

HOUSE BILL 563

G1

4lr1503

By: **Delegate Mireku–North**

Introduced and read first time: January 24, 2024

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Local Boards of Elections – Language–Related Assistance**

3 FOR the purpose of requiring the State Board of Elections to determine whether there is a
4 significant and substantial need for language–related assistance in certain
5 languages by a local board of elections during an election based on certain criteria;
6 requiring local boards to provide certain language–related assistance and materials
7 in voting and elections to certain voters in certain languages; requiring the State
8 Board to establish a telephone interpreter hotline; and generally relating to
9 language–related assistance.

10 BY adding to

11 Article – Election Law

12 Section 15.5–101 through 15.5–106 to be under the new title “Title 15.5.
13 Language–Related Assistance”

14 Annotated Code of Maryland

15 (2022 Replacement Volume and 2023 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Election Law**

19 **TITLE 15.5. LANGUAGE–RELATED ASSISTANCE.**

20 **15.5–101.**

21 **(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE STATE BOARD**
22 **SHALL DETERMINE WHETHER THERE IS A SIGNIFICANT AND SUBSTANTIAL NEED**
23 **FOR LANGUAGE–RELATED ASSISTANCE IN ONE OR MORE LANGUAGES OTHER THAN**
24 **ENGLISH BY A LOCAL BOARD DURING AN ELECTION.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) THE STATE BOARD SHALL DETERMINE THAT A SIGNIFICANT AND**
2 **SUBSTANTIAL NEED FOR LANGUAGE-RELATED ASSISTANCE BY A LOCAL BOARD**
3 **DURING AN ELECTION EXISTS IN A COUNTY IF, BASED ON THE BEST AVAILABLE**
4 **DATA, INCLUDING INFORMATION FROM THE U.S. CENSUS BUREAU'S AMERICAN**
5 **COMMUNITY SURVEY OR DATA OF COMPARABLE QUALITY COLLECTED BY A PUBLIC**
6 **OFFICE:**

7 **(1) MORE THAN 2%, BUT IN NO INSTANCE FEWER THAN 100**
8 **INDIVIDUALS, OF THE VOTING AGE POPULATION OF THE COUNTY:**

9 **(I) SPEAK A PARTICULAR LANGUAGE OTHER THAN ENGLISH;**

10 **(II) DOES NOT SPEAK ENGLISH AS THEIR PRIMARY LANGUAGE;**
11 **AND**

12 **(III) SPEAKS, READS, OR UNDERSTANDS THE ENGLISH**
13 **LANGUAGE LESS THAN "VERY WELL", AS REPORTED IN AVAILABLE U.S. CENSUS**
14 **BUREAU DATA OR DATA OF COMPARABLE QUALITY COLLECTED BY A PUBLIC**
15 **OFFICE; OR**

16 **(2) MORE THAN 4,000 INDIVIDUALS OF THE VOTING AGE POPULATION**
17 **OF THE LOCAL GOVERNMENT SPEAK A PARTICULAR LANGUAGE OTHER THAN**
18 **ENGLISH AND ARE LIMITED ENGLISH PROFICIENT.**

19 **(C) THE STATE BOARD MAY ADOPT REGULATIONS THAT ESTABLISH**
20 **ADDITIONAL CRITERIA FOR DETERMINING WHETHER A SIGNIFICANT AND**
21 **SUBSTANTIAL NEED FOR LANGUAGE-RELATED ASSISTANCE BY A LOCAL BOARD**
22 **DURING AN ELECTION EXISTS IN A COUNTY.**

23 **15.5-102.**

24 **(A) ON OR BEFORE JANUARY 1, 2025, AND EVERY 2 YEARS THEREAFTER,**
25 **THE STATE BOARD SHALL PUBLISH AND MAINTAIN ON ITS WEBSITE A LIST OF:**

26 **(1) EACH LOCAL BOARD THAT IS REQUIRED TO PROVIDE**
27 **LANGUAGE-RELATED ASSISTANCE IN A LANGUAGE OTHER THAN ENGLISH; AND**

28 **(2) THE TYPE OF LANGUAGE-RELATED ASSISTANCE THAT IS**
29 **REQUIRED TO BE PROVIDED BY THE LOCAL BOARD.**

1 **(B) THE STATE BOARD SHALL DISTRIBUTE THIS LIST TO EACH LOCAL**
2 **BOARD IN TIME TO ALLOW LOCAL BOARDS TO PROVIDE LANGUAGE-RELATED**
3 **ASSISTANCE UNDER § 15.5-103 OF THIS TITLE.**

4 **15.5-103.**

5 **(A) A LOCAL BOARD SHALL PROVIDE LANGUAGE-RELATED ASSISTANCE**
6 **AND MATERIALS IN VOTING AND ELECTIONS TO LIMITED ENGLISH PROFICIENT**
7 **VOTERS IN EACH LANGUAGE DESIGNATED BY THE STATE BOARD UNDER § 15.5-101**
8 **OF THIS TITLE.**

9 **(B) WHENEVER THE STATE BOARD DETERMINES THAT**
10 **LANGUAGE-RELATED ASSISTANCE SHALL BE PROVIDED BY A LOCAL BOARD, THE**
11 **LOCAL BOARD SHALL PROVIDE COMPETENT ASSISTANCE AND PHYSICAL AND**
12 **ONLINE VOTING MATERIALS IN EACH DESIGNATED LANGUAGE UNDER § 15.5-101 OF**
13 **THIS TITLE.**

14 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
15 **FOR EACH DESIGNATED LANGUAGE UNDER § 15.5-101 OF THIS TITLE, THE**
16 **LANGUAGE-RELATED ASSISTANCE AND MATERIALS SHALL INCLUDE:**

17 **(I) REGISTRATION AND VOTING NOTICES;**

18 **(II) ELECTION-RELATED FORMS AND INSTRUCTIONS;**

19 **(III) SIGNAGE AT ALL EARLY VOTING CENTERS AND POLLING**
20 **PLACES IN DESIGNATED LANGUAGES NOTIFYING VOTERS THAT LANGUAGE**
21 **ASSISTANCE AND TELEPHONE INTERPRETERS ARE AVAILABLE; AND**

22 **(IV) BALLOTS AND OTHER MATERIALS OR INFORMATION**
23 **RELATING TO THE ELECTORAL PROCESS.**

24 **(2) IN THE CASE OF A LANGUAGE THAT IS ORAL OR UNWRITTEN, THE**
25 **LOCAL BOARD MAY PROVIDE ONLY ORAL INSTRUCTIONS, ASSISTANCE, OR OTHER**
26 **INFORMATION RELATING TO THE ELECTORAL PROCESS IN THE APPLICABLE**
27 **LANGUAGE.**

28 **(D) (1) MATERIALS PROVIDED IN A DESIGNATED LANGUAGE SHALL BE OF**
29 **AN EQUAL QUALITY TO THE CORRESPONDING ENGLISH LANGUAGE MATERIALS.**

30 **(2) ALL TRANSLATIONS SHALL CONVEY THE INTENT AND ESSENTIAL**
31 **MEANING OF THE ORIGINAL TEXT OR COMMUNICATION AND MAY NOT SOLELY RELY**
32 **ON AUTOMATIC ELECTRONIC TRANSLATION SERVICES.**

1 **(3) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION,**
2 **LANGUAGE-RELATED ASSISTANCE SHALL INCLUDE THE PRESENCE OF BILINGUAL**
3 **ELECTION JUDGES WHERE AVAILABLE.**

4 **15.5-104.**

5 **(A) (1) THE STATE BOARD SHALL ESTABLISH A TELEPHONE**
6 **INTERPRETER HOTLINE TO BE MADE AVAILABLE AT LEAST DURING EACH EARLY**
7 **VOTING PERIOD AND ON EACH ELECTION DAY WITH INTERPRETERS AVAILABLE IN**
8 **EACH LANGUAGE THAT HAS BEEN DESIGNATED IN THE STATE.**

9 **(2) THE TELEPHONE INTERPRETER HOTLINE ESTABLISHED UNDER**
10 **PARAGRAPH (1) OF THIS SUBSECTION SHALL PROVIDE SUPPORT TO LOCAL BOARDS**
11 **TO MEET LANGUAGE-RELATED ASSISTANCE REQUIREMENTS.**

12 **(B) THE STATE BOARD SHALL ADOPT REGULATIONS THAT ESTABLISH:**

13 **(1) A PROCESS FOR TRAINING HOTLINE INTERPRETERS;**

14 **(2) TRAINING FOR ELECTION OFFICIALS AND ELECTION JUDGES ON**
15 **THE USE OF THE HOTLINE INSIDE OF EARLY VOTING CENTERS AND POLLING**
16 **PLACES; AND**

17 **(3) SECURITY PROTOCOLS FOR THE HOTLINE.**

18 **15.5-105.**

19 **(A) THE STATE BOARD SHALL ADOPT REGULATIONS THAT ESTABLISH A**
20 **REVIEW PROCESS TO DETERMINE WHETHER A SIGNIFICANT AND SUBSTANTIAL**
21 **NEED EXISTS FOR A LANGUAGE TO BE DESIGNATED UNDER § 15.5-101 OF THIS**
22 **TITLE.**

23 **(B) THE PROCESS ESTABLISHED BY THE STATE BOARD UNDER SUBSECTION**
24 **(A) OF THIS SECTION SHALL INCLUDE, AT MINIMUM:**

25 **(1) AN OPPORTUNITY FOR THE FOLLOWING TO REQUEST THAT THE**
26 **STATE BOARD CONSIDER DESIGNATING A LANGUAGE UNDER § 15.5-101 OF THIS**
27 **TITLE:**

28 **(I) A VOTER;**

29 **(II) A GROUP OF VOTERS;**

1 (III) AN ORGANIZATION WHOSE MEMBERSHIP INCLUDES VOTERS
2 OR IS LIKELY TO INCLUDE VOTERS;

3 (IV) AN ORGANIZATION WHOSE MISSION WOULD BE
4 FRUSTRATED BY A FAILURE TO PROVIDE LANGUAGE-RELATED ASSISTANCE UNDER
5 THIS TITLE; AND

6 (V) AN ORGANIZATION THAT WOULD EXPEND RESOURCES TO
7 FULFILL THE ORGANIZATION'S MISSION AS A RESULT OF A FAILURE TO PROVIDE
8 LANGUAGE-RELATED ASSISTANCE UNDER THIS TITLE; AND

9 (2) AN OPPORTUNITY FOR PUBLIC COMMENT.

10 (C) ON RECEIPT OF A REQUEST AND CONSIDERATION OF ANY PUBLIC
11 COMMENT, THE STATE BOARD SHALL DESIGNATE ANY LANGUAGE FOR WHICH IT
12 DETERMINES THE CRITERIA FOR DESIGNATION ARE MET.

13 **15.5-106.**

14 (A) THE FOLLOWING PERSONS MAY FILE AN ACTION TO ENFORCE THIS
15 TITLE:

16 (1) AN AGGRIEVED PERSON;

17 (2) AN ORGANIZATION WHOSE MEMBERSHIP INCLUDES OR IS LIKELY
18 TO INCLUDE AGGRIEVED PERSONS;

19 (3) AN ORGANIZATION WHOSE MISSION WOULD BE FRUSTRATED BY A
20 VIOLATION OF THIS SECTION;

21 (4) AN ORGANIZATION THAT WOULD EXPEND RESOURCES TO FULFILL
22 ITS MISSION AS A RESULT OF A VIOLATION OF THIS SECTION; OR

23 (5) THE STATE BOARD.

24 (B) (1) IN THE CASE OF A LOCAL BOARD THAT SEEKS TO PROVIDE ONLY
25 ENGLISH LANGUAGE MATERIALS DESPITE A DETERMINATION BY THE STATE BOARD
26 THAT THE LOCAL BOARD IS REQUIRED TO PROVIDE LANGUAGE-RELATED
27 ASSISTANCE UNDER THIS TITLE, THE LOCAL BOARD MAY FILE AN ACTION AGAINST
28 THE STATE BOARD SEEKING A DECLARATORY JUDGMENT ALLOWING THE LOCAL
29 BOARD TO PROVIDE ONLY ENGLISH LANGUAGE MATERIALS.

1 **(2) THE COURT SHALL ENTER THE DECLARATORY JUDGMENT IN**
2 **FAVOR OF THE LOCAL BOARD ONLY IF THE COURT FINDS THAT THE DETERMINATION**
3 **BY THE STATE BOARD WAS ARBITRARY AND CAPRICIOUS OR AN ABUSE OF**
4 **DISCRETION.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 January 1, 2025.