

Department of Planning and Budget

2019 Fiscal Impact Statement

1. Bill Number: HB2774

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Tran

3. Committee: Privileges and Elections

4. Title: Minority language accessibility; voting and election materials.

5. Summary: Requires the State Board of Elections to prescribe, and a covered locality to provide, voting and election materials in languages other than English. A county, city, or town is designated by the State Board as a covered locality if the State Board determines, in consultation with the Director of the Census, based on the 2010 American Community Survey census data and subsequent American Community Survey data in 5-year increments, or comparable census data, that (i) either (a) more than five percent of the citizens of voting age of such county, city, or town are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process, (b) more than 10,000 of the citizens of voting age of such county, city, or town are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process, or (c) in the case of a county, city, or town containing all or any part of an Indian reservation, more than five percent of the American Indian citizens of voting age within the Indian reservation are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process, and (ii) the illiteracy rate of the citizens of the language minority as a group is higher than the national illiteracy rate.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary; see Item 8.

8. Fiscal Implications: The bill requires the State Board of Elections (SBE) to prescribe voting and election materials in languages other than English for use by localities for which more than five percent or 10,000 of the citizens of voting age are members of a single language minority and unable to speak or understand English adequately enough to participate in the electoral process and for which the illiteracy rate of citizens of such a group is higher than the national average. The cost for the Department of Elections (ELECT) to provide the required voting and election materials in languages of all language minority groups meeting the designated criteria within a locality of the Commonwealth is not currently known, according to the agency, and would depend on the number of different language minorities meeting the given criteria.

ELECT currently provides limited election materials in Spanish and supports and encourages localities to share election material in other languages. Currently, Fairfax offers the largest library of languages for the Commonwealth.

The Voting Rights Act contains language minority provisions requiring localities to comply with similar requirements, as determined by the Census Bureau based upon a similar formula set out in the Voting Rights Act. However, covered language minorities are limited to American Indians, Asian Americans, Alaskan Natives, and Spanish-heritage citizens - the groups that Congress found to have faced barriers in the political process. The most recent determinations for Section 203 were made on December 5, 2016, and most of Virginia does not meet the criteria for language minority groups per Section 203 of the Voting Rights Act.

9. Specific Agency or Political Subdivisions Affected: Virginia Department of Elections, State Board of Elections, and localities.

10. Technical Amendment Necessary: No.

11. Other Comments: None.