

SENATE BILL 685

G1

5lr3206
CF 5lr2170

By: **Senator Augustine**

Introduced and read first time: January 26, 2025

Assigned to: Education, Energy, and the Environment

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 local boards
8 to make reasonable efforts to recruit election judges who are fluent in certain
9 languages; and generally relating to 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 2024 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 **IN THIS TITLE, “LIMITED ENGLISH PROFICIENCY” MEANS THAT AN**
22 **INDIVIDUAL:**

23 **(1) SPEAKS A PARTICULAR LANGUAGE OTHER THAN ENGLISH;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) DOES NOT SPEAK ENGLISH AS A PRIMARY LANGUAGE; AND**

2 **(3) SPEAKS, READS, OR UNDERSTANDS THE ENGLISH LANGUAGE**
3 **LESS THAN “VERY WELL”, AS REPORTED IN AVAILABLE U.S. CENSUS BUREAU DATA**
4 **OR DATA OF COMPARABLE QUALITY COLLECTED BY A PUBLIC OFFICE.**

5 **15.5–102.**

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

10 **(B) THE STATE BOARD SHALL DETERMINE THAT A SIGNIFICANT AND**
11 **SUBSTANTIAL NEED FOR LANGUAGE–RELATED ASSISTANCE BY A LOCAL BOARD**
12 **DURING AN ELECTION EXISTS IN A COUNTY IF, BASED ON THE BEST AVAILABLE**
13 **DATA, INCLUDING INFORMATION FROM THE U.S. CENSUS BUREAU’S AMERICAN**
14 **COMMUNITY SURVEY OR DATA OF COMPARABLE QUALITY COLLECTED BY A PUBLIC**
15 **OFFICE:**

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

18 **(I) USE A SINGLE SHARED LANGUAGE OTHER THAN ENGLISH;**
19 **AND**

20 **(II) HAVE LIMITED ENGLISH PROFICIENCY; OR**

21 **(2) MORE THAN 4,000 INDIVIDUALS OF THE VOTING AGE POPULATION**
22 **OF THE COUNTY USE A SINGLE SHARED LANGUAGE OTHER THAN ENGLISH AND HAVE**
23 **LIMITED ENGLISH PROFICIENCY.**

24 **(C) THE STATE BOARD MAY ADOPT REGULATIONS THAT ESTABLISH**
25 **ADDITIONAL CRITERIA FOR DETERMINING WHETHER A SIGNIFICANT AND**
26 **SUBSTANTIAL NEED FOR LANGUAGE–RELATED ASSISTANCE BY A LOCAL BOARD**
27 **DURING AN ELECTION EXISTS IN A COUNTY.**

28 **15.5–103.**

29 **(A) ON OR BEFORE JANUARY 1, 2026, AND EVERY 2 YEARS THEREAFTER,**
30 **THE STATE BOARD SHALL PUBLISH AND MAINTAIN ON ITS WEBSITE A LIST OF:**

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

3 **(2) EACH LANGUAGE IN WHICH THE LANGUAGE-RELATED**
4 **ASSISTANCE IS REQUIRED TO BE PROVIDED BY THE LOCAL BOARD.**

5 **(B) THE STATE BOARD SHALL DISTRIBUTE THIS LIST TO EACH LOCAL**
6 **BOARD IN TIME TO ALLOW LOCAL BOARDS TO PROVIDE LANGUAGE-RELATED**
7 **ASSISTANCE UNDER § 15.5-104 OF THIS TITLE.**

8 **15.5-104.**

9 **(A) A LOCAL BOARD SHALL PROVIDE LANGUAGE-RELATED ASSISTANCE**
10 **AND MATERIALS IN VOTING AND ELECTIONS TO VOTERS WHO HAVE LIMITED**
11 **ENGLISH PROFICIENCY IN EACH LANGUAGE DESIGNATED BY THE STATE BOARD**
12 **UNDER § 15.5-102 OF THIS TITLE.**

13 **(B) WHENEVER THE STATE BOARD DETERMINES THAT**
14 **LANGUAGE-RELATED ASSISTANCE SHALL BE PROVIDED BY A LOCAL BOARD, THE**
15 **LOCAL BOARD SHALL PROVIDE COMPETENT ASSISTANCE AND PHYSICAL AND**
16 **ONLINE VOTING MATERIALS IN EACH DESIGNATED LANGUAGE UNDER § 15.5-102 OF**
17 **THIS TITLE.**

18 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
19 **FOR EACH DESIGNATED LANGUAGE UNDER § 15.5-102 OF THIS TITLE, THE**
20 **LANGUAGE-RELATED ASSISTANCE AND MATERIALS SHALL INCLUDE:**

21 **(I) TRANSLATED REGISTRATION AND VOTING FORMS AND**
22 **NOTICES;**

23 **(II) ELECTION-RELATED MATERIALS;**

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

27 **(IV) SAMPLE BALLOTS AND OTHER MATERIALS OR**
28 **INFORMATION RELATING TO THE ELECTORAL PROCESS.**

29 **(2) IN THE CASE OF A LANGUAGE THAT IS ORAL OR UNWRITTEN,**
30 **INCLUDING SIGN LANGUAGE, THE LOCAL BOARD MAY PROVIDE ONLY ORAL**
31 **INSTRUCTIONS, ASSISTANCE, OR OTHER INFORMATION RELATING TO THE**
32 **ELECTORAL PROCESS IN THE APPLICABLE LANGUAGE.**

1 (D) (1) MATERIALS PROVIDED IN A DESIGNATED LANGUAGE SHALL:

2 (I) BE OF AN EQUAL QUALITY TO THE CORRESPONDING
3 ENGLISH LANGUAGE MATERIALS; AND

4 (II) BE MADE AVAILABLE AT THE SAME TIME AS THE
5 CORRESPONDING ENGLISH LANGUAGE MATERIALS.

6 (2) ALL TRANSLATIONS SHALL CONVEY THE INTENT AND ESSENTIAL
7 MEANING OF THE ORIGINAL TEXT OR COMMUNICATION AND MAY NOT SOLELY RELY
8 ON AUTOMATIC ELECTRONIC TRANSLATION SERVICES, INCLUDING MACHINE
9 TRANSLATION OR OTHER ARTIFICIAL INTELLIGENCE APPLICATIONS.

10 (3) (I) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS
11 SECTION, LANGUAGE-RELATED ASSISTANCE SHALL INCLUDE THE PRESENCE OF
12 BILINGUAL ELECTION JUDGES WHERE AVAILABLE.

13 (II) A LOCAL BOARD SHALL MAKE REASONABLE EFFORTS TO
14 RECRUIT ELECTION JUDGES WHO ARE FLUENT IN EACH LANGUAGE DESIGNATED BY
15 THE STATE BOARD UNDER § 15.5-102 OF THIS TITLE, INCLUDING BY USING NOTICES
16 IN NEWSPAPERS, RADIO, TELEVISION, AND OTHER FORMS OF MEDIA, WITH A
17 PARTICULAR FOCUS ON MEDIA THAT SERVE NON-ENGLISH-SPEAKING CITIZENS IN
18 THE COUNTY.

19 (III) BILINGUAL ELECTION JUDGES SHALL PROVIDE DIRECT
20 ASSISTANCE TO VOTERS WHO HAVE LIMITED ENGLISH PROFICIENCY AND MAY NOT
21 ATTEMPT TO INTERPRET OR TRANSLATE ENGLISH LANGUAGE MATERIALS.

22 (E) THIS SECTION MAY NOT BE CONSTRUED TO PREVENT A LOCAL BOARD
23 FROM VOLUNTARILY PROVIDING LANGUAGE-RELATED ASSISTANCE IN ADDITION TO
24 THE ASSISTANCE REQUIRED BY THIS TITLE.

25 15.5-105.

26 (A) THE STATE BOARD SHALL ADOPT REGULATIONS THAT ESTABLISH A
27 REVIEW PROCESS TO DETERMINE WHETHER A SIGNIFICANT AND SUBSTANTIAL
28 NEED EXISTS FOR A LANGUAGE TO BE DESIGNATED UNDER § 15.5-102 OF THIS
29 TITLE.

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

1 **(1) AN OPPORTUNITY FOR THE FOLLOWING TO REQUEST THAT THE**
2 **STATE BOARD CONSIDER DESIGNATING A LANGUAGE UNDER § 15.5-102 OF THIS**
3 **TITLE:**

4 **(I) A VOTER;**

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

6 **(III) AN ORGANIZATION WHOSE MEMBERSHIP INCLUDES VOTERS**
7 **OR IS LIKELY TO INCLUDE VOTERS;**

8 **(IV) AN ORGANIZATION WHOSE MISSION WOULD BE**
9 **FRUSTRATED BY A FAILURE TO PROVIDE LANGUAGE-RELATED ASSISTANCE UNDER**
10 **THIS TITLE; AND**

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

14 **(2) AN OPPORTUNITY FOR PUBLIC COMMENT.**

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

18 **15.5-106.**

19 **(A) THE FOLLOWING PERSONS MAY FILE AN ACTION TO ENFORCE THIS**
20 **TITLE:**

21 **(1) AN AGGRIEVED PERSON;**

22 **(2) AN ORGANIZATION WHOSE MEMBERSHIP INCLUDES OR IS LIKELY**
23 **TO INCLUDE AGGRIEVED PERSONS;**

24 **(3) AN ORGANIZATION WHOSE MISSION WOULD BE FRUSTRATED BY A**
25 **VIOLATION OF THIS SECTION;**

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

28 **(5) THE STATE BOARD.**

1 **(B) (1) IN THE CASE OF A LOCAL BOARD THAT SEEKS TO PROVIDE ONLY**
2 **ENGLISH LANGUAGE MATERIALS DESPITE A DETERMINATION BY THE STATE BOARD**
3 **THAT THE LOCAL BOARD IS REQUIRED TO PROVIDE LANGUAGE-RELATED**
4 **ASSISTANCE UNDER THIS TITLE, THE LOCAL BOARD MAY FILE AN ACTION AGAINST**
5 **THE STATE BOARD SEEKING A DECLARATORY JUDGMENT ALLOWING THE LOCAL**
6 **BOARD TO PROVIDE ONLY ENGLISH LANGUAGE MATERIALS.**

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

11 **(C) THE ATTORNEY GENERAL MAY ISSUE SUBPOENAS AND HOLD**
12 **FACT-FINDING HEARINGS TO ENFORCE THE PROVISIONS OF THIS TITLE.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2025.