

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 563 (Delegate Mireku-North)
Ways and Means

Election Law - Local Boards of Elections - Language-Related Assistance

This bill requires the State Board of Elections (SBE) to determine whether there is a significant and substantial need for language-related assistance, in one or more languages other than English, by a local board of elections during an election, based on the best available data. The bill requires the local board to provide language-related assistance and materials in voting and elections to limited English proficient voters in each language designated by SBE. The bill also requires SBE to establish a telephone interpreter hotline with interpreters available in each language that has been designated in the State, to provide support to local boards to meet language-related assistance requirements. **The bill takes effect January 1, 2025.**

Fiscal Summary

State Effect: General fund expenditures increase by at least \$151,600 in FY 2025, and by ongoing amounts in future years. Revenues are not affected.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	151,600	92,700	96,800	101,100	105,500
Net Effect	(\$151,600)	(\$92,700)	(\$96,800)	(\$101,100)	(\$105,500)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local government expenditures may increase, as discussed below. Revenues are not affected. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Potential meaningful.

Analysis

Bill Summary:

Determination of a Need for Language-related Assistance

The bill requires SBE to determine whether there is a significant and substantial need for language-related assistance in one or more languages other than English by a local board of elections during an election.

SBE must determine that a significant and substantial need for language-related assistance by a local board of elections during an election exists in a county if, based on the best available data:

- more than 2%, but in no instance fewer than 100 individuals, of the voting age population of the county (1) speak a particular language other than English; (2) does not speak English as their primary language; and (3) speaks, reads, or understands the English language less than “very well” as reported in available U.S. Census Bureau data or data of comparable quality collected by a public office; or
- more than 4,000 individuals of the voting age population of the local government speak a particular language other than English and are limited English proficient.

SBE must adopt regulations that establish a review process to determine whether a significant and substantial need exists for a language to be designated under the criteria described above. The process established by SBE must include, at minimum (1) an opportunity for voters and specified organizations to request that SBE consider designating a language and (2) an opportunity for public comment.

On receipt of a request and consideration of any public comment, SBE must designate any language for which it determines the criteria for designation are met.

SBE may adopt regulations that establish additional criteria for determining whether a significant and substantial need for language-related assistance by a local board during an election exists in a county.

Publication of Language-related Assistance List

By January 1, 2025, and every two years thereafter, SBE must publish and maintain on its website a list of (1) each local board that is required to provide language-related assistance in a language other than English and (2) the type of language-related assistance that is required to be provided by the local board. SBE must distribute this list to each local board in time to allow local boards to provide language-related assistance pursuant to the bill.

Language-related Assistance

Local Boards of Elections

A local board must provide language-related assistance and materials in voting and elections to limited English proficient voters in each language designated by SBE. The local board must provide competent assistance and physical and online voting materials in each designated language.

For each designated language, the language-related assistance and materials must include (1) registration and voting notices; (2) election-related forms and instructions; (3) signage at all early voting centers and polling places in designated languages notifying voters that language assistance and telephone interpreters are available; and (4) ballots and other materials or information relating to the electoral process. In the case of a language that is oral or unwritten, the local board may provide only oral instructions, assistance, or other information relating to the electoral process in the applicable language.

Materials provided in a designated language must be of equal quality to the corresponding English language materials. All translations must convey the intent and essential meaning of the original text or communication and may not solely rely on automatic electronic translation services. In addition, language-related assistance must include the presence of bilingual election judges where available.

State Board of Elections

SBE must establish a telephone interpreter hotline to be made available at least during each early voting period and on each election day with interpreters available in each language that has been designated in the State. The telephone interpreter hotline must provide support to local boards to meet language-related assistance requirements.

SBE must adopt regulations that establish (1) a process for training hotline interpreters; (2) training for election officials and election judges on the use of the hotline inside of early voting centers and polling places; and (3) security protocols for the hotline.

Persons Authorized to File an Action

The bill authorizes any aggrieved person, as well as specified organizations and SBE, to file an action to enforce the bill's provisions. A local board that seeks to provide only English language materials despite a determination by SBE that it must provide language-related assistance may file an action against SBE seeking a declaratory judgment allowing the local board to provide only English language materials. The court must enter

the declaratory judgment in favor of the local board only if the court finds that the determination by SBE was arbitrary and capricious or an abuse of discretion.

Current Law: Under [Section 203](#) of the federal Voting Rights Act of 1965, States and political subdivisions that meet specified thresholds of numbers of citizens of voting age who are members of a specified single language minority and are limited-English proficient must provide any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, in the language of the applicable minority group as well as in the English language. If the language of the applicable minority group is oral or unwritten, or in the case of Alaskan natives and American Indians, if the predominant language is historically unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting.

In general, a State or political subdivision is subject to Section 203 if the Director of the Census determines, based on specified data, that:

- (1) more than 5% of the citizens of voting age of such State or political subdivision are members of a single language minority and are limited-English proficient; (2) more than 10,000 of the citizens of voting age of such political subdivision are members of a single language minority and are limited-English proficient; or (3) in the case of a political subdivision that contains all or any part of an Indian reservation, more than 5% of the American Indian or Alaska Native citizens of voting age within the Indian reservation are members of a single language minority and are limited-English proficient; and
- the illiteracy rate of the citizens in the language minority group is higher than the national illiteracy rate.

State Fiscal Effect: General fund expenditures increase for SBE by at least \$151,608 in fiscal 2025, which accounts for early implementation of the bill, beginning July 1, 2024, despite the bill's January 1, 2025, effective date, since SBE is required to publish a list of each local board required to provide language-related assistance, and the type of assistance required, by January 1, 2025. This estimate reflects the cost of hiring:

- one demographics consultant, in fiscal 2025 only, to assist SBE in (1) identifying the best data available and (2) developing protocols and procedures for making a determination of a significant and substantial need for language-related assistance by a local board; and
- one program administrator to (1) manage the demographics consultant's initial investigative process; (2) draft regulations; and (3) manage the ongoing implementation of the bill, including biannual reevaluations of demographic data,

guidance and assistance provided to local boards, voter requests for language designations, and public meetings.

The estimate includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1.0
Salary and Fringe Benefits	\$94,082
Consultant	50,000
Operating Expenses	<u>7,526</u>
Total FY 2025 Minimum State Expenditures	\$151,608

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

SBE has established access for the board and for the local boards of elections to telephone interpreter services through a State master contract. This analysis assumes those, or similar, services (through a State master contract) are sufficient to meet the bill’s requirement for the establishment of a telephone interpreter hotline. Under the contract, SBE and the local boards are billed per minute of usage depending on whether the language requested is a designated “core” language (\$0.58 or \$0.63 per minute).

SBE’s costs may also increase for (1) written translation services (also under a State master contract) for SBE communications to voters in counties in which language designations have been made and (2) any increased printing and mailing costs resulting from language translations causing ballots and other materials to be longer (SBE shares the costs of in-person and mail-in ballots with the local boards). However, these costs cannot be reliably estimated at this time.

Local Fiscal Effect: Local government expenditures are expected to increase in counties in which SBE determines there is a significant and substantial need for language-related assistance; however, in part because the need for local boards to provide language-related assistance depends on SBE’s determination, based on best available data, the overall impact on local government expenditures cannot be reliably estimated at this time. In counties in which it is determined there is a significant and substantial need for language-related assistance, cost may increase for:

- translation services (whether telephone interpreters, on-site interpreters, and/or written translation services);
- as mentioned under the State Fiscal Effect, any increased printing and mailing costs resulting from language translations causing ballots and other materials to be longer

(local boards of elections share the costs of in-person and mail-in ballots with SBE and bear the full cost of other mailings and election-related materials); and

- full-time bilingual staff.

Small Business Effect: Small businesses providing translation services and/or materials may meaningfully benefit from the bill's requirements.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Cecil, Frederick, and Somerset counties; Judiciary (Administrative Office of the Courts); Maryland State Board of Elections; Department of Legislative Services

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km/sdk

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