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HOUSE BILL NO. 228

Offered January 11, 2006

Prefiled January 3, 2006

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 24.2 a section numbered 24.2-101.1, relating to elections; materials and ballots in non-English translations.

Patrons—Jones, D.C. and Dance

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 1 of Title 24.2 a section numbered 24.2-101.1 as follows:

§ 24.2-101.1. Materials and ballots in non-English translations.

A. The electoral board of any county, city, or town may provide elections materials and ballots in non-English translations.

B. On and after July 1, 2007, a covered county, city, or town shall provide elections materials and ballots in non-English translations. By January 1, 2007, the State Board of Elections shall provide a list of covered counties, cities, and towns based on available United States Census data and other available information and on the following criteria: (i) more than 3% of the citizens of voting age of the county, city, or town, are members of a single language minority and are limited English proficient; or (ii) more than 5,000 citizens of voting age of a county, city, or town are members of a single language minority and are limited English proficient; and (iii) the illiteracy rate of the citizens in the language minority as a group is higher than the national illiteracy rate.

C. Whenever any covered county, city, or town provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language.

D. As used in this section:

"Voting materials" means registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots.

"Limited-English proficient" means unable to speak or understand English adequately enough to participate in the electoral process.

"Citizens" means citizens of the United States.

"Illiteracy" means the failure to complete the 5th primary grade.

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