

STRENGTHENING DEMOCRATIC PARTICIPATION

Voting Access by Limited English
Speaking Asian Americans in
Alameda, San Francisco,
San Mateo, and Santa Clara Counties



A REPORT BY

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Asian Law Alliance
Working for Justice, Dignity and Equality

ORGANIZATIONAL PROFILES

Asian Law Alliance

Over the past 33 years, the Asian Law Alliance has helped tens of thousands of people in obtaining decent housing, justice in the immigration process, and access to basic human and legal rights. Today, Asian/Pacific Islanders continue to be denied fundamental rights. ALA continues to keep its doors open for those individuals who are limited in English, who do not understand the legal system, who cannot afford legal fees and who face the reality of discrimination.

Asian Law Caucus

The Asian Law Caucus was founded in 1972 as the nation's first legal and civil rights Asian American organization. Recognizing that social, economic, political and racial inequalities continue to exist in the United States, ALC is committed to the pursuit of equality and justice for all sectors of our society, with a specific focus directed toward addressing the needs of low income, immigrant and underserved Asian Americans and Pacific Islanders. The Asian Law Caucus is a member of the Asian American Center for Advancing Justice.

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EXECUTIVE SUMMARY

Asian Americans represent one of the fastest growing segments of the electorate in the Bay Area, fueled by high naturalization rates and a strong interest in civic engagement. Persistent language barriers at the polls, however, prevent this community from participating fully in the civic and electoral arenas.

During the November 2, 2010 election, the Asian Law Alliance (ALA) and the Asian Law Caucus (ALC) worked with eight community-based organizations to monitor election practices affecting limited English speaking Asian voters. Trained volunteers visited 301 poll sites in four Bay Area counties – Alameda, San Francisco, San Mateo, and Santa Clara – to observe whether county election practices were accessible for this population, as required by the Voting Rights Act and other federal and state laws. The Voting Rights Act requires covered counties to translate written voter materials and to offer assistance in certain non-English languages. Under the Act's criteria¹, Alameda, San Francisco, and San Mateo counties are required to translate voting materials and communicate to voters in Chinese and Spanish. Santa Clara County is required to make voting accessible in Spanish, Chinese, Vietnamese, and Tagalog. For this project, ALA and ALC focused on poll sites with the highest number or greatest concentration of registered voters from these ethnic groups.

Volunteer poll monitors assessed election practices in four areas:

- Did the poll site have proper signage to inform limited English proficient voters that assistance is available in the covered languages and to indicate who could help them?
- Did the poll site display accurately translated materials (e.g., Voter Bill of Rights, sample ballots, provisional ballot instructions, voter information guides, how-to-vote instructions, voter hotline telephone numbers to report problems, etc.)?
- Did the poll site have sufficient numbers of trained bilingual personnel who could answer questions and help residents vote? Similarly, did poll workers allow limited English proficient residents to bring individuals who could help them vote?
- Did the poll site experience any significant, non-language related problems that prevented residents from voting?

RESULTS

The four counties' performance during the November 2, 2011 election varied greatly.



San Francisco was the most prepared to assist limited English proficient voters. 75 of the 76 monitored poll sites posted translated signs indicating that voter assistance was available in the covered languages; 87 percent of its bilingual poll workers wore language identification, informing voters that they could secure assistance from these individuals in Chinese or Spanish; and 86 percent of the poll sites displayed basic voting documents and instructions in three languages – English, Chinese and Spanish. The county assigned a total of 204 bilingual Chinese-speaking poll workers to the 76 monitored sites; monitors observed only one site that lacked sufficient numbers of bilingual poll workers. Almost all of San Francisco’s poll workers were aware of the Voting Rights Act language assistance requirements and provided assistance in a professional manner. However, monitors noted several problems at poll sites that were not related to language assistance. They observed, for example, voters who had difficulty gaining access to poll sites because of blocked entrances or poor placement of signage. In addition, several sites failed to inform voters of their right to cast provisional ballots when they were not listed on the precinct’s voter roster. When monitors noted problems at poll sites, San Francisco elections officials were responsive and usually took corrective action in a timely manner.

Overall, San Francisco’s program showed considerable promise. Its demonstrated ability to provide accessible polls to large numbers of limited English proficient voters suggest that planning, aggressive recruitment of bilingual workers, and effective poll worker trainings are critical in maintaining a successful language assistance voter program.

By contrast, **Alameda County** performed poorly on most of the quantitative measures, and monitors observed problems at a number of poll sites. Only 37 percent of the observed poll sites with bilingual workers posted signs indicating that assistance was available in Chinese or Spanish, and a mere **four percent** of the bilingual poll workers wore

identification indicating the languages that they spoke.

Fifty-nine percent of the Alameda County poll sites displayed basic voting documents in the covered languages. Monitors reported that poll inspectors at five poll sites (eight percent of the observed sites) seemed unaware of the requirement to post bilingual voting materials, including three sites that refused to display important voting documents. Among the poll inspectors who were aware of these requirements, many reported that they either did not have all of the basic translated voting documents or that they had difficulties locating these materials. For example, unlike other counties, Alameda did not provide its bilingual poll workers with name tags or badges to identify themselves to limited English speaking voters, although several workers created hand-written tags. In **Precinct 335700-02 (540 21st Street in Oakland)**, poll workers initially could not find the Chinese language ballots, and asked voters who were not literate in English to use English ballots. Monitors observed a number of Chinese-speaking residents who left this poll site without voting because they were unable to use the English ballot. This site also lacked sufficient numbers of bilingual poll workers to assist its Chinese-speaking voters. Overall, the county provided bilingual Chinese-speaking poll workers at only 39 of the 64 observed sites with large numbers of Chinese American registered voters.

These results suggest that Alameda County needs to improve its training of poll workers on Voting Rights Act issues and to develop better systems of ensuring that translated materials and bilingual workers are available at poll sites with significant numbers of Chinese-speaking voters.

Like Alameda, **San Mateo County** experienced difficulties in making its voting process accessible to limited English proficient voters. Seventy-four percent of the poll sites with bilingual workers displayed proper signage, but only half displayed basic voting documents in Chinese and Spanish. Bilingual Chinese

poll workers were in short supply; they were assigned to only 14 out of the 30 observed sites with significant numbers of Chinese American registered voters. At one site, monitors observed a designated bilingual poll worker who had difficulty communicating with Chinese-speaking voters, raising concerns about the county's ability to assess the language skills of its bilingual workers. In addition, poll workers at *Precinct 1506 (785 Crestview Drive, Millbrae)* required all individuals to provide proof of identification before they were allowed to vote, a practice that is inconsistent with California law. This practice continued until this project contacted county election officials, who ordered the poll workers to stop asking for identification of all voters.

Santa Clara County was the only jurisdiction in this study that was required to provide voter assistance in four non-English languages. Although its performance was far from perfect, the county handled the logistical challenges relatively well. The county was particularly effective at recruiting and deploying large numbers of bilingual workers to precincts where Asian American voters were concentrated.

However, monitors identified several areas where Santa Clara County's efforts to facilitate voter participation among limited English speaking voters fell short. First, many poll sites had poor translated signage. Only 65 percent of its poll sites with bilingual workers posted multilingual signage. Of those that did, the signs were very small, and in many cases displayed only the word "Welcome" in the cover languages and did not indicate that language assistance was available. Second, nearly half of the poll sites did not display the basic voting documents in the required languages. Materials in Vietnamese and Tagalog were omitted most frequently. Some poll workers reported that the Registrar of Voters did not provide a complete set of translated materials for their sites. Third, the Registrar of Voters did not provide placards or flyers with the county's voter hotline telephone number. Prominently posting the hotline information would have helped all voters who encountered problems at the polls. However, for limited English proficient voters, the hotline offers an important channel for



Example of badges worn by poll workers on election day to identify them as bilingual.

communicating with election officials when they are unable to communicate with poll workers. Finally, Santa Clara County was the only county where multiple poll inspectors attempted to prevent monitors from observing the voting process. In three precincts, the inspectors ordered monitors to leave their sites even though they did not violate any rules.

This study's findings demonstrate that most Bay Area counties need to continue improving voting access for limited English speaking citizens. Although the four counties experienced a range of challenges, most of their deficiencies can be addressed through relatively simple improvements in planning, logistical coordination and training. This report offers specific recommendations for poll worker trainings; the assembly and delivery of translated materials and signage to poll sites; recruitment and deployment of bilingual poll workers; and monitoring by election officials of language assistance practices on election day. County officials interested in promoting full participation in elections should work with ethnic media, community groups, and leaders on a year-round basis to promote voting and civic engagement by residents who are protected by the Voting Rights Act.

INTRODUCTION

Asian Americans are one of the fastest growing segments of the Bay Area electorate. More than one out of four residents in the region is Asian, and their representation in the voting population is expanding, fueled by high naturalization rates and an interest in civic engagement.

In Santa Clara and San Francisco counties, Asian Americans make up nearly 20 percent of the registered voters.²

Even as Asian Americans' influence in the electoral process increases, language barriers can undermine their ability to become more civically engaged. Because over 60 percent of Asian Americans are born abroad, many residents are still in the process of learning English. Even among naturalized citizens, some have difficulty understanding electoral information in English. Candidates running for Bay Area elected offices recognize the importance of this voter group, and many use multilingual materials and websites to communicate with them. Yet, persistent language barriers at the polls – when voting materials and assistance are available only in English – can prevent even highly motivated residents from casting their votes.

Recognizing that a vibrant democracy requires participation by all segments of society, Congress enacted the Voting Rights Act to combat discrimination and break down barriers to voting. Adopted in 1965, when African Americans in a number of Southern states were disenfranchised, the Act seeks to effectuate the right to vote. It specifically prohibits state and local governments from using voting procedures such as poll taxes or literacy tests that have the effect of discriminating against racial minorities. In 1975, Congress extended the Act to protect language minorities, finding that “through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process.”³ These provisions require jurisdictions with large language minorities to translate voting materials and to make

their election systems accessible to voters with limited English skills.

During the November 2010 election, the Asian Law Caucus (ALC) and the Asian Law Alliance (ALA) collaborated with eight community organizations to monitor the implementation of the Voting Rights Act's language requirements in four Bay Area counties – Alameda, San Francisco, San Mateo, and Santa Clara. Trained volunteers visited 301 poll sites on election day to assess county programs that provide assistance to limited English proficient Asian American voters.

This report summarizes the project's primary findings. It identifies effective elections practices, problems that limited English speaking Asian American voters encountered on election day, and offers specific recommendations for improving voting access in the four counties. The recommendations described are intended to help local elections officials facilitate greater civic engagement by limited English proficient residents and to build a stronger democracy in this region.



LEGAL BACKGROUND: VOTING RIGHTS LAWS THAT PROTECT LANGUAGE MINORITIES

Federal Voting Rights Act

Section 203 of the Voting Rights Act requires localities with large numbers of limited English proficient voters to provide this population with the same information and opportunities to participate in elections as the broader public.⁴ The law applies to jurisdictions in which the limited English proficient voting-age citizen population of any single language group:

- exceeds 10,000 individuals or represents more than five percent of all voting-age citizens, and
- has an English illiteracy rate that is higher than the national average.

Based on the 2000 Census data, all four counties monitored by this project are covered by Section 203. Figure 1 lists the languages in which each county is required to provide bilingual voter assistance. Alameda, San Francisco and San Mateo must make their voting systems accessible to Chinese- and Spanish-speaking voters, while Santa Clara County is required to communicate with voters in two additional languages – Vietnamese and Tagalog.

The U.S. Department of Justice's guidelines on Section 203 state that covered jurisdictions must take "all reasonable steps" to enable language minority voters to be informed of and participate in voting-connected activities.⁵ At a minimum, these jurisdictions must translate their written materials, offer oral assistance at polling sites, and publicize the availability of bilingual assistance through outreach to ethnic media and to community organizations and leaders.

Written Translations

The written translation requirements of the Voting Rights Act are straightforward. According to the Department of Justice, "*all election information that is available in English must also be available in the*

FIGURE 1: SECTION 203 COVERED LANGUAGES IN BAY AREA COUNTIES

San Francisco: Chinese and Spanish

Alameda: Chinese and Spanish

San Mateo: Chinese and Spanish

Santa Clara: Chinese, Tagalog, Vietnamese & Spanish

*minority language so that all citizens will have an effective opportunity to register, learn the details of the elections, and cast a free and effective ballot.*⁶ This means that registration forms, voting notices, voting instructions, ballots, sample ballots, polling place notices (including posters), voter information guides, and any other written materials related to the electoral process must be translated accurately into the covered languages and distributed to people who need the information. Translated written materials are especially useful in explaining complicated voting requirements or procedures to new voters (e.g., how and when to use provisional ballots).

Oral Language Assistance

Assistance also must be provided orally in the covered languages. Section 203 requires applicable counties to employ sufficient numbers of trained, bilingual personnel to answer questions and provide assistance to voters who are not fluent in English. The use of bilingual signage and badges to direct these voters to elections workers who can help them is critical in facilitating effective communications. In addition, almost all jurisdictions operate hotlines on election day to allow voters to report problems or file complaints. These telephone lines also should be accessible in the covered languages.⁷

Similarly, Section 208 of the Voting Rights Act allows these voters who cannot read or write English – as well as those who are blind or have a disability – to bring an individual of their choice to the polls to help them vote.⁸ Limited English proficient voters often bring family members or friends to the polls to assist with the voting process.

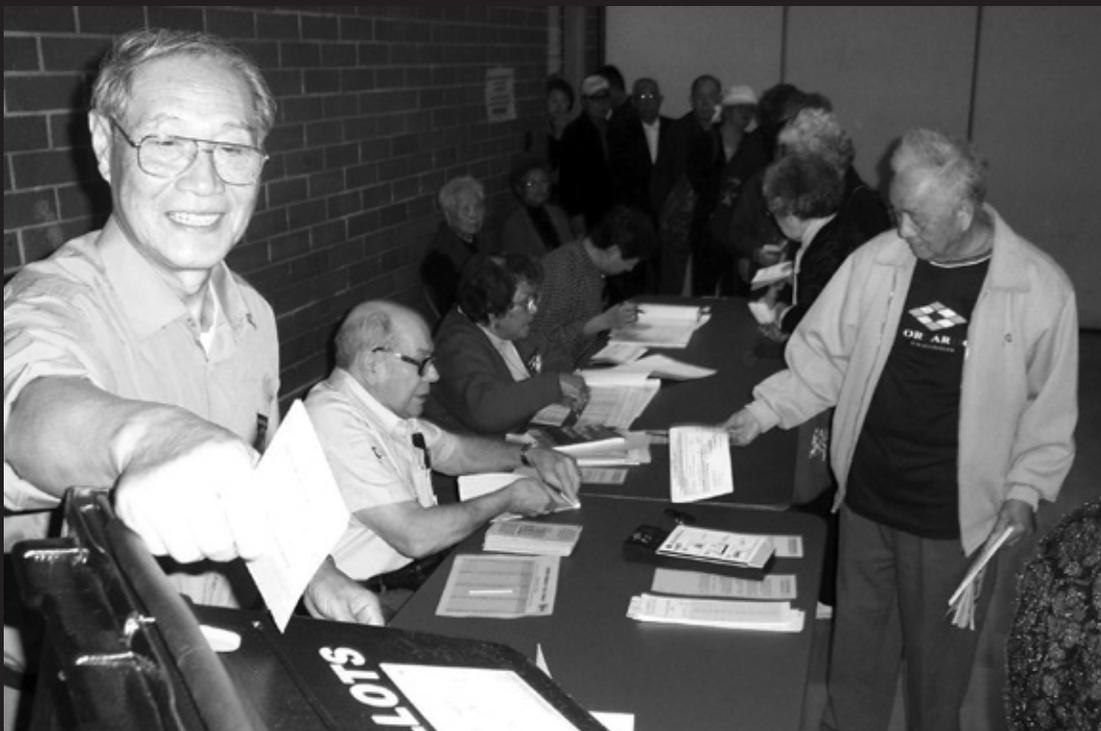
Enforcement of the Voting Rights Act

The Department of Justice is primarily responsible for the enforcement of the Voting Rights Act.⁹ It monitors compliance with Sections 203 and 208 during elections and works with covered jurisdictions to ensure proper implementation of the law. However, when local elections officials fail to make their voting process accessible, the Department of Justice can sue in federal court to compel compliance. For example, in 1995, the Department of Justice sued Alameda County for failing to provide adequate language assistance to Chinese-speaking voters. The settlement reached in the lawsuit required the county to work with community groups to develop a comprehensive Chinese language elections information program. The

county had to develop plans for recruiting bilingual poll workers, creating accurately translated materials, and providing training to elections workers.¹⁰ Similarly, the Department sued the City and County of San Francisco in the late 1970s for failing to translate voting documents.¹¹

California Elections Code

California's elections laws also require local officials to provide bilingual assistance when at least three percent of a county's voting-age citizens have limited English skills and share a common language.¹² These laws require covered counties to make reasonable efforts to recruit election workers who are fluent in the languages spoken by limited English speaking residents and to post translated ballots and voting instructions in the required languages. However, when these requirements overlap with those in the Voting Rights Act, counties covered by Section 203 are exempt from the California laws. Because all of the poll sites monitored by this project are subject to Section 203, this report focuses on the counties' compliance with the federal law.



METHODOLOGY

Prior to the November 2010 election, ALC and ALA staff contacted election officials in the four counties to inform them of the monitoring project. They requested each elections agency to provide a complete set of voting materials for the November election (English and translated documents), voter files, descriptions of their language assistance procedures, the poll workers' training curriculum, and information about how bilingual poll workers would be assigned on election day. Each elections agency designated a staff person to serve as a point of contact for this project. The counties also allowed project staff to observe their poll worker trainings, and ALC staff attended trainings in Alameda, San Francisco, and San Mateo.

With assistance from the Asian Pacific American Legal Center (APALC), ALC and ALA used the counties' voter files to identify cities with the highest numbers of Asian American voters. In Alameda County, the project targeted neighborhoods in Oakland, Berkeley, Union City and Fremont. In San Mateo County, the focus was on Daly City, San Bruno and South San Francisco. In Santa Clara County, the monitored polls were located in Cupertino, Milpitas, and San Jose. In San Francisco, the focus was on Chinatown, Visitacion Valley and neighborhoods on west side of the city.

APALC used a surname software program to identify the precincts in these cities with the largest number or greatest portion of Chinese American registered voters; in Santa County, the project also used the software to identify the precincts with large numbers of Vietnamese and Filipino voters. The project prioritized precincts that were likely to have large Asian American voter turnout, or were using new voting procedures that might cause confusion on election day. For example, Oakland and Berkeley used ranked choice voting (also known as "instant run-off") for the first time during the observed election.¹³ A total of 301 poll sites were selected – 64 in Alameda,

FIGURE 2: COMMUNITY PARTNERS

In addition to ALC and ALA, eight community organizations recruited volunteers to monitor polls in their community:

- Asian Pacific American Community Center
- Cameron House
- Citizens for a Better Community
- Filipinos Advocates for Justice
- Filipino Youth Coalition
- Family Bridges
- Pilipino Bayanihan Resource Center
- Vision New America

76 in San Francisco, 30 in San Mateo, and 131 in Santa Clara. Maps of the monitored poll sites can be found in Appendix A.

Eight community organizations (Figure 2) helped recruit volunteers to monitor the polls on election day. Each volunteer was required to attend a 90-minute training that provided background about the voting process, applicable legal standards, and the specific issues to observe and record. Volunteers were paired into teams and assigned three poll sites to visit on election day. They were asked to arrive at their first site at 6:45 am, fifteen minutes before the polls opened and to spend a minimum of 60 minutes observing how the poll workers interacted with voters before going to their next assigned site.

Poll monitors completed a four-page questionnaire for each polling site. The questionnaires varied slightly by county, to account for differences in voting practices and materials. However, all monitors focused on four general areas:

1. ***Did the poll site have proper signage to inform limited English proficient voters that assistance is available in the covered languages?*** Effective signage is an important element in making voting accessible to limited English speaking citizens. Election-day signage should inform individuals of where they need to go to

vote and whom they can talk to if they have questions or problems. Translated signage can make voting less intimidating by notifying limited English speaking voters that language assistance is available.

2. ***Did the poll site have a sufficient number of trained bilingual personnel who could answer questions and help residents vote?***

Bilingual poll workers play a critical role in ensuring that limited English proficient residents know how to vote. Because Section 208 of the Voting Rights Act allows limited English proficient residents to bring family members or other individuals to the polls to help them vote, monitors also observed whether poll workers allowed voters to exercise this right.

3. ***Did the poll site have accurately translated materials that explained the voting process to limited English proficient citizens?***

The posting of written materials at the polls can help limited English proficient citizens cast an informed vote and learn about their options if their eligibility is challenged. Although not a substitute for oral assistance, translated materials can reduce the workload for bilingual poll workers by addressing frequently asked questions.

4. ***Did the poll site experience any significant, non-language related voting problems?***

Monitors were asked to identify any non-language problems that prevented eligible residents from voting, such as problems with voting machines, long lines that discouraged people from voting, unnecessary requests for identification, or other issues that impeded voting.

Here” posters). Next, they introduced themselves to the poll inspector and explained the purpose of their visit. They asked the inspector to verify the number of poll workers at the site, including those who were bilingual. Poll monitors then went through a check list to determine whether the site displayed basic voting materials in English and in the other required languages, including:

- the Voter Bill of Rights
- sample and election day ballots
- state or county voter information guides or pamphlets (containing information about ballot measures and candidates)
- how-to-vote instruction cards
- placards or flyers with phone numbers for voter hotlines to report problems
- provisional ballot instructions (usually printed on the provisional ballot envelope)¹⁴
- instructions related to the operation of the voting machine (if applicable).

Because the four counties were required to provide language assistance in Spanish, monitors also recorded data on whether voting materials were made available to the public in this language.

If monitors noticed any problems at a poll site, they contacted an ALC or ALA staff member immediately. If the problem was easily correctable by elections workers (e.g., displaying the required bilingual materials), the volunteers usually made a request to the poll inspector. If the problem involved the poll inspector’s behavior or was beyond his or her control, monitors completed an “Incident Report Form” (reprinted in Appendix C) and reported this information to ALC and ALA staff, who would contact the local elections office to ask for corrective action.

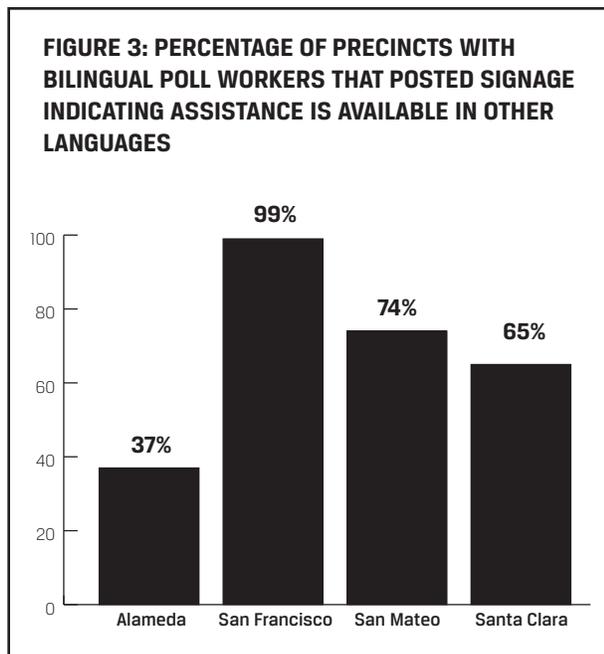
A copy of the Santa Clara County questionnaire, which is representative of those used in other counties, is reprinted in Appendix B.

Upon arriving at a poll site, volunteers first checked for translated signage (e.g., “Languages Spoken

POLL MONITORING RESULTS

Signage

Figure 3 shows the percentage of precincts in each county with signage indicating that assistance was available in the languages covered by Section 203. This analysis includes only poll sites that had one or more bilingual poll workers who spoke a covered language, including Spanish.

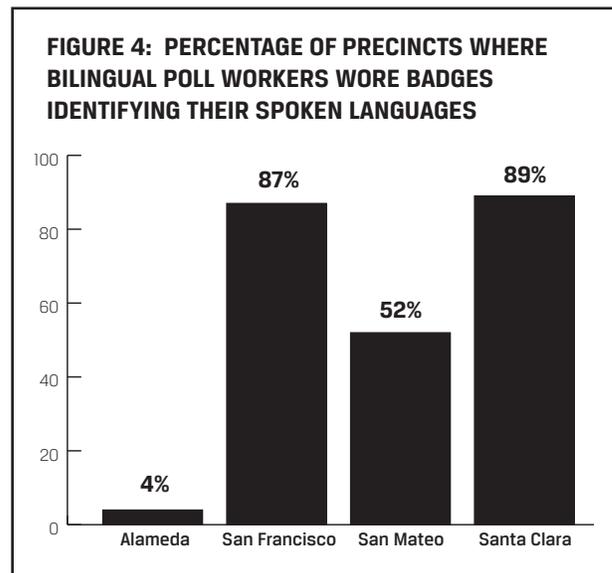


San Francisco did very well on this measure, with only one precinct failing to post translated signage. Six of 23 precincts with bilingual poll workers in San Mateo County did not post “Languages Spoken Here” signs. Forty-six of the 131 precincts in Santa Clara County did not display bilingual signage. Monitors also noted that Santa Clara County’s signage was very small and difficult to see. Instead of the “Languages Spoken Here” signs used by other counties, many Santa Clara County poll sites displayed only small multilingual “Welcome” signs.

In Alameda County, only about one-third of the precincts with bilingual workers displayed proper

signage, the lowest of the four counties. Many Alameda poll inspectors indicated that the county elections office did not provide them with translated signage.

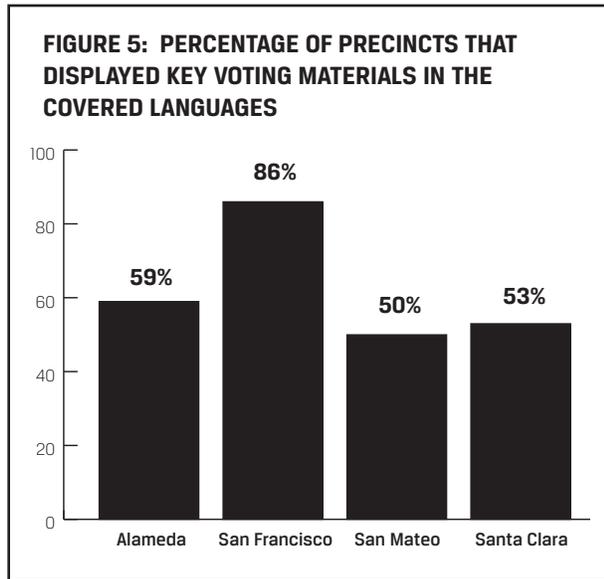
Figure 4 shows the percentage of precincts where bilingual poll workers wore badges identifying their languages. Almost all bilingual poll workers in Santa Clara and San Francisco wore language identification badges, while only half in San Mateo wore them. Alameda performed very poorly on this signage measure as well, with bilingual workers wearing language tags in only four percent of the observed precincts. When asked why they were not wearing any language identification, Alameda’s elections workers explained that the county did not provide them with these badges. Some elections workers tried to address this problem by creating hand-written tags listing the languages they spoke.



Translated Written Materials

Figure 5 shows the percentage of poll sites in each county that made all of the basic voting documents

available at the polls in the required languages. The performance of counties varied, ranging from a high of 86 percent in San Francisco to 50 percent in San Mateo.



San Francisco

Most San Francisco poll sites displayed the required translated voting materials. Only 11 of the 76 poll sites failed to post all of the required documents. The most common mistake, made by four sites, was failing to post a multilingual sign explaining how to utilize the scanners to tabulate ballots. Two sites did not post the how-to-vote instructions card in Spanish or Chinese; two others did not post the Voter Bill of Rights in these languages.

Alameda County

About three-fifths of Alameda County's precincts posted the basic voting documents in the covered languages, and almost all precincts made the Voter Bill of Rights and the voters' information guide available in Chinese and Spanish. However, a number of poll sites failed to display ballot information in the covered languages, which is critical to helping residents vote in an informed manner. Almost a quarter of county's precincts did not display translated information about provisional ballots (15 failed to post this information in Chinese and 16 in Spanish), and ten sites did

not post the election day ballot in either Chinese or Spanish. In addition, nine sites did not post the voter hotline information in Chinese or Spanish.

Poll monitors also reported that a sizeable number of poll workers were confused about the language assistance requirements, refused to display translated materials, or could not locate these critical documents. Specific problems included:

Missing Chinese Language Ballot

- ***Precinct 335700-02 (540 21st Street, Oakland).*** Monitors observed a number of Chinese-speaking voters leaving this poll site after they were unable to vote using Chinese language ballots. Poll workers initially could not locate these ballots and asked voters who were not literate in English to use an English ballot. As described below, this poll site did not have enough bilingual Chinese elections workers to assist the large numbers of limited English speaking individuals who tried to vote.

Poll Workers Refused to Display Translated Voting Materials

Poll inspectors refused to display translated materials at three precincts.

- ***Precinct 831100 (33350 Peace Terrace, Union City)*** did not have any bilingual materials on display when the monitors arrived. The poll inspector became visibly annoyed when monitors asked him to make the materials available, and refused initially to do so. After the monitors provided a copy of the Alameda County Registrar of Voters letter authorizing their presence at the polls to observe the election, the poll inspector agreed to display the translated documents.
- ***Precinct 300150 (3183 Mecartney Road, Alameda City)*** did not display the election day ballot and provisional ballot information in Chinese or Spanish. Poll workers refused to post these documents until after ALC contacted the county elections office.

- **Precinct 547750 (6107 LedgeWood Terrace, Dublin)** did not display the hotline information in Chinese or Spanish, and did not make the Spanish language provisional envelope available. Poll workers refused monitors' request to display these items.

Poll Workers Did Not Understand the Written Translation Requirements

Poll inspectors at two precincts agreed to post certain translated materials but told monitors that they were not required to make these documents available. These incidents occurred at:

- **Precinct 337110 (270 13th Street, Oakland)**, which did not display the translated vote hotline cards and information about provisional voting in Chinese and Spanish. Poll workers insisted that it was unnecessary to make these materials available at this Chinatown location because the bilingual workers at the site could answer questions from limited English speaking voters in Chinese.
- **Precinct 836310 (3111 Washington Blvd., Fremont)**, where the poll inspector agreed to display the required materials but told volunteer monitors that making this information available is "optional, so we don't have to do it."

Translated Materials Not Provided to Poll Workers

Poll inspectors at several precincts indicated that the county elections office did not provide a complete set of translated documents. Examples included:

- **Precinct 34400 (3200 Boston Avenue, Oakland)** and **Precinct 300110 (1101 Verdemar Drive, Alameda City)** did not have provisional ballot envelopes available in Chinese and Spanish.
- **Precinct 33700 (250 10th Street, Oakland)**, which did not display the translated hotline cards and provisional ballot information in Chinese and Spanish. It also did not have the Voter Bill of Rights and how-to-vote instruction in Spanish, and did not display proper signage indicating that bilingual poll workers were available. Poll workers told monitors that the county elections office did not furnish them with these materials.

Santa Clara County

Slightly over half of the 131 monitored poll sites in Santa Clara County displayed all of the basic voting documents in its four covered languages (Chinese, Vietnamese, Tagalog, and Spanish). All of the precincts posted the Voter Bill of Rights in the required languages, but their performance on the other items varied:

- Fourteen precincts did not display the how-to-vote instruction cards in Chinese, Tagalog or Vietnamese; nine precincts did not make the Spanish card available.
- Fourteen precincts did not post the election ballot in Tagalog, compared to seven in Vietnamese, four in Spanish, and two in Chinese.
- Many precincts did not display the translated provisional ballot envelopes even though the English version was available at almost all poll sites (19 precincts failed to do so in Chinese, 23 in Tagalog, 18 in Vietnamese, and 17 in Spanish).
- Tagalog and Vietnamese language materials



Example of translated election materials in Spanish and Chinese from San Francisco City and County.

were most likely to be missing from poll sites. For example, ten precincts failed to display the voters' information guide in Tagalog, and nine did not make the document available in Vietnamese. Only four did not make the guide available in Chinese or English. Similarly, 10 precincts did not display the Tagalog sample ballot compared to nine for Vietnamese, five for Chinese, and four for English.

The following precincts failed to post a significant number of translated documents because poll workers either did not understand which materials were required to be displayed, or did not receive the materials from the county's elections office:

- ***Precinct 2110 (2751 Louis Road, Palo Alto)***, which was missing sample ballots and voting instructions for all four of the covered languages. Poll workers expressed confusion about the documents that they were required to display but were responsive to the monitors' requests.
- ***Precinct 1470 (1555 Berger Drive, San Jose)***, which did not display the how-to-vote instruction card or the provisional voting envelope in the four covered languages, though poll workers posted these documents after monitors brought this omission to their attention.
- ***Precinct 3609 (21710 McClellan Road, Cupertino)***, where the poll workers failed to post the Tagalog and Spanish sample ballots, as well as multilingual signage. The workers refused to display these materials even after monitors pointed out this problem.
- ***Precinct 1108 (1248 S. Blaney Avenue, San Jose)***, which failed to post translated signage and the provisional ballot information in any of the covered language. In response to the monitors' request, the poll inspector opened a box of bilingual materials and placed it on the floor near the poll workers' table, but refused

to take out the materials so that voters could see them easily.

- ***Precinct 1763 (124 Rancho Drive, San Jose)***, which did not make the voters' information guide available in Vietnamese, Tagalog or Spanish. A poll worker said that the elections office did not furnish them with these documents.
- ***Precinct 1446 (1970 Morrill Avenue, San Jose)***, which did not display provisional ballot envelopes in any of the four covered languages. The poll inspector explained that the workers did not have these materials.
- ***Precinct 1104 (6990 Melvin Drive, San Jose)***, which did not post translated signage and the how-to-vote instructions in any of the covered languages. The poll inspector reported that the central office did not furnish them with these materials.

No Voter Hotline Information

In monitoring the various poll sites, this project's volunteers discovered that the county did not create flyers or posters providing the telephone number of its voter hotline in English or in the other languages. Instead, the county provided hotline information only in the text of its Voter Bill of Rights document. Monitors trying to find the hotline information in the posted materials at each poll site usually had to ask poll workers for the hotline's number. Posting the hotline information more prominently would have helped all voters – including those fluent in English – resolve problems at the polls. However, for limited English proficient voters, the hotline offers a critical channel for communicating with elections officials, especially at precincts without poll workers who speak their language. If they cannot communicate with or resolve a problem at the poll site, these voters need the hotline information to contact the central elections office, which is required to have staff who can provide assistance in the languages required by Section 203.

Prohibiting Poll Monitoring

Several poll inspectors in Santa Clara County

attempted to prohibit monitors from observing their sites. Prior to the election, this project obtained permission from the Santa Clara County Registrar of Voters to monitor its poll sites on election day. Each monitor was trained and given instructions not to engage in electioneering or interfere with election operations while they observed. Despite these measures, three poll inspectors ordered the monitors to leave their poll sites without citing any misbehavior. These incidents occurred at *Precinct 4402 (1585 Fallen Leaf Drive, Milpitas)*, *Precinct 3252 (19325 Bollinger Road, Cupertino)*, and *Precinct 1720 (2980 Senter Road, San Jose)*. Monitors at each site showed the poll inspectors a letter from the county Registrar granting them permission to observe the voting. However, in all three cases, the poll inspectors insisted that the monitors leave.

San Mateo County

Only half of the 30 monitored precincts in San Mateo County displayed basic voting materials in the two covered languages – Chinese and Spanish. The most frequent mistake, made in twelve precincts, was failing to post translated information about the county’s voter hotline. Three precincts did not display the Voter Bill of Rights or the how-to-vote instruction card in Chinese. Similarly, three precincts did not post copies of the Chinese sample ballot. Several precincts were particularly deficient in posting translated documents:

- Two poll sites – *Precinct 5615 (285 Abbot Street, Daly City)* and *Precinct 5611 (43 Miriam Street, Daly City)* did not post *any* of the Chinese language voting materials until requested by the monitors. The missing materials included the Voter Bill of Rights, the sample ballot, the state voter information guide, the how-to-vote instruction card, voter hotline information, the provisional ballot envelope, and the election day ballot. Neither site had bilingual Chinese poll workers, making it virtually impossible for Chinese-speaking voters to obtain information or assistance.

- *Precincts 5824/5820 (consolidated) (116 Romey Avenue, South San Francisco)* did not display sample ballots, the voters’ information guide, and the “Languages Spoken Here” signs in either Chinese or Spanish.
- *Precinct 5832 (295 Ponderosa, South San Francisco)* did not post translated information in Chinese or Spanish about the voters hotline or about provisional voting. It also did not post the “Languages Spoken Here” sign.

Although a number of precincts in San Mateo County did not display the relevant translated materials, monitors reported that poll workers were responsive when they identified these mistakes. In almost all instances, the workers located the missing materials and agreed to display them. Their behavior suggests that many of the county’s poll workers were either unaware or unsure of how to implement the Voting Rights Act requirements. More in-depth discussion of these requirements in future poll worker trainings could help address this deficiency.

Bilingual Elections Personnel

Table 1 shows the number of bilingual poll workers at the monitored poll sites who spoke the languages required by Section 203. San Francisco and Santa Clara Counties employed numerous Asian language proficient poll workers at the observed precincts. For example, Chinese-speaking poll workers were present at all but two observed poll sites in San Francisco. Similarly, Santa Clara County had one or more Asian language bilingual poll workers at every site but one; most of the county’s poll sites offered assistance in at least two non-English languages. By contrast, San Mateo County had Chinese-speaking workers at only 14 of the 30 observed sites, and Alameda County employed these workers at 39 of 65 sites. Both counties had precincts with substantial numbers of Chinese American registered voters but no Chinese-speaking election worker at the poll site.

TABLE 1: BILINGUAL POLL WORKERS AT POLL SITES BY SECTION 203 COVERED LANGUAGES

County	# of Monitored Precincts	# of Chinese Bilingual Poll Workers	# of Vietnamese Bilingual Poll Workers	# of Tagalog Bilingual Poll Workers
Alameda	64	71	NA	NA
San Francisco	76	204	NA	NA
San Mateo	30	21	NA	NA
Santa Clara	131	120	92	41

The most problematic precinct was in Alameda County, near downtown Oakland. Monitors observed long lines of residents waiting to vote at *Precinct 335700-02 (540 21st Street)*. Although twelve percent of registered voters in the precinct were Chinese Americans, the county assigned only one bilingual Chinese-speaking poll worker to the site. Monitors reported that this worker was overwhelmed by the large number of limited English speaking voters who needed assistance. Workers at this precinct were unable to locate Chinese language ballots when the polls opened, and asked all voters to use the English ballot until they found the Chinese ballots later in the morning. A broken voting machine also contributed to the site's difficulties. According to monitors, "many Chinese voters were turned away" or became discouraged because they were unable to vote without Chinese ballots.

In San Mateo County's *Precinct 2221 (900 Edgewater Blvd, Foster City)*, monitors observed that the only

bilingual Chinese poll worker at the site was not sufficiently fluent to help limited English speaking voters.

In San Francisco, *Precinct 2123 (651 26th Avenue)* did not have any bilingual Chinese-speaking poll workers even though 27 percent of the registered voters in the precinct had Chinese surnames. The poll inspector told monitors that two bilingual poll workers had been assigned to the precinct, but neither showed up. He called the county elections office to request a bilingual poll worker; however, none arrived during the observers' visit.

Other Problems That Impeded Voting

Monitors also observed non-language related voting problems at several precincts.

Unnecessary Voter Identification Requirement

In one San Mateo County poll site (*Precinct 1506, 785 Crestview Drive, Millbrae*), poll workers asked *all voters* to furnish proof of identity before they were allowed to vote. This practice continued until ALC contacted county elections officials, who ordered the poll workers to stop. Under federal law, poll workers are required to check for proof of identity at the polls only for first-time county voters who registered to vote by mail and did not provide verification of identity with their mail-in registration.¹⁵ California follows federal law in this area and does not impose any other identification requirements.

Poll workers who require identification before allowing residents to vote not only run afoul of the state elections code, but their actions are likely to disenfranchise many eligible voters. Research shows that Latino, Asian American, African American, foreign-born, and low-income residents are most likely to be disenfranchised because they lack identification documents. For example, one study found that significantly fewer Asian Americans have access to a state drivers' license, bank statement or utility bill – the most common identification documents used in the voting context – relative to white voters.¹⁶

講中文
在這裡

Se
Habla
Español

Example of badges worn by poll workers on election day to identify them as bilingual.

Difficulty Gaining Access to the Poll Site

Voters experienced problems gaining access to at least two San Francisco polls. At **Precinct 3323 (145 Jackson Street)**, workers moved the poll site on the morning of election day to a new location within the same building. The move caused significant confusion, and monitors observed that a number of voters had difficulty finding the new site. The new location had less space, and the workers were unable to set up all of the voting booths. As a result, some individuals voted while sitting at nearby tables. The poll was moved back to its original location later in the morning.

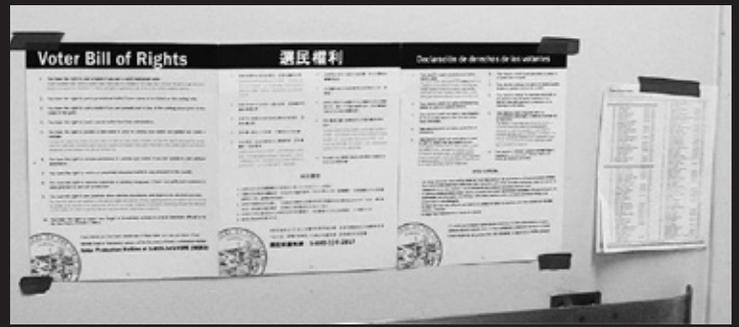
At **Precinct 1115 (581 Bright Street)**, located in a garage at an individual residence, a car blocked the entrance of the poll site between 7:00 to 9:00 am. Voters had difficulty moving in and out of the voting area, and the site was not wheelchair accessible during the blockage.

Incomplete Voter Roster

San Mateo County **Precinct 1617 (2400 Rosewood Drive, San Bruno)** was missing two pages from its voter roster and could not verify a number of registered voters who came to the poll site to vote. Residents who were not listed on the voter roster had to cast provisional ballots, creating confusion and some frustration among those who had expected to vote with a regular ballot. This precinct was among the largest in the county, with 1654 registered voters.

Right to Vote Using a Provisional Ballot

Monitors observed several situations in which poll workers did not inform individuals of their right to use a provisional ballot. In San Francisco **Precinct 1126 (446 Randolph Street)**, monitors witnessed several individuals who were turned away because their names were not on the precinct's voter roster. Poll workers did not offer to help these individuals locate their poll sites or inform them of the right to vote provisionally. Monitors observed similar behavior by poll workers in Santa Clara **Precinct 4075 (750 Lakechime Drive, Sunnyvale)**, where individuals who were not listed



Example of the Voter Bill of Rights translated into Spanish and Chinese.

on the voter roster were turned away without being offered the option of using a provisional ballot.

Non-Working Voting Machines

Monitors observed broken or non-working voting machines in all four counties. Four poll sites in San Francisco and San Mateo had broken scanners or electronic voting machines.¹⁷ Poll workers also had problems with voting machines in at least two poll sites each in Santa Clara and Alameda.¹⁸ In addition, two precincts in Alameda – **333400 (225 11th Street, Oakland)** and **335700-02 (540 21st Street, Oakland)** – did not have wheelchair accessible voting machines in place when monitors arrived at their site (though both agreed to set up accessible voting booths when requested).

Overall, monitors noted that poll workers developed procedures to work around the broken machines, and many were fixed relatively quickly. With the exception of an Alameda County precinct (described above), monitors did not observe any significant problems or delays caused by non-working machines.¹⁹

DISCUSSION OF COUNTY-SPECIFIC FINDINGS

The findings of this report suggest that Bay Area counties are making progress in helping limited English speaking citizens vote, especially when these results are compared with studies of past elections.²⁰

All four county elections offices monitored by this project were aware of the Voting Rights Act's language requirements and had policies for translating voting materials and recruiting bilingual workers. Monitors noted that the vast majority of poll workers acted in a professional manner, and were respectful and helpful in assisting voters who were not fluent in English. Elections officials from San Francisco, Santa Clara, and San Mateo counties also encouraged this project to report voting problems observed by monitors, and most were responsive in addressing concerns on election day. The exception was Alameda County, where officials appeared overwhelmed with their elections operations and did not respond in a timely manner to numerous problems identified by the project's monitors.

The progress in improving voting access in the Bay Area, however, should not obscure the problems that these counties experienced. All four counties can do a better job of reducing language barriers in their election systems and promoting greater participation by voters who are not fluent in English. The remainder of this report takes a closer look at the performance of each county and offers recommendations for improving their practices.

City and County of San Francisco

Of the four counties, San Francisco demonstrated the best performance on the quantitative measures used by this project. Almost all of the monitored precincts posted translated signage, 87 percent of its bilingual poll workers wore language identification, and 86 percent of the precincts displayed basic voting documents and instructions in the three required languages – English, Chinese and Spanish. The county's Department of Elections



assigned 204 bilingual Chinese-speaking poll workers to the 76 monitored sites, and with one exception (*Precinct 2123*, where two bilingual workers did not show up), monitors did not observe elections workers having difficulties providing oral language assistance. San Francisco's overall performance demonstrates that it is possible to provide accessible polls to a large number of limited English proficient voters. Through active planning, recruitment of bilingual workers, and poll worker trainings, San Francisco has developed a promising language assistance program to facilitate voting among Chinese-speaking residents.

San Francisco, however, experienced non-language access related problems at poll sites with large numbers of Chinese American voters. These included voters who had difficulty gaining access to poll sites because of blocked entrances or poor signage. In addition, several county poll workers failed to inform voters of their right to cast provisional ballots when they were not listed on the precinct's voter roster. These deficiencies can be addressed through a combination of better planning – including the selection of sites that are accessible and easy for the public to find – and training on when provisional ballots should be offered to prospective voters.

Alameda County

In contrast to San Francisco, Alameda County experienced many problems in providing language assistance to Chinese-speaking voters. It did poorly on this study's quantitative measures, and monitors observed problems at a number of poll sites.



First, relatively few poll workers in Alameda County posted basic signage to inform limited English speaking voters that language assistance was available

and to direct them to poll workers who could answer their questions. Only 37 percent of the observed polls with bilingual workers posted translated signage, and only four percent of the bilingual workers wore language identification. Discussions with poll inspectors revealed that the county elections office did not provide any language identification badges to bilingual poll workers,²¹ and did not supply the translated “Languages Spoken Here” sign to a significant number of poll sites.

Second, many poll inspectors and workers were not familiar with the Voting Rights Act’s language requirements and their responsibilities for assisting limited English proficient voters. Poll inspectors in at least five precincts either refused to post bilingual documents or argued with monitors that they were not required to make basic voting documents available in the covered languages. ALC and ALA staff who observed county poll workers’ trainings noted that Alameda County’s curriculum provided only a brief overview of the Voting Rights Act and did not offer instructions or strategies for assisting limited English speaking voters. More in-depth training on language access issues would have helped poll workers understand their duties and prepared them to serve these voters. By contrast, San Francisco provided a much more robust training on language assistance issues to its election workers, and its election-day performance in this area was considerably better.

Third, the county Registrar of Voters office failed to provide a complete set of bilingual materials and signage to many poll sites. A number of poll inspectors told monitors that they did not receive translated provisional ballot envelopes, how-to-vote instruction cards, or voter hotline documents. Many of these same sites also did not receive the “Languages Spoken Here” signs or language identification badges described above.

Fourth, the county deployed relatively few Chinese-speaking poll workers to sites with high concentration of Chinese American voters. Only 39 of the 64 observed sites had bilingual Chinese-speaking

elections workers, leaving out several precincts that had large numbers of these voters. For example, *Precinct 300150* had 373 registered voters with Chinese surnames, representing 41 percent of all registered voters. Similarly, *Precinct 835310* had 170 registered voters with Chinese surnames, representing 15% of all registered voters. However, no bilingual Chinese poll workers were present at either poll site. Nor were there any bilingual Chinese poll workers at *Precinct 836510*, where Chinese Americans made up 24 percent of the registered voters (the county had assigned a student bilingual poll worker to the site, but the individual was a “no show” during the monitors’ visit). These results suggest that the county needs to increase its efforts to recruit and hire more Chinese-speaking poll workers.

Fifth, the county’s Registrar of Voters office was not responsive to many of the problems that this project brought to its attention on election day. Over the course of the day, ALC staff left multiple messages with the Registrar’s office. By contrast, other county elections offices were much more responsive to addressing problems identified by this project’s poll monitors.

San Mateo County

Like Alameda, San Mateo County experienced challenges in making its voting systems accessible to limited English proficient

citizens. Its performance on the quantitative measures was relatively poor. About one-quarter of its poll sites with bilingual workers did not display the translated “Languages Spoken Here” signs. Only half of its sites displayed the basic voting materials in the covered languages, and many of its bilingual poll workers did not wear badges to identify their languages.

Monitors noted that the county assigned only a small number of bilingual, Chinese-speaking poll workers (21) to the observed poll sites. Less than half of these sites had a bilingual poll worker (14 out of 30). Several precincts with significant numbers of Chinese



American voters did not have bilingual poll workers present (e.g., *Precinct 1403* had 205 registered voters with Chinese surnames, representing 12.3 percent of all registered voters, but no bilingual Chinese poll workers were assigned to this site). Monitors also observed at least one bilingual worker who had difficulty communicating with Chinese-speaking voters, raising concerns about the county's ability to assess the language skills of its bilingual workers.

Finally, the county should be concerned that poll workers at *Precinct 1506* made a serious mistake in asking all voters to provide proof of identification. If their actions had gone unchecked, they could have prevented a number of residents from voting. The incident suggests that poll workers may need additional training on when voter identification is required.

Santa Clara County

Santa Clara County was the only county in this study that was required to provide language assistance in four non-English languages – Spanish, Chinese, Vietnamese, and Tagalog. Although its performance was far from perfect, the county handled the challenge of providing multilingual language assistance relatively well. In particular, county elections officials deployed large numbers of bilingual poll workers to poll sites where Asian American voters were concentrated.



However, the county's performance in several areas could be improved. First, only 65 percent of its poll sites with bilingual workers posted multilingual signage. Several poll inspectors indicated that they did not receive these translated signs from the central office, while others forgot to display them. Monitors noted that the signage used by Santa Clara was very small, and in many cases had only "Welcome" printed in the covered languages. To ensure that limited English proficient are aware that in-language assistance is available, the county should increase the size of its multilingual signs and indicate which languages are spoken at a particular poll site. The

"Languages Spoken Here" sign used by the other counties is a better alternative.

Second, only a slight majority of the county's poll sites displayed the basic voting documents in the covered languages – 48 percent did not post all of the translated documents. The most frequently overlooked translated materials were documents describing provisional voting (almost a fifth of the sites did not display this information in a covered Asian language) and voting instruction (missed by 14 sites). Voting materials in Vietnamese and Tagalog were omitted at many sites. Understanding this pattern of omission will allow the county to address these shortcomings in its future poll workers trainings. In addition, the county may need to do a better job of providing poll workers with translated materials and signage. A number of poll inspectors reported that the Registrar of Voters' office did not give them a complete set of translated materials.

Third, the Registrar of Voters did not make available placards or flyers describing the county's voter hotline and telephone number. Only those voters who read the Voters Bill of Rights or asked poll workers for the hotline number would have known how to reach the central office during election day. As described above, the hotline is particularly important for limited English speaking voters who encounter problems at the polls or who cannot communicate with election workers. The Law Foundation of Silicon Valley's poll monitoring of the county during the November 2008 election uncovered this problem,²² but Santa Clara County elections officials have yet to address it.

Fourth, Santa Clara was the only county in which poll workers at multiple sites refused to allow the project's monitors to observe the voting. Even when monitors produced a letter from the Registrar's office granting them permission to observe voting practices at the poll sites, three poll inspectors still insisted that they leave. Because elections monitoring is an important element in ensuring the integrity of the voting process, the county should make sure that its poll workers are better informed of the rules permitting observers to monitor election operations.

RECOMMENDATIONS

This project's findings demonstrate the need to continue improving voting access for limited English speaking citizens in the Bay Area. Although the four counties experienced a range of challenges, most of their deficiencies can be addressed through relatively simple improvements in planning, logistical coordination, and training.

Recommendations on how these four counties can improve their language assistance programs are outlined below.

IMPROVE POLL WORKER TRAININGS

The most important element of any election is the personnel who interacts with the public. Poll workers need to be trained about voting laws thoroughly to ensure that they operate poll sites effectively and understand how to help voters. Staff from this monitoring project observed poll worker trainings in San Francisco, Alameda, and San Mateo held prior to the November 2010 election. In these trainings, the elections officials usually spent less than five minutes discussing Voting Rights Act issues and how to implement a county's language assistance policies. With the exception of San Francisco, the trainings did not even describe the most common language-related problems that arise on election day and strategies for addressing them.

Although poll worker trainings must deal with many issues, this project's findings suggest that counties can improve their language assistance programs significantly if more poll workers understand how to implement the Voting Rights Act requirements. Specifically, these trainings should:

- Provide an overview of Sections 203 and 208 of the Act;
- Emphasize the importance of posting signs at poll sites to indicate that assistance is available in specific languages;
- Identify a specific set of translated voting materials that should be displayed and made visible to the public;

- Offer strategies for setting up poll sites so that translated materials and signage can be easily displayed;
- Provide examples of frequently encountered problems or challenges and recommended tactics.

The problems that poll workers experienced with voter identification, voting booth access and provisional ballot issues suggest that these topics also deserve more attention at election worker trainings. Specifically, the workers should understand

- when voters are required to provide identification;
- when voters should be offered an opportunity to use a provisional ballot; and
- the requirement that all poll sites have at least one voting booth that is accessible for people with disabilities.

MAKE TRANSLATED MATERIALS AND SIGNS VISIBLE AND ACCESSIBLE TO VOTERS

The first step in accomplishing this goal is to develop a system for delivering a complete set of translated materials to all poll sites, including signage and basic documents that should be displayed. With the possible exception of San Francisco, the counties all experienced problems delivering translated materials to the poll site and getting poll workers to display them. Some elections agencies have developed creative ways remind poll workers to post multilingual documents. For example, translated materials can be color-coded, with documents for each language printed in a particular color.

ENSURE THAT LIMITED ENGLISH PROFICIENT VOTERS CAN CONTACT THE CENTRAL ELECTIONS OFFICE BY DISPLAYING THE VOTER HOTLINE INFORMATION IN THE COVERED LANGUAGES

Providing information about the county's voter hotline in the covered languages is especially important. Displaying this information at the polls ensures that limited English proficient voters can obtain assistance in their language when poll workers cannot communicate with them, are too busy, or are ineffective in addressing their concerns. Santa Clara County, which did not display this information except in the text of the Voters Bill of Rights, should create a placard or handout in the covered languages for its next election.

IMPROVE ORAL LANGUAGE ASSISTANCE TO LIMITED ENGLISH SPEAKING VOTERS

Several counties experienced difficulties in providing oral assistance at the polls and would benefit from hiring additional bilingual poll workers. To improve in this area, elections agencies need to develop implementation plans for recruiting and training a sufficient number of qualified bilingual poll workers. Key elements include:

- *Working with community organization and ethnic media to increase recruitment of bilingual poll workers.* Targeted outreach efforts through ethnic media or organizations that work with the language minority can be especially effective.
- *Recruiting additional bilingual poll workers who are on standby during election day.* During every election, a small portion of poll workers do not appear, or some sites experience unusually high demand for bilingual services. Employing additional poll workers who can be assigned on election day based on need can help counties deal with unexpected developments. For example, during the November 2, 2010 election, the San Francisco Department of Elections assigned 25 Chinese-speaking and 20

Spanish-speaking poll workers to standby duties.

- *Developing simple tests for assessing the language skills of bilingual poll workers in English and their Section 203 language.* Bilingual poll workers need to be proficient in both languages to do their job well. Elections offices also should prepare a glossary of translated election terms to ensure that their bilingual workers use correct and consistent language in communicating with voters.
- *Prioritizing bilingual poll worker assignments in precincts where their language skills are most likely to be used.* Past experience suggests that a comprehensive assessment is the most effective way to predict where bilingual poll workers are needed. Factors that elections agencies should consider in making assignments include: the number of voter requests for election materials in a covered language, voters' country of origin analysis, voter surname analysis, census data, input from community organizations, or previous election experiences.
- *Providing language identification badges or name tags to bilingual poll workers* to ensure that limited English speakers know who to approach for assistance on election day.

MONITOR LANGUAGE ASSISTANCE PERFORMANCE ON ELECTION DAY

The four Bay Area county elections agencies deploy field deputies to assist poll workers and to monitor precincts on election day. Their responsibilities should include determining whether poll sites are accessible to limited English speaking voters who speak a covered language. For example, they can use a checklist to determine whether poll sites display all of the required translated materials. They also can observe how poll workers interact with limited English speaking voters to identify and address any problems. By incorporating language assistance issues

into field deputies' monitoring responsibilities, county elections offices can reduce the likelihood that limited English proficient residents will experience problems when voting.

ENSURE THAT INDEPENDENT POLL MONITORS CAN OBSERVE FUTURE ELECTIONS

Many of the monitors from this project contributed to the election operations in the four counties by identifying problems and notifying elections officials (who often took corrective actions promptly). They could not have made these observations without access to poll sites. County elections officials should ensure that this access will be available in future elections. They should indicate clearly in poll worker trainings that monitors are permitted to observe election procedures, and should not be removed unless their presence or behavior interferes with election operations.

Beyond fulfilling their responsibilities on election day, county officials also should work with interested organizations and ethnic media year around to develop outreach and education programs that promote voting in language minority communities. Many of the groups that participated in this monitoring project address electoral issues and would welcome the opportunity to work more closely with public officials to increase electoral participation in their communities. These collective efforts to facilitate civic participation and to engage new voters, can help create a stronger and more inclusive democracy in the Bay Area.

ENDNOTES

- ¹ Section 203 of the Voting Rights Act applies to jurisdictions in which the limited English proficient voting-age- citizen population of any single language group (1) exceeds 10,000 individuals or represents more than five percent of all voting-age citizens, and (2) has an English literacy rate that is higher than the national average.
- ² The source of the voter registration information in Santa Clara and San Francisco counties is Political Data, Inc., a private company that provides voter information to political campaigns and pollsters. The data was downloaded on January 20, 2011 from <http://www.politicaldata.com/Pages/ReportCount.aspx>.
- ³ 42 U.S.C. § 1973aa-1a(a).
- ⁴ Covered language minorities are limited to American Indians, Asian Americans, Alaskan Natives, and Spanish-heritage citizens - the groups that Congress found to have faced language-related barriers in the political process at the time Section 203 was enacted.
- ⁵ 28 C.F.R. Part 55.
- ⁶ U.S. Department of Justice, "About Language Minority Voting Rights," available at http://www.justice.gov/crt/voting/sec_203/activ_203.php#legalreq (accessed Jan. 5, 2011).
- ⁷ A detailed explanation of Section 203 requirements is available at the U.S. Department of Justice's website at <http://www.justice.gov/crt/voting/28cfr/55/28cfr55.pdf> (accessed Jan. 6, 2011).
- ⁸ 42 U.S.C. Section 1973aa-6. The individual providing assistance, however, cannot be a representative of their employer or union.
- ⁹ Individual citizens also can bring lawsuits to enforce most sections of the Voting Right Act, including Section 203.
- ¹⁰ *United States v. Alameda County, CA*, Settlement Agreement and Order (N.D. CA 1996).
- ¹¹ *United States v. City and County of San Francisco, CA* (N.D. Cal. 1978).
- ¹² California Elections Code Sections 2103 and 13203 (recruit bilingual deputy registrars and election workers); Section 14201 (post ballots and voting instructions in Spanish and other applicable languages).
- ¹³ Ranked choice or instant run-off voting systems allow voters to rank candidates for a public office in the order of preference. For more information about these systems, see http://en.wikipedia.org/wiki/Instant-runoff_voting (accessed January 21, 2011).
- ¹⁴ The Help America Vote Act, Pub. L. 107-252, requires local election officials to offer individuals determined to be ineligible to vote at a specific precinct (such as those not found on the voter roster), the opportunity to cast a provisional ballot. After the election, officials determine if the voter was eligible, and if so, count the vote toward the election results. The law also requires election officials to notify these voters of whether their ballots are counted.
- ¹⁵ These requirements are found in Section 303(b) of the Help America Vote Act (HAVA), Pub. L.107-252.
- ¹⁶ Barreto, Matt, Stephen Nuno, & Gabriel Sanchez (2007). *Voter Id Requirements And The Disenfranchisements Of Latino, Black And Asian Voter*, presented at the American Political Science Association Annual Conference, available at http://brennan.3cdn.net/63836ccea55aa81e4f_hlm6bhkse.pdf (accessed Jan. 21, 2011).
- ¹⁷ These included San Francisco precincts 3024, 2123, 2018, and 3344. In San Mateo, the following precincts had at least one broken electronic voting machine: 5824/5820, 5601/5602, 5653, and 5611.
- ¹⁸ In Alameda, the scanner was not working in precincts 333400 and 380700; in Santa Clara, problems with the voting equipment occurred in precincts 1871 and 1465.
- ¹⁹ However, other voters complained about inoperative machines in San Mateo County and noted that a shortage of paper ballots for voters who opted not to use the electronic voting machines caused extensive delays in voting, especially in East Palo Alto. See Hendricks, Tyche, "November Balloting under Scrutiny in San Mateo County," *The California Report*, Dec. 24, 2010, available at <http://blogs.kqed.org/governingcalifornia/2010/12/24/november-balloting-under-scrutiny-in-san-mateo-county/> (accessed Jan. 22, 2011).
- ²⁰ See, e.g., Law Foundation of Silicon Valley (2008). *Poll Monitoring Project: November 4, 2008 Presidential General Election, Preliminary Report*, available at http://www.lawfoundation.org/documents/Preliminary_Poll_Monitoring_ReportNov2008.pdf (poll monitoring of Santa Clara County precincts) (accessed Jan. 22, 2011); Asian Pacific American Legal Center & Chinese for Affirmative Action (2006). *Language Barriers to Voting: Findings from APALC and CAA's November 2006 Poll Monitoring in Los Angeles, Orange and San Francisco Counties*, available at <http://www.caasf.org/PDFs/Language%20Barriers%20to%20Voting%20APALC-CAA%20Poll%20Monitoring%20Summary%20Nov%202006.pdf> (accessed Jan. 22, 2011); National Asian Pacific American Legal Consortium et al. (2005). *Sound Barriers: Asian Americans and Language Access in Elections*, available at http://www.gcir.org/system/files/sound_barriers.pdf (poll monitoring report includes analysis of election practices in San Mateo and Santa Clara counties) (accessed Jan. 22, 2011).
- ²¹ Monitors noted that a few poll workers wrote the languages they spoke on their name tag to identify themselves to voters who were not fluent in English.
- ²² See above footnote 19.

APPENDIX A: MONITORED POLL SITES

(Alameda County - 64 Poll Sites)



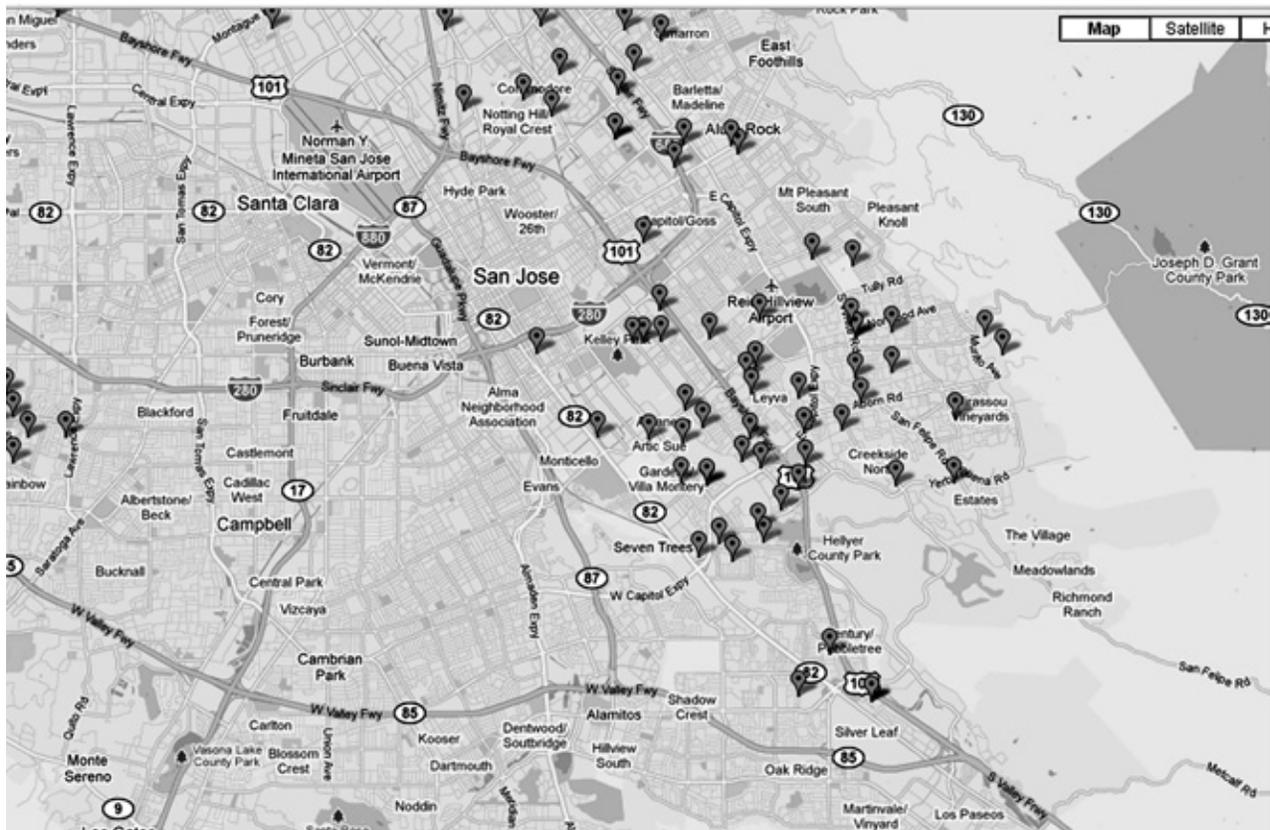


APPENDIX A: MONITORED POLL SITES (San Mateo County – 30 Poll Sites)



APPENDIX A: MONITORED POLL SITES

(Santa Clara County - 131 Poll Sites)





APPENDIX A: MONITORED POLL SITES

(San Francisco City & County - 76 Poll Sites)



APPENDIX B: MONITORS' QUESTIONNAIRE FOR ASSESSING POLL SITES

(Santa Clara County, Page 1 of 4)

SANTA CLARA



POLL MONITOR QUESTIONNAIRE

November 2, 2010 Gubernatorial General Election

PRECINCT NUMBER: _____ (complete one questionnaire per precinct)

POLL MONITOR AND POLL SITE INFORMATION

Name(s): _____ / _____ / _____

Time: In _____ Out _____

Polling Place Name: _____

Polling Place Address: _____

GETTING TO THE POLLING SITE

1) Poll site type: Individual Residence Private Business Temporary Site School City Hall
(circle one) Apartment Complex Community Center Church/Temple Library Other Public Bldg

2) Is the polling place open?

Yes No Time of arrival: _____ **(If "No," call ALA)**

3) Are there official signs posted that indicates that this is a polling place?

Yes No **(If "No," ask Poll Inspector to post sign)**

POLL INSPECTOR INTERVIEW

Please find the Poll Inspector assigned to the precinct. Introduce yourself to the Poll Inspector: "I am a volunteer poll monitor with the Asian Law Alliance. I would like to ask you a few questions. I would also like to observe the poll site." **(If there is no Poll Inspector, call ALA.)**

Please ask the Poll Inspector the following questions:

4) What time did the poll site open today? Time: _____

5a) How many poll workers were scheduled to work today? Number: _____

5b) How many poll workers are missing? Number: _____

6) Did any bilingual poll workers not show up? List which languages: _____

7) If any bilingual poll workers did not show up, ask the Poll Inspector whether he or she called Alameda Co. and asked for a replacement bilingual poll worker **(also call ALA)** Yes No

APPENDIX B: MONITORS' QUESTIONNAIRE FOR ASSESSING POLL SITES (Santa Clara County, Page 2 of 4)

SANTA CLARA

BILINGUAL POLL WORKERS

9) How many poll workers were present at the time of your visit, including Poll Inspector? Number: ___

10) To the best of your ability, collect the following information regarding bilingual poll workers:

<p>Write Number of Poll Workers Per Language</p> <p>(look at badge or ask poll workers)</p>	<p>Chinese–Dialects:</p> <p>Mandarin _____</p> <p>Cantonese _____</p> <p>Other (_____) _____</p> <p>Korean _____</p>	<p>Spanish _____</p> <p>Tagalog _____</p> <p>Vietnamese _____</p> <p>Other (_____) _____</p> <p>Other (_____) _____</p>
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11a) Were all *bilingual* poll workers wearing badges identifying them as speaking a language other than English?

- Yes, all No, only some were No, none were

11b) If “No,” did they put on a badge after you asked them to? Yes No

BILINGUAL MATERIALS CHECKLIST (*check box if displayed and if you could see them*)

12a) **Voter bill of rights** *Where are they displayed?*
 Chinese Spanish Tagalog Vietnamese English _____

12b) **Sample ballots** *Where are they displayed?*
 Chinese Spanish Tagalog Vietnamese English _____

12c) **Official Statewide Voter Information Guide** *Where are they displayed?*
 Chinese Spanish Tagalog Vietnamese English _____

12d) **How-to-vote instruction cards** *Where are they displayed?*
 Chinese Spanish Tagalog Vietnamese English _____

12e) **“Language Spoken Here” sign** *Where are they displayed?*
 Chinese Spanish Tagalog Vietnamese English _____

12f) **Cards or placards with phone no. for voter hotline** *Where are they displayed?*
 Chinese Spanish Tagalog Vietnamese English _____

12g) **Provisional ballot envelopes (or reference copies)** *Where are they displayed?*
 Chinese Spanish Tagalog Vietnamese English _____

12h) **Ballots** *Where are they displayed?*
 Chinese Spanish Tagalog Vietnamese English _____

13) If any bilingual materials are not displayed, ask the Poll Inspector or a poll worker if they can display them. What is their response?

- Displayed materials Refused to display materials (**call ALA if this happens**)
 Poll worker says that they have no bilingual materials (**call ALA if this happens**)

APPENDIX B: MONITORS' QUESTIONNAIRE FOR ASSESSING POLL SITES (Santa Clara County, Page 3 of 4)

SANTA CLARA

SET-UP INSIDE THE POLL SITE

Please draw a diagram of the poll site showing:
(be sure to indicate any obstacles in the voters' view of signs, materials or interpreters/poll workers)

- entrance
- voting booths
- poll worker tables
- voting machines
- signs & posters
- translated materials
- poll worker seating and languages

- 14) Was there a line of voters at the poll worker table when you arrived?
 Yes No If "Yes," write in how many voters were in line: _____
- 15) How many voting booths are set up at this precinct for voters to use? Number: _____
- 16) Are all voting machines working properly?
 (DO NOT ENTER VOTING BOOTH WHEN IN USE)
 Yes No If "No," how many are out of service? Total: _____



APPENDIX B: MONITORS' QUESTIONNAIRE FOR ASSESSING POLL SITES (Santa Clara County, Page 4 of 4)

SANTA CLARA

POLL WORKER/VOTER INTERACTIONS *[spend at least 30 minutes]*

Actual Time Observed: _____ minutes

Keep a running tally of the people you observe in each category:

||||

Number of voters who are...	Asian/Pacific Islander	Latino	African American	White	Unknown
➤ voted regular ballot					
➤ voted provisionally					

Of the voters you saw above, how many...

	Asian/Pacific Islander							Latino	African American	White	Unknown
➤ experienced a problem voting											
➤ needed assistance in language other than English	Ch	Fil	Kor	Viet	So.	As.	Other				

LANGUAGE ASSISTANCE

17) How did the poll workers interact with voters who needed language assistance?
(check all boxes that are appropriate)

- Actively approached voters
 Treated voters cordially
 Too busy to help
 Waited for voters to approach or request
 Treated voters rudely (poll worker name _____)

Describe what kind of assistance poll workers provided, if any:

PROBLEMS WITH VOTING

If you see voters experiencing any of the following problems, please describe them below:

- Voter had problem using voting machine
 Poll site not accessible to voters with disabilities
 Voter was asked for ID unnecessarily
 Voter not allowed to use helper inside voting booth
 Voter's eligibility was challenged
 Voter treated rudely by poll worker

Describe the problem and how the poll worker handled it:

If any voter was turned away from the polls, or if any poll worker refused to give a provisional ballot to any voter, please fill out the incident report form and call ALA.



APPENDIX C: INCIDENT REPORT FORM (Alameda County)

ALAMEDA

ASIAN
LAW CAUCUS



MEMBER OF
ASIAN AMERICAN CENTER
FOR ADVANCING JUSTICE

INCIDENT REPORT FORM

November 2, 2010 Gubernatorial General Election

PRECINCT NUMBER: _____ **TIME:** _____ **REPORTED TO:** _____

POLL SITE NAME: _____

MONITOR NAME(S): _____ / _____ / _____

MONITOR PHONE NUMBER(S): _____ / _____ / _____

Time of Incident: _____

Voter Information

Full Name: _____

Telephone: _____

Address: _____

Race/Ethnicity: _____

Gender: _____

Primary Language Spoken: _____

Poll Worker Information

Name of Poll Worker(s) Involved: _____

Race/Ethnicity of Poll Worker: _____

Third Party Information

Name of Third Parties Involved: _____

Race/Ethnicity of Third Party: _____

What happened?

Where there are any witnesses? What is their contact information?



STRENGTHENING DEMOCRATIC PARTICIPATION

**Voting Access by Limited English Speaking
Asian Americans in
Alameda, San Francisco,
San Mateo, and Santa Clara Counties**

**Asian Law Alliance
184 Jackson Street
San Jose, CA 95112
T: (408) 287-9710
F: (408) 287-0864**

**Asian Law Caucus
55 Columbus Avenue
San Francisco, CA 94111
T: (415) 896-1701
F: (415) 896-1702**

To access a digital copy of this report, please visit www.asianlawalliance.org or www.alc.advancingjustice.org.