



## Testimony for the Senate Education, Energy, and Environment Committee

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### SB 685 – Election Law – Local Boards of Elections – Language-Related Assistance

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The ACLU of Maryland supports SB 685, which seeks to provide increased access to election materials for voters with limited English proficiency. Uninhibited access to the ballot is at the core of representative democracy, and increasing language assistance will help ensure that no voter is left behind at the ballot box.

Currently, Section 203 of the federal Voting Rights Act requires that counties provide election materials to some language minority groups that meet a certain population threshold. Under this law, a population must comprise at least 5% or 10,000 members of the citizen voting age population in a particular area to receive voting materials in a language other than English. These thresholds only apply to populations that speak Asian, American Indian, Alaska Native, and Spanish languages.<sup>1</sup> In Maryland, this means that Montgomery and Prince George’s County are required to provide election materials in Spanish.<sup>2</sup> No other community is required to provide translated materials, and no community is required to provide materials in a language other than Spanish.

We can and should do more to improve language access for those who speak languages other than English. Maryland is the most diverse state on the East Coast and one of the most diverse states in the country, with 136 language and dialects spoken across the state.<sup>3</sup> Maryland also has a substantial population of individuals with limited English proficiency. According to the most recent Census data, more than 425,000 Maryland residents have limited proficiency in English. This

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<sup>1</sup> *Section 203 Language Determinations*, United States Census Bureau (Dec. 28, 2022), <https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/voting-rights-determination-file.html>.

<sup>2</sup> *Voting*: Introduction, Maryland State Board of Elections, <https://elections.maryland.gov/voting/index.html> (last visited Feb. 13, 2025).

<sup>3</sup> *Expand Language Access in Maryland Elections*, COMMON CAUSE, (Feb. 2023) <https://www.commoncause.org/maryland/wp-content/uploads/2024/02/MD-2023-language-access-one-pager-3.pdf>.

population has increased significantly, more than doubling in the last two decades.<sup>4</sup> While some of these Marylanders speak languages currently covered by federal law, many do not. For example, African languages such as Amharic and Somali are not covered by the federal Voting Rights Act, leaving the 200,000 Marylanders who speak a language originating on the African continent without access to materials in their spoken language.<sup>5</sup>

If passed, SB 685 would change the language threshold to 2% or 4,000 members of the citizen voting age population who speak English “less than very well” according to the Census Bureau’s American Community Survey. By lowering these thresholds, SB 685 would create more accessible elections that ensure that all citizens are able to vote regardless of their English proficiency. SB 685 would extend to all languages that meet these numerical thresholds, rather than limiting relief to speakers of certain languages. The State Board of Elections would first determine which counties have populations meeting this threshold and then would translate all election-related materials, excluding ballots, for each election cycle. SB 685 also creates a process for ensuring the accuracy of translation and encouraging recruitment of election judges who speak the languages meeting this threshold in each jurisdiction. These reforms are extremely popular: nearly four out of five Marylanders (79%) support expanding language assistance for voters with a limited understanding of English.

No voter should be discouraged from making their voices heard because they can’t access election materials they can understand. Accordingly, we must continue working to make sure that all voters in all our communities are empowered to participate in our elections.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on SB 685.

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<sup>4</sup> See *Maryland: Immigration Data Profile*, MIGRATION POLICY INSTITUTE, <https://www.migrationpolicy.org/data/state-profiles/state/language/MD>.

<sup>5</sup> Jessica Babb & Megan Rodgers, *Problems at polling locations, some voters turned away after location not set up*, FOX BALTIMORE (May 14, 2024), <https://foxbaltimore.com/news/local/problems-at-polling-locations-some-voters-turned-away-after-location-not-set-up>.