



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Agenda Item

File ID: 2022-2022

Substitute

Public Hearing: YES  NO

Department: Board of Commissioner - District 3

**SUBJECT:** The VOTE (Voting Opportunity and Translation Equity) Ordinance

**Commission District(s):** Districts 3

The VOTE (Voting Opportunity and Translation Equity) Ordinance

**Information Contact:** Larry Johnson, Commissioner District 3

**Phone Number:** 404-371-2425

**PURPOSE:** DeKalb County is committed to the values of equity, engagement, and excellence; DeKalb County complies with the Voting Rights Act, which dictates which languages are translated for ballots and voting materials. To create the multilingual language access as a standard in DeKalb County's practice for voting.

**NEED/IMPACT:** In 2020 DeKalb County was the first county in Georgia to voluntarily expanded its ballots in Spanish and Korean. This ordinance will allow for multilingual language during the voting cycles and create translation equity for all that chose to exercise their right to vote.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

To authorize the Chief Executive Officer to execute all necessary documents and approve the resolution to create multilingual language access as a standard in DeKalb County's practice for voting.

## **The VOTE (Voting Opportunity and Translation Equity) Ordinance**

**Sponsored by: Commissioner Larry Johnson**

**WHEREAS**, DeKalb County is committed to the values of equity, engagement, and excellence; and

**WHEREAS**, one in five residents of DeKalb County speaks a language other than English at home; and

**WHEREAS**, research suggests that civic engagement is a significant predictor of economic opportunity across states; and

**WHEREAS**, the United States Congress found in Section 203 of the Voting Rights Act of 1965, P.L. 94- 73, 42 U.S.C. §1973aa-1a, that, "through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process;" and

**WHEREAS**, DeKalb County complies with the Voting Rights Act, which dictates which languages are translated for ballots and voting materials; and

**WHEREAS**, the Voting Rights Act has not been updated since 1992, and only requires that covered states or political subdivisions translate voting materials in English and for persons of American Indian, Asian American, Alaskan Native or Spanish heritage who meet a threshold of 10,000 or more limited English speakers. Additionally, state or political subdivisions are only required to evaluate these numbers every ten years following the decennial census.

**WHEREAS**, research shows that targeted minority language voting materials and related outreach can improve voter turnout. According to a report by the Asian American Legal Defense and Education Fund, after coverage provided under Section 203 of the Voting Rights Act of 1965 was expanded in 1992, the number of Asian Americans registered to vote increased dramatically. As cited in the journal Legislation and Public Policy vol. 10:195 2006, "in covered areas where the Department of Justice brought section 203 enforcement actions, participation not only in voting but in running for political office increased dramatically;" and

**WHEREAS**, Section 208 of the Voting Rights Act allows voters who need assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of the employer or officer or agent of the voter's union; and

**WHEREAS**, the VRE serves as the chief election authority for the entire county, one of the most diverse counties in Georgia; and

**WHEREAS**, the right to vote is a fundamental principle of our democracy; and

**NOW, BE IT ORDAINED**, by the DeKalb County Board of Commissioners, that Chapter 22-

Elections, Article III, Language Access in Elections, Sections 22-35 through 22-41 of the DeKalb County Code, is hereby enacted as follows:

**Article III. Language Access in Elections Section**

**22-35 – Short Title**

This article shall be known and may be cited as the DeKalb County Language Access in Elections Ordinance ("Ordinance").

**Section 22-36 - Definitions**

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Voting Materials* is defined to include, but is not limited to:

1. Voter registration notices, voter registration forms, mail-in ballot request applications, voter registration instructions and new voter guides, to the extent that these materials are not already provided in the required language by the Office of the Georgia Secretary of State;
2. Print and audio ballot instruction, electronic ballot and kiosk instructions, and all other directions;
3. Local voters' pamphlets and guides, on-site instructions, rules and procedures including but not limited to individual translator and disability accommodations as required by section 208 of the federal Voting Rights Amendment; and
4. Information on the VRE's website and online properties which pertain, in any way or tangentially, to the elections, including but not limited to early and regular poll locations and instructions as well as information on current elections, candidates and elected officials, working on election day, ways to vote, and registering to vote;

*Fully Translated Ballot* is defined as printed, electronic and audio ballots, sample ballots, mail-in ballots, and all referendums, questions or votes therein;

*Signage* is defined to include, but are not limited to:

1. Signs at polling places on days of early voting or election day;
2. Directional, instructional or informational signs;
3. Name tags and other election judge and poll work identification; and
4. Language assistance signs and instructions.

**Section 22-37 – Policy**

- (a) the VRE or their designee shall review data on limited-English-proficient populations in DeKalb County and shall determine, in consultation with community leaders of limited-

English-proficient populations, each single language that has 1,500 or more limited-English-proficient DeKalb County residents. The VRE will then provide a fully translated ballot, both electronically and paper, and all translated voting materials in those determined languages in the following elections unless it is determined in a future evaluation that the group does not reach that threshold.

- (b) By September 1, 2022 and at least every three years thereafter, the VRE or their designee shall review data on limited-English-proficient populations in DeKalb County and shall determine, in consultation with community leaders of limited-English-proficient populations, each single language that has 1,500 or more limited-English-proficient DeKalb County residents. The VRE will then provide all translated voting materials in those determined languages in the following elections unless it is determined in a future evaluation that the group does not reach that threshold.
- (c) The VRE shall make this determination by referring to the best available data from the United States Census Bureau or other sources the VRE considers relevant and reliable. The VRE shall file a report of this determination per Section 22-39 [Reporting].
- (d) For all elections administered by the VRE, the VRE shall prepare voting materials and a fully translated ballot where applicable, to the extent not already provided by the Office of the Georgia Secretary of State, in languages determined through the process described in Section 22-39 [Reporting] of this ordinance, in addition to those languages required by Section 203 of the Voting Rights Act of 1965, P.L. 94-73, 42 U.S.C. §1973aa-1a, and those languages for which DeKalb County is covered in the Federal Register of Covered Areas for Voting Rights Bilingual Election Materials.

### **Section 22-38 – Scope**

- (a) This ordinance applies to voting materials and fully translated ballots for the elections of 2022 and every election thereafter.

### **Section 22-39 – Reporting**

- (a) The VRE shall submit a report annually, or add to the existing DeKalb County Post Election Report, data and information related to language access at the ballot including, but not limited to:
  - 1. The number of sample ballot requests and distributions in each language other than English, by precinct;
  - 2. The number of ballots submitted, including Early Voting, Election Day Voting, and Mail-in Ballots, in each language other than English, by precinct;
  - 3. Voting material requests and distributions, as applicable, in each language other than English, by precinct where applicable.
  - 4. Voter assistance requests and provided in each language other than English, by precinct; and
  - 5. Bilingual poll workers required and recruited in each language other than English, by precinct.
- (b) The VRE shall file a report with the DeKalb County Board of Commissioners with a determination of the languages that have 1,500 or more limited- English-proficient DeKalb

County residents.. This determination shall be made based on a review of data on limited-English-proficient populations in DeKalb County and in consultation with community leaders of limited-English-proficient populations and appropriate budgetary and other offices under the president, and also by referring to the best available data from the United States Census Bureau, the American Community Survey, voter registration and language assistance requests for materials in languages other than English, or other sources the VRE considers relevant and reliable.

1. The VRE shall file a report with the DeKalb County Board of Commissioners as above described, by September 1, 2022, and at least every three years thereafter.
2. The VRE shall file the report in the form of a paper original and an electronic copy with the DeKalb County's Clerks Office, who shall retain the original and provide an electronic copy to the Board of Commissioners. The VRE shall also ensure that the report, along with underlying data and analysis, be made available and accessible online.
3. Beginning in the first election after the VRE files the report as required by Section 22-39, Subsection B [Reporting] of this ordinance, the VRE shall provide all voting materials, signage, and fully translated ballots as required within this ordinance in all languages determined in the above-described triannual report as well as those required by Section 203 of the Voting Rights Act of 1965, P.L. 94-73, 42 U.S.C. §1973aa-1a.
4. Beginning in the first election after the Office of the VRE files the report as required by Section 22-39, Subsection B [Reporting] of this ordinance, the Office of the VRE shall post on the county elections website the polling places that will have translated ballots, sample ballots and/or bilingual poll workers and translate this content into the relevant languages.

### **Section 22-40 – Operations**

- (a) At all applicable poll locations on days of early voting and on election day, as required by this ordinance, ensure that:
  1. Bilingual poll workers wear badges that identify the languages they speak, translated in the languages that they speak;
  2. A “language assistance sign” is posted or located on the main table at each polling place staffed by bilingual poll workers that identifies the languages spoken by the poll workers present; and that sign should be translated into the relevant languages;
  3. A sign is posted at each voting booth reading, “Do you want to see a sample ballot in [insert language]? Ask a poll worker for assistance;” and that sign should be translated into the relevant languages;
  4. A sign is clearly posted addressing the fact that voters may bring individuals with them to the polls to assist in voting as required by Section 208 of the Voting Rights Act of 1965;
  5. A “vote here” sign or other signage indicating the poll location be posted outside each polling location; and that sign should be translated into the relevant languages; and
  6. The language assistance hotline number is clearly posted; and that sign should be translated into the relevant languages.

- (b) The VRE shall make voting materials available to any resident of DeKalb County upon request of that person, and in addition shall make all necessary voting materials, including voter registration materials, mail-in ballot applications, and voter guides broadly available, including to DeKalb County offices and buildings. The VRE shall make a best effort to broadly distribute the previously described voting materials to all offices of elected officials within DeKalb County, the offices of local municipal, township or county-wide government offices, the residents at the County jail, and through nonprofits and community organizations.
- (c) The VRE may make best efforts to ensure a robust, multi-lingual and culturally competent outreach and community engagement program, including, but not limited to:
  - 1. Recruiting and retaining bilingual poll workers and election judges;
  - 2. Training all judges on cultural competency, language access rules and procedures, and that voters may bring individuals with them to the polls to assist in voting as required by Section 208 Voting Rights Act of 1965; and
  - 3. Working in partnership with community leaders and organizations serving limited-English proficiency communities to engage in outreach to educate residents on their rights, and language services offered, distribute voting materials and recruit bilingual election judges.

#### **Section 22-41 – Other**

- (a) If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.
- (b) The VRE shall ensure that the cost of providing the materials and services described in this ordinance shall be considered a cost of elections.
- (c) This ordinance shall not be construed as creating any duty on the part of DeKalb County to any particular person or class of persons and the performance or non-performance of the duties specified herein shall not affect the validity of any election.