

Yeas:

Nays:

Exc:

Prepared By: Kim To, Legislative Fiscal Office

Meeting Date: June 21, 2013

WHAT THE MEASURE DOES: Establishes Task Force on Minority Language Voting Materials consisting of six to nine members including: Secretary of State or designee; Director of Elections Divisions or designee; one senator; one representative; and two county clerks. Task Force may include one to three additional appointees who have expertise in language issues, community organization, or population analysis. Task Force shall determine best way to ensure that members of large language-minority communities receive necessary voter materials in applicable minority language. Specifies elements of analysis. Requires Task Force to report to interim committees on Rules no later than October 1, 2014. Directs Secretary of State to provide staff to support work of Task Force. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Fiscal impact
- Need for task force

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: In 1975, Congress amended the Voting Rights Act by adding Section 203, noting 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 that whenever any state or political subdivision 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. Covered jurisdictions are determined based on data from the most recent census by the Director of the Census when the number of United States citizens of voting age is a single language group within the jurisdiction is: a) More than 10,000 or more than five percent of all voting age citizens; b) Population on an Indian reservation, exceeds five percent of all reservation residents; and c) illiteracy rate of the group is higher than the national illiteracy rate. House Bill 3506-A establishes the Task Force on Minority Language Voting Materials charged with determining the best way to ensure that members of large language-minority communities receive necessary voter materials in the applicable minority language. The types of voting materials that could be provided in other languages include, but are not limited to, registration forms, ballots, instructions for how to cast a vote, and voters' pamphlets.