

SENATE BILL 685

G1

5lr3206
CF HB 983

By: **Senator Augustine**

Introduced and read first time: January 26, 2025

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2025

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Local Boards of Elections – ~~Language-Related Assistance~~**
3 **Language Assistance Program**

4 FOR the purpose of ~~requiring the State Board of Elections to determine whether there is a~~
5 ~~significant and substantial need for language related assistance in certain~~
6 ~~languages by a local board of elections during an election based on certain criteria;~~
7 ~~requiring local boards to provide certain language related assistance and materials~~
8 ~~in voting and elections to certain voters in certain languages; requiring local boards~~
9 ~~to make reasonable efforts to recruit election judges who are fluent in certain~~
10 ~~languages; and generally relating to language related assistance~~ establishing the
11 Language Assistance Program; requiring a local board of elections to participate in
12 the Program if the State Board determines that there is a significant need for
13 language assistance to voters in the county in a language other than English;
14 requiring the State Board to designate, not later than a certain date, certain
15 languages other than English in which a local board that is required to participate
16 in the Program must provide assistance to voters; requiring a local board that is
17 required to participate in the Program to provide, with oversight from the State
18 Board, certain language-related services to voters; and generally relating to the
19 Language Assistance Program.

20 BY adding to

21 Article – Election Law

22 Section 15.5–101 through ~~15.5–106~~ 15.5–104 to be under the new title “Title 15.5.

23 ~~Language-Related Assistance~~ Language Assistance Program”

24 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2022 Replacement Volume and 2024 Supplement)

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

Article – Election Law

**TITLE 15.5. ~~LANGUAGE-RELATED ASSISTANCE~~ LANGUAGE ASSISTANCE
PROGRAM.**

15.5–101.

**(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.**

**(B) “DESIGNATED LANGUAGE” MEANS A LANGUAGE OTHER THAN ENGLISH
IN WHICH THE STATE BOARD DETERMINES A LOCAL BOARD IS REQUIRED TO
PROVIDE ASSISTANCE TO VOTERS UNDER THIS TITLE.**

(C) “LIMITED ENGLISH PROFICIENCY” MEANS THAT AN INDIVIDUAL:

(1) SPEAKS A PARTICULAR LANGUAGE OTHER THAN ENGLISH;

(2) DOES NOT SPEAK ENGLISH AS A 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.**

(D) “PROGRAM” MEANS THE LANGUAGE ASSISTANCE PROGRAM.

(E) “VOTING MATERIALS” INCLUDES:

(1) STATEWIDE VOTER REGISTRATION APPLICATIONS;

(2) STATE BOARD APPROVED ABSENTEE BALLOT APPLICATIONS;

(3) SPECIMEN BALLOTS; AND

**(4) FORMS AND INSTRUCTIONS THAT THE STATE BOARD
DETERMINES NECESSARY TO VOTING.**

15.5–102.

(A) THERE IS A LANGUAGE ASSISTANCE PROGRAM.

1 (B) A LOCAL BOARD SHALL PARTICIPATE IN THE PROGRAM IF THE STATE
2 BOARD DETERMINES IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION THAT
3 THERE IS A SIGNIFICANT NEED FOR LANGUAGE ASSISTANCE TO VOTERS IN THE
4 COUNTY IN A LANGUAGE OTHER THAN ENGLISH.

5 (C) THE STATE BOARD SHALL DETERMINE NOT LATER THAN FEBRUARY 1
6 OF THE YEAR OF THE ELECTION THAT A SIGNIFICANT NEED FOR LANGUAGE
7 ASSISTANCE TO VOTERS EXISTS IN A COUNTY IF, BASED ON THE BEST AVAILABLE
8 DATA, INCLUDING INFORMATION FROM THE U.S. CENSUS BUREAU'S AMERICAN
9 COMMUNITY SURVEY OR DATA OF COMPARABLE QUALITY COLLECTED BY A PUBLIC
10 OFFICE:

11 (1) MORE THAN 2% OF THE CITIZEN VOTING AGE POPULATION OF THE
12 COUNTY:

13 (I) USE A SINGLE SHARED LANGUAGE OTHER THAN ENGLISH;
14 AND

15 (II) HAVE LIMITED ENGLISH PROFICIENCY; OR

16 (2) MORE THAN 4,000 INDIVIDUALS OF THE CITIZEN VOTING AGE
17 POPULATION OF THE COUNTY USE A SINGLE SHARED LANGUAGE OTHER THAN
18 ENGLISH AND HAVE LIMITED ENGLISH PROFICIENCY.

19 (D) THE STATE BOARD SHALL DETERMINE THAT EACH LANGUAGE OTHER
20 THAN ENGLISH THAT IS USED BY AT LEAST THE NUMBER OF INDIVIDUALS SPECIFIED
21 IN SUBSECTION (C) OF THIS SECTION IS A DESIGNATED LANGUAGE.

22 (E) (1) THE STATE BOARD SHALL PUBLISH AND MAINTAIN ON ITS
23 WEBSITE A LIST OF:

24 (I) EACH LOCAL BOARD THAT IS REQUIRED TO PROVIDE
25 LANGUAGE ASSISTANCE IN A LANGUAGE OTHER THAN ENGLISH; AND

26 (II) EACH DESIGNATED LANGUAGE IN WHICH THE LANGUAGE
27 ASSISTANCE IS REQUIRED TO BE PROVIDED BY THE LOCAL BOARD.

28 (2) THE STATE BOARD SHALL UPDATE THE INFORMATION
29 PUBLISHED AND MAINTAINED UNDER PARAGRAPH (1) OF THIS SUBSECTION AT
30 LEAST EVERY 2 YEARS.

31 (F) THE STATE ADMINISTRATOR SHALL PROMPTLY NOTIFY EACH LOCAL
32 BOARD AND THE CHIEF FINANCIAL OFFICER OF THE COUNTY INCLUDED ON THIS

LIST UNDER SUBSECTION (E) OF THIS SECTION OF THE REQUIREMENTS OF THIS TITLE.

15.5-103.

(A) EACH LOCAL BOARD THAT IS REQUIRED TO PARTICIPATE IN THE PROGRAM SHALL, WITH OVERSIGHT FROM THE STATE BOARD, PROVIDE TO VOTERS THE SERVICES DESCRIBED IN THIS SECTION.

(B) (1) AT EACH EARLY VOTING CENTER AND ELECTION DAY POLLING PLACE, A VOTER WHO HAS A NEED FOR LANGUAGE ASSISTANCE IN A DESIGNATED LANGUAGE SHALL HAVE THE OPTION TO COMMUNICATE WITH THE ELECTION JUDGES THROUGH A TRANSLATOR.

(2) THE STATE SHALL PROVIDE TO THE LOCAL BOARDS LICENSED TRANSLATION SOFTWARE SERVICES TO IMPLEMENT THE PROGRAM AND THE COUNTY SHALL PAY FOR ALL OTHER EXPENSES ASSOCIATED WITH THE PROGRAM, INCLUDING NECESSARY HARDWARE AND EACH USE OF THE TRANSLATION SOFTWARE SERVICES.

(C) SUBJECT TO SUBSECTION (E) OF THIS SECTION, THE LOCAL BOARD SHALL POST STATE BOARD APPROVED SIGNAGE IN EACH EARLY VOTING CENTER AND ELECTION DAY POLLING PLACE IN EACH DESIGNATED LANGUAGE NOTIFYING VOTERS THAT LANGUAGE ASSISTANCE AND INTERPRETATION SERVICES ARE AVAILABLE.

(D) SUBJECT TO SUBSECTION (E) OF THIS SECTION, THE LOCAL BOARD SHALL PROVIDE ONLINE VOTING MATERIALS IN EACH DESIGNATED LANGUAGE.

(E) A LOCAL BOARD MAY PROVIDE SOLELY ORAL INSTRUCTIONS OR OTHER ASSISTANCE IF THE LANGUAGE DOES NOT HAVE A WRITTEN FORM, SUCH AS AMERICAN SIGN LANGUAGE.

(F) THE LOCAL BOARD SHALL MAKE REASONABLE EFFORTS TO RECRUIT BILINGUAL ELECTION JUDGES TO PROVIDE ASSISTANCE TO VOTERS IN DESIGNATED LANGUAGES.

(G) THE LOCAL BOARD, WITH STATE BOARD APPROVAL, MAY PROVIDE LANGUAGE ASSISTANCE SERVICES THAT ARE IN ADDITION TO THE LANGUAGE ASSISTANCE SERVICES REQUIRED IN THIS SECTION.

15.5-104.

THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2026, the State Board of Elections shall publish on its website the information required under § 15.5-102(e) of the Election Law Article, as enacted by Section 1 of this Act.

~~IN THIS TITLE, "LIMITED ENGLISH PROFICIENCY" MEANS THAT AN INDIVIDUAL:~~

~~(1) SPEAKS A PARTICULAR LANGUAGE OTHER THAN ENGLISH;~~

~~(2) DOES NOT SPEAK ENGLISH AS A 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.~~

~~15.5-102.~~

~~(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE STATE BOARD SHALL 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 DURING AN ELECTION.~~

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

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

~~(I) USE A SINGLE SHARED LANGUAGE OTHER THAN ENGLISH;~~
~~AND~~

~~(II) HAVE LIMITED ENGLISH PROFICIENCY; OR~~

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

~~(C) THE STATE BOARD 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.~~

~~15.5-103.~~

~~(A) ON OR BEFORE JANUARY 1, 2026, AND EVERY 2 YEARS THEREAFTER, THE STATE BOARD SHALL 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) EACH LANGUAGE IN WHICH THE LANGUAGE-RELATED ASSISTANCE IS REQUIRED TO BE PROVIDED BY THE LOCAL BOARD.~~

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

~~15.5-104.~~

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

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

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

~~(I) TRANSLATED REGISTRATION AND VOTING FORMS AND NOTICES;~~

~~(H) ELECTION-RELATED MATERIALS;~~

~~(HH) SIGNAGE AT ALL EARLY VOTING CENTERS AND POLLING PLACES IN DESIGNATED LANGUAGES NOTIFYING VOTERS THAT LANGUAGE ASSISTANCE AND TELEPHONE INTERPRETERS ARE AVAILABLE; AND~~

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

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

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

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

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

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

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

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

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

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

~~15.5-105.~~

~~(A) THE STATE BOARD SHALL ADOPT REGULATIONS THAT ESTABLISH A REVIEW PROCESS TO DETERMINE WHETHER A SIGNIFICANT AND SUBSTANTIAL~~

~~NEED EXISTS FOR A LANGUAGE TO BE DESIGNATED UNDER § 15.5-102 OF THIS TITLE.~~

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

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

~~(I) A VOTER;~~

~~(II) A GROUP OF VOTERS;~~

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

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

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

~~(2) AN OPPORTUNITY FOR PUBLIC COMMENT.~~

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

~~15.5-106.~~

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

~~(1) AN AGGRIEVED PERSON;~~

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

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

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

~~(5) THE STATE BOARD.~~

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

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

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

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.