



DeKalb County Government

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

Agenda Item

September 13, 2022

File ID: 2022-2022

Substitute

Public Hearing: YES NO

Department: Board of Commissioner - District 3

SUBJECT: The VOTE (Voting Opportunity and Translation Equity) Resolution

Commission District(s): District 3

The VOTE (Voting Opportunity and Translation Equity) Resolution

Information Contact: Larry Johnson, Commissioner District 3

Phone Number: 404 371-2425

PURPOSE:

To urge the DeKalb County Board of Registration and Elections to adopt policies and procedures for the translation of elections materials beyond the current requirements of federal law to create multilingual language access as a standard in DeKalb County.

NEED/IMPACT:

In 2020 DeKalb County was the first county in Georgia to voluntarily expand its ballots in Spanish and Korean. The policies and procedures proposed in this resolution, if adopted by the DeKalb County Board of Registration and Elections, will provide for the translation of election materials and create translation equity for all that chose to exercise their right to vote.

FISCAL IMPACT:

N/A

RECOMMENDATION:

To approve the resolution urging the DeKalb County Board of Registration and Elections to adopt policies and procedures for the translation of elections materials beyond the current requirements of federal law to create multilingual language access as a standard in DeKalb County

RESOLUTION**A RESOLUTION OF THE GOVERNING AUTHORITY OF DEKALB COUNTY,
GEORGIA TO URGE THE DEKALB COUNTY BOARD OF REGISTRATION AND
ELECTIONS TO TRANSLATE ELECTIONS MATERIALS INTO LANGUAGES
OTHER THAN ENGLISH, AND FOR OTHER LAWFUL PURPOSES****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; and

WHEREAS, there is no legal prohibition against expanding the languages that are used for translating voting material; and

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 DeKalb County Board of Registration and Elections serves as the chief election authority for the entire county, and has jurisdiction over the conduct of primaries and elections and the registration of electors in DeKalb County, one of the most diverse counties in Georgia; and

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

WHEREAS, the Governing Authority of DeKalb County believes that further research into, and the adoption of, policies and procedures for the translation of election materials beyond what is required under the Voting Rights Act will facilitate the delivery of democracy to citizens with limited English proficiency who wish to participate in the electoral process.

NOW, THEREFORE BE IT RESOLVED BY THE DEKALB COUNTY GOVERNING AUTHORITY IN THE STATE OF GEORGIA, AS FOLLOWS:

1. That the DeKalb County Board of Registration and Elections is urged to consider the adoption of policies and procedures related to the translation of election materials set out herein; and
2. That the cost of providing the materials and services described in the proposed policies and procedures below, if adopted by the DeKalb County Board of Registration and Elections, shall be considered an expense of conducting elections;
3. That the Executive Assistant or his designee deliver a copy of this Resolution to each member of the DeKalb County Board of Registration and Elections and to the Executive Director of the Department of Voter Registration and Elections.

Proposed Policy and Procedures for the Translation of Voting Materials

- (a) 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 herein, 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.
- (b) By September 1, 2023, and at least every three years thereafter, the Department of Voter Registration and Elections (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 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, each single language group that has 1,500 or more limited-English-proficient DeKalb County residents. The VRE will then provide a fully

translated ballot and voting materials in those determined languages in all subsequent elections unless it is determined in a future evaluation that an identified language group no longer includes at least 1,500 residents.

- (c) At all applicable poll locations during Advance Voting and on Election Day, the VRE shall 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 is 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 is 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 is translated into the relevant languages; and
 6. The language assistance hotline number is clearly posted and translated into the relevant languages.
- (d) 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 at 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.
- (e) 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;
 2. Training all poll workers 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 of the 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 poll workers.
- (f) The VRE shall publish a report by September 1, 2023 and annually thereafter, listing data and information related to language access at the ballot including, but not limited to:
1. The language groups that have 1,500 or more limited- English-proficient DeKalb County residents as determined by the VRE pursuant to the procedures set forth herein;

2. The number of sample ballot requests and distributions in each language other than English, by precinct;
3. The number of ballots submitted, including during Advance Voting, Election Day Voting, and Absentee Ballots submitted in person or by mail, in each language other than English, by precinct;
4. Voting material requests and distributions, as applicable, in each language other than English, by precinct where applicable;
5. Voter assistance requests and provided in each language other than English, by precinct; and
6. Bilingual poll workers required and recruited in each language other than English, by precinct.

(g) The VRE shall make the report, along with underlying data and analysis, available online and upon request, in hard copy.

(h) Beginning in the first election after the VRE publishes the annual report as required by 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.

ADOPTED by the Board of Commissioners of DeKalb County, this _____ day of _____, 2022.

ROBERT J. PATRICK
 Presiding Officer
 Board of Commissioners
 DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of _____, 2022.

MICHAEL L. THURMOND
 Chief Executive Officer
 DeKalb County, Georgia

ATTEST:

APPROVED AS TO FORM:

BARBARA NORWOOD-SANDERS, CCC

VIVIANE H. ERNSTES

Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

County Attorney Chief