



LATINX VOTING RIGHTS

CURRENT LANDSCAPE OF LATINX VOTING RIGHTS

Language barriers and language assistance inside polling places:

- Although there is a requirement in Section 203 of the Voting Rights Act (VRA) for language assistance in communities with large non-English speaking populations, defined by the VRA as a language minority that exceeds five percent of the voting population or over 10,000 voters. In these communities, the jurisdiction must provide election materials and polling place assistance in that language. Unfortunately, in many situations language assistance either at the polling site or in the ballot materials has not been made consistently or reliably available. In addition, many poll workers are not aware of or do not comply with this provision of federal law.
- In addition to the language assistance requirement, Section 208 of the VRA allows a voter unable to read the ballot to gain assistance in voting from a person of their choosing. This means that even in jurisdictions outside of the threshold for language assistance, voters with difficulty reading English are entitled to voting assistance from a person of their choosing.
- In cases where these requirements have not been met in the past, the Civil Rights Division of the Department of Justice has filed litigation to require enforcement.

Voter ID laws:

- Voter ID laws are becoming increasingly prevalent across the nation. The trend has become clear: conservative politicians create a false narrative around voter fraud, then pass restrictive voter ID laws to disenfranchise low-income people, people of color, young people, and other groups likely to vote Democratic.
- The specifics of what types of ID are accepted under each law vary from state to state, and research shows that 1 in 5 voters is unaware of what ID is required. Voters may be misinformed and think that only a driver's license is accepted, when in reality they may possess another acceptable document. When restrictive ID laws are passed, voter education is crucial so that voters feel empowered and prepared when they go to the polls.

Registration barriers:

- Through restrictive laws requiring deputization or special authorization, states like Texas and Wisconsin have almost outlawed voter registration drives. Other states, such as Kansas and Arizona, require proof of citizenship documents in order to register to vote. For citizens without access to a computer, reliable transportation, or a driver's license or ID card, registering to vote may require several trips to their local elections office. For elderly people, people with mobility challenges, and low-income people, these barriers may prevent them from ever registering.

PROBLEMS AFFECTING LATINX VOTERS AND SOLUTIONS:

The DNC has partnered and will continue to partner with Latinx communities to address continuing impediments to Latinx voting. There are solutions and by working collaboratively we can address the barriers.

1. Where voters may need assistance, where poll workers do not speak Spanish, and where polling materials not available in Spanish:

- Petition counties to hire bilingual election workers so that voters feel comfortable speaking their own language at the polls. Some state laws allow county political parties to nominate poll workers. This is an opportunity to organize with your county Democratic Party to get community representatives appointed as official poll workers.

1. <https://www.nytimes.com/2016/09/17/us/some-republicans-acknowledge-leveraging-voter-id-laws-for-political-gain.html>

2. <http://www.pewresearch.org/fact-tank/2016/10/24/many-americans-unaware-of-their-states-voter-id-laws/>



- Check if your jurisdiction is required to provide election materials in Spanish. Federal law requires jurisdictions covered by the Voting Rights Act to provide election materials in a language other than English if the language group is at least 5% of the population or has at least 10,000 members in the jurisdiction. If you think your locality is not in compliance with this requirement, you can share this brochure from the Justice Department on practical steps for achieving compliance with them, www.justice.gov/crt/language-minority-citizens, or you can file a complaint with the Civil Rights Division of the Department of Justice.
- Publicize voters' right to have assistance when voting. Federal law allows voters to bring a person of their choice into the voting booth to assist them in casting their ballot. Voters can also ask poll workers for help.
- Publicize a way for voters to call for help. The DNC's Civic Engagement and Voter Protection Department operates a year-round voter protection hotline that voters can turn to for answers and assistance. Call us at 1-833-DEM-VOTE (1-833-336-8683).

2. Encountering voter intimidation at the polls:

- Print 'Know Your Voting Rights' literature in Spanish and distribute it in the community and at polling places will help voters be prepared for the polls. The DNC will be providing a Know Your Voting Rights graphic and handout in English and Spanish.
- Work with your local election officials to hire poll workers from the community. Having familiar faces at polling places can make voters more comfortable in what may be an unfamiliar situation.
- Work with your state party and campaigns to place poll observers at precincts where there might be issues. Having a strong voter protection program on Election Day is invaluable for solving issues in polling places.

3. Voter ID laws:

- Connect people to resources for free ID. Some states that require a form of voter ID have services to help people get a free ID just for voting. Organizations like Spread the Vote work with people to get them free, real ID cards.
- Educate voters on the ID laws in their state. There is a lot of confusion surrounding voter ID laws, and voters may not be aware that they have an ID they are able to vote with. Preparing them and educating them on what to bring to the polls is key.

4. Closures of polling places in heavily Latinx districts:

- Work with campaigns and partners to create a "rides to the polls" program to make it easier for rural voters and voters without reliable transportation.
- Encourage voters to apply for and return mail-in absentee ballots. Depending on your state's laws, you might be able to organize a ballot collection program to ensure voters' absentee ballots are returned on time.
- Provide information on where and when early voting or absentee in-person voting is available so that voters have more options than just on Election Day (if applicable to your state). If voting ahead of Election Day is limited to a few locations, there are examples of communities that have successfully argued for more locations and extended hours.
- Determine if there are enough registered voters in one area to force the county to create a new precinct and polling location to serve them. This may involve organizing a voter registration effort to meet the threshold number of registered voters to require a new precinct as well as researching your state's requirements for creating a precinct.

3. https://www.huffingtonpost.com/latino-decisions/latino-voters-continue-to_b_12638110.html

4. <https://www.justice.gov/crt/about-language-minority-voting-rights>



LITIGATION ON BEHALF OF LATINX VOTING RIGHTS:

Feldman v. Arizona Secretary of State's Office: The DNC is challenging Arizona H.B. 2023, which allows Arizona to charge individuals who deliver mail-in ballots on behalf of another person with a Class-6 felony. Under the law, only family members, household members, or caregivers are eligible to turn in mail-in ballots on behalf of voters. This especially limits the ability of voters in minority communities, voters in rural areas, and voters who lack access to transportation to exercise their right to vote. Arizona's restrictions on ballot collection place severe burdens on voters who may have trouble traveling to their polling place or mailing their ballots back. In his dissent, Chief Judge Sidney R. Thomas of the U.S. Court of Appeals for the Ninth Circuit stated that Arizona's law against ballot collection had "criminalized one of the most popular and effective methods by which minority voters cast their ballots." Although Republicans claim that the law is aimed at reducing voter fraud, there have been no instances of fraud due to ballot collection. Instead, by limiting how voters may submit their ballots, Arizona has made voter suppression the law. For example, the rural communities of Somerton and San Luis, AZ have populations that are over 95% Latino, but the community lacks home mail delivery. Before H.B. 2023, it was common for Somerton residents to pick up and drop off mail for their neighbors, however after the law, these voters are left with fewer options and their communities are unable to help. It is more crucial than ever in Arizona to ensure that voters have access to the ballot box by mail, and the DNC is working to protect that right.

DNC RESOURCES:

- Permanent National Voter Hotline: In 2017 we launched a permanent voter hotline at the DNC that's open and answered year-round. In addition to our normal hours, we expand the hotline's capacity when states request support on Election Days. We have DNC staff who are able to assist Spanish speaking voters. Call us at 1-833-DEM-VOTE (1-833-336-8683).
- IWillVote.com: This website is now a one-stop shop for registering to vote and updating your voter registration in every state. At a state party's request, we can add polling locations for upcoming elections.

For more information about the DNC's Civic Engagement and Voter Protection Department, call us at 1-833-DEM-VOTE (1-833-336-8683).

5. A.R.S. § 16-1005 (H)-(I)

6. *Feldman* 840 F.3d 1057 at 395.

7. *Associated Press, Appeals Court Upholds Arizona 'Ballot Harvesting' Ban*

8. *Feldman* at 59.