



Brian J. Feldman, Chair
Cheryl C. Kagan, Vice Chair
Senate Education, Energy and the Environment Committee
Maryland Senate
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Testimony of Campaign Legal Center in Support of Senate Bill 685

Campaign Legal Center ("CLC"), is pleased to offer this testimony in support of Senate Bill 685 ("SB 685"), which would require local governments to provide language assistance in elections if there are sizeable communities of voters who speak a language other than English and have limited English proficiency.

CLC is a national nonpartisan, nonprofit organization that works to protect and strengthen American democracy across all levels of government. The reforms contained in SB 685 would ensure that all voters, no matter what language they speak, can participate fully in elections.

Even proficient English speakers often find ballots and election materials to be complicated and confusing. For voters with limited English proficiency, it can be far more challenging to navigate the voting process, understand the candidates and issues, and make informed decisions.

Maryland has a diverse population and a growing number of naturalized citizens who have limited proficiency in English. Unfortunately, many of these eligible voters are not receiving language assistance in counties throughout the state. By expanding access to language assistance, SB 685 will not only provide vital technical assistance to voters, but also signal to new American communities that their political participation is both welcome and encouraged.

Passing SB 685 will allow Maryland to go above and beyond the language assistance requirements set by federal law. The federal Voting Rights Act requires jurisdictions within a county to provide language assistance if more than 5% or more than 10,000 of the county's voting-age citizens belong to a single language-minority community and have limited proficiency in English, and the community's illiteracy rate is higher than the national illiteracy rate.¹ This provision of law has been in

¹ Voting Rights Act, Section 203, 52 U.S.C. § 10503.

Commented [AM1]: Are ballots included?

Commented [AM2R1]: Fine either way, since this is a problem statement. Sorry MD legislators if the solution isn't good enough

Commented [LN3R1]: only sample ballots...just to be safe, think I should take ballots out?

Commented [AM4R1]: i think it's actually fine as is!

place for decades and represents an important first step in overcoming some of the barriers that prevent citizens from language minority groups from voting. But it is not sufficient to meet Maryland's needs. Only two Maryland jurisdictions, Montgomery County and Prince George's County, are currently required to provide language assistance under federal law.² The federal Voting Rights Act also defines a language minority group to mean "persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage."³ It therefore doesn't apply to communities that speak Arabic or African languages.

SB 685 will improve upon federal law in a number of ways. Instead of limiting language assistance to communities with certain heritages and English literacy rates below the national level, SB 685's definition of a community that needs language assistance is more streamlined, yet more expansive. Any community that speaks a common language other than English and has limited English proficiency is eligible for language assistance if it meets the population threshold.

This bill also lowers the population threshold so that language assistance must be provided for any community that constitutes more than 2% of a county or more than 4,000 people of voting age. However, a county does not have to provide language assistance if that 2% amounts to fewer than 100 people. In this way, SB 685 strikes a reasonable balance between expanding high quality language assistance and minimizing the administrative burden on election officials. In addition to providing voting and election materials in the appropriate language as well as in English, counties are required to provide bilingual election judges where they are available.

Together, these provisions will ensure that no Marylander is excluded from democratic participation based on their inability to speak or understand enough English to engage in the electoral process.

Our democracy works best when every voter can participate. Limited English proficiency should not mean limited political participation, and a lack of meaningful language assistance should not be a barrier to citizens making their voices heard. We respectfully urge you to support SB 685.

Respectfully submitted,

/s/ Lata Nott

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² Voting Rights Act Amendments of 2006, Determinations Under Section 203, 86 Fed. Reg. 69611 (Dec. 8, 2021).

³ Voting Rights Act, Section 208, 52 U.S.C. § 10508(e).