

Department of Planning and Budget 2020 Fiscal Impact Statement

1. **Bill Number:** HB1210-E

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute 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 five-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. The bill also allows the State Board to make available voting and election materials in any additional languages other than those required as it deems necessary and appropriate. The State Board may accept voting and election materials translated by volunteers but shall verify the accuracy of such translations prior to making the translated materials available to a county, city, or town, or any voter.

As engrossed, the provisions of the bill shall not become effective until September 1, 2021.

6. **Budget Amendment Necessary:** No.

7. **Fiscal Impact Estimates:** Indeterminate, 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 groups meeting the designated criteria provided 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.

The cost for the Department of Elections (ELECT) to provide the required voting and election materials in languages of all minority groups meeting the designated criteria within a locality of the Commonwealth is not currently known, and would depend on the number of different language minorities meeting the given criteria. The number of different language minorities that would meet the given criteria is unknown. As stand-alone legislation, ELECT is expected to be able to absorb the cost of providing additional election materials in the languages currently available in addition to expanding the currently available languages to some extent. However, if a large number of additional languages were to be required based on the given criteria, additional resources may be needed.

ELECT currently provides limited election materials in languages other than English and supports and encourages localities to share election material in other languages. Currently, Fairfax County 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 formula set out in the Voting Rights Act. 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 General Registrars.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 2/12/2020