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THE SENATE OF MARYLAND ANNAPOLIS, MARYLAND 21401

Testimony in Support of Senate Bill 685: Election Law - Local Boards of Elections - Language- Related Assistance

February 24, 2025

Chair Feldman, Vice Chair Kagan, and esteemed members of the Education, Energy and Environment Committee, it is my pleasure to come before you to offer testimony in favor of **Senate Bill 685: Election Law - Local Boards of Elections - Language- Related Assistance**. Currently, Maryland relies upon the provisions of the federal Voting Rights Act to mandate translation of election materials in our jurisdictions. However, as we enter an era of increasing uncertainty on the continuation of these federal voting rights bills, it is essential that we enshrine these protections into Maryland State law through **Senate Bill 685**.

As Maryland continues to grow as one of the nation's most diverse states – with the 2020 Census reporting 136 languages and dialects spoken within our borders and one in five Marylanders speaking a language other than English at home – it is imperative that our election system reflects and accommodates this rich diversity. **SB 685** is a necessary step to ensure that all eligible voters – regardless of language proficiency – have full and equal access to the ballot.

Under current federal guidelines, language assistance is required in jurisdictions where at least 5% or 10,000 citizens of voting age speak a language other than English. With the current threshold, only Montgomery and Prince George's County are required to translate election materials to Spanish, leaving many other diverse communities without the necessary support.

Key Provisions of Senate Bill 685

Lowering the Language Access Threshold

- **SB 685** will lower Maryland's language access threshold, triggering it when at least 2% (but in no instance fewer than 100 individuals) or 4,000 voting-age citizens in a county speak a language other than English.
- All election materials (excluding ballots) would be translated to any language that meets the threshold in each county, expanding access to voting materials for citizens.
- Based on current population estimates, several languages are expected to qualify under the proposed threshold. Baltimore City, Baltimore County, and Anne Arundel County would likely join Montgomery and Prince George's in providing Spanish translations. Montgomery County will likely also

need to provide Korean and Chinese translation. These estimates are subject to the results of the immediately preceding American Community Survey.

Enhancing Language Services

Local boards shall translate: Registration and Voting Forms and Notices

Election-related materials

Sample Ballots

- Translations must be of equal quality and available at the same time as the English versions. These translations cannot solely rely on automated translation services (i.e. artificial intelligence and machine learning).
- Local boards will not be required to translate regular ballots.
- Local boards must post signs at all vote centers and precinct polling languages during early voting and on Election Day. These signs will be displayed in every language meeting the county threshold, informing voters of available language assistance and interpreter services.
- Local boards are required to make reasonable efforts to recruit election judges fluent in the required languages.

Publication of Designated Languages and Local Boards

- The State Board of Elections is required to publish, on or before January 1, 2026—and every two years thereafter—a comprehensive list on its website identifying each local board required to provide language-related assistance, along with the designated languages.
- This list will be distributed to each local board well in advance, ensuring they have the necessary information to comply.

Review Process for Language Designation

- To ensure that language assistance meets community needs, the State Board of Elections will establish a review process that allows voters, groups of voters, or organizations to request that a language be designated for assistance.
- This process will include opportunities for public comment, ensuring transparency and responsiveness to community feedback.

Enforcement Provisions

- **SB 685** empowers the Maryland Attorney General to issue subpoenas, conduct fact-finding hearings, and investigate potential violations of the language access provisions.
- An aggrieved person or organization may file an action to enforce these provisions.

Historical Context of Senate Bill 685

Historically, not every community has enjoyed equal language access in our election system. In 1975, Congress amended the Voting Rights Act to extend protections to certain racial and ethnic minorities, particularly Latinos, whose high English illiteracy rates – stemming from educational discrimination – had suppressed political participation. However, many language minority communities were excluded from these provisions, including those whose languages are of African, European, and Caribbean origin. As Maryland communities continue to diversify, **SB 685** is a necessary continuation of the effort to ensure all voters, regardless of language proficiency, have access to the ballot.

Conclusion

Voting is one of the most fundamental rights of citizenship. By ensuring that every voter can fully engage in the electoral process, regardless of language proficiency, we are strengthening the democratic foundation of our state. I respectfully urge you to support **Senate Bill 685** and help guarantee that all Marylanders have the opportunity to vote.

Sponsor Amendment

The sponsor amendment changes the baseline for calculating the limited English population threshold to "citizen" voting age population rather than just voting age population. The Census makes the citizen voting age population more readily available for jurisdictions as part of its coverage determinations for section 203 of the federal voting rights act.

I ask for a favorable report on Senate Bill 685 as amended.

A handwritten signature in black ink, reading "Malcom Auguste". The signature is written in a cursive, flowing style.