

Department of Legislative Services
 Maryland General Assembly
 2025 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 685 (Senator Augustine)
 Education, Energy, and the Environment

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 voters who have limited English proficiency in each language designated by SBE. The bill also requires a local board to make reasonable efforts to recruit elections judges who are fluent in each language designated by SBE, including by using notices in newspapers, radio, television, and other forms of media.

Fiscal Summary

State Effect: General fund expenditures increase by at least \$131,800 in FY 2026, and by ongoing amounts in future years. Revenues are not affected.

(in dollars)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	131,800	96,900	101,200	105,800	110,300
Net Effect	(\$131,800)	(\$96,900)	(\$101,200)	(\$105,800)	(\$110,300)

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 imposes 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 use a single shared language other than English and have limited English proficiency; or
- 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.

“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.

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, 2026, 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) each language in which language-related assistance 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

A local board must provide language-related assistance and materials in voting and elections to voters who have limited English proficiency 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) translated registration and voting forms and notices; (2) election-related materials; (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) sample ballots and other materials or information relating to the electoral process. 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.

Materials provided in a designated language must be of equal quality to the corresponding English language materials and be made available at the same time as 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, include machine translation or other artificial intelligence applications.

In addition, language-related assistance must include the presence of bilingual election judges where available. A local board must make reasonable efforts to recruit election judges who are fluent in each language designated by SBE, 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. Bilingual election judges must provide direct assistance to voters who have limited English proficiency and may not attempt to interpret or translate English language materials.

The bill specifies that the local boards' language-related assistance requirements may not be construed to prevent a local board from voluntarily providing language-related assistance in addition to the assistance required by the bill.

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.

Authority of the Attorney General

The bill authorizes the Attorney General to issue subpoenas and hold fact-finding hearings to enforce the bill's provisions.

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 \$131,767 in fiscal 2026, which accounts for the bill’s October 1, 2025 effective date. This estimate reflects the cost of hiring:

- one demographics consultant 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 biennial 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	\$74,398
Consultant	50,000
Operating Expenses	<u>7,369</u>
Total FY 2026 Minimum State Expenditures	\$131,767

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) contribute toward meeting the bill’s requirements. 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.

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 election-related materials to be longer (it is assumed that SBE and the local boards share these costs 50/50). However, these costs cannot be reliably estimated at this time.

The Office of the Attorney General indicates that two additional attorneys to handle any litigation that arises from the causes of action created under the bill and any fact-finding (using the subpoena and hearing authority in the bill). The Department of Legislative Services acknowledges the potential need for at least one additional attorney but advises

that even the need for one additional attorney is unclear without knowing the level of litigation or noncompliance under the bill.

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:

- election judge recruitment efforts through different mediums (newspapers, radio, television, and other forms of media);
- specimen (sample) ballots that must be mailed to registered voters;
- 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 election-related materials to be longer (shared evenly between SBE and the local boards); 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 been introduced within the last three years. See HB 563 of 2024.

Designated Cross File: HB 983 (Delegates Mireku-North and Wilkins) - Ways and Means.

Information Source(s): Howard and Prince George's counties; Judiciary (Administrative Office of the Courts); Maryland State Board of Elections; Department of Legislative Services

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