

**SUBSTITUTE TO FILE 19-5620
LEGISLATION AND INTERGOVERNMENTAL RELATIONS COMMITTEE
MEETING OF OCTOBER 23, 2019**

Sponsored by:

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LARRY SUFFREDIN, County Commissioners**

PROPOSED ORDINANCE

VOTING OPPORTUNITY AND TRANSLATION EQUITY ORDINANCE

WHEREAS, Cook County is committed to the values of equity, engagement, and excellence; and

WHEREAS, 35% of resident of Cook County speak a language other than English at home; and

WHEREAS, research suggests that civic engagement is a significant predictor of economic opportunity across states; and

WHEREAS, the United States Congress found in Section 203 of the Voting Rights Act of 1965, 52 U.S.C. § 10503, that, "through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process;" and

WHEREAS, Cook County complies with the Voting Rights Act, which dictates which languages are translated for ballots and voting materials; and

WHEREAS, Cook County currently provides translated ballots and materials in Spanish, Chinese, and Hindi per the requirements of Section 203; and

WHEREAS, the Voting Rights Act has not been updated since 1992, and only requires that covered states or political subdivisions translate English-language voting materials for Asian, Native American and Alaskan Native, or Spanish language speakers who meet a threshold of 10,000 or more limited English speakers. Additionally, state or political subdivisions are only required to evaluate these numbers every five years following the decennial census; and

WHEREAS, research shows that targeted minority language voting materials and related outreach can improve voter turnout. According to a report by the Asian American Legal Defense and Education Fund, after coverage provided under Section 203 of the Voting Rights Act of 1965 was expanded in 1992, the number of Asian Americans registered to vote increased dramatically. As cited in the journal Legislation and Public Policy vol. 10:195 2006, "in covered areas where the Department of Justice brought section 203 enforcement actions, participation not only in voting but in running for political office increased dramatically;" and

WHEREAS, Section 208 of the Voting Rights Act allows voters who need assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of the employer or officer or agent of the voter's union; and

WHEREAS, the following ordinance seeks to build upon the language access already afforded under the Voting Rights Act; and

WHEREAS, if passed, this ordinance would over two years qualify eight new languages to offered with a fully translated ballot or voting materials including Polish, Arabic, Russian, Ukrainian, Tagalog, Korean, Gujarati, and Urdu; and

WHEREAS, the Cook County Clerk serves as the chief election authority for the entire county, one of the largest election jurisdictions in the nation; and

WHEREAS, the right to vote is a fundamental principle of our democracy; and

NOW, BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 22- Elections, Article III, Language Access in Elections, Sections 22-35 through 22-41 of the Cook County Code, is hereby enacted as follows:

Article III. Language Access in Elections

Section 22-35 – Short Title

This article shall be known and may be cited as the Cook County Language Access in Elections Ordinance ("Ordinance").

Section 22-36 - Definitions

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fully Translated Ballot is defined as electronic and audio ballots, and mail-in ballots printed on demand, including all referendums, questions or votes therein;

Print Ballot is defined as fully translated print ballots, including all referendums, questions or votes therein;

Limited-English Proficient is defined as unable to speak, read, write or understand English adequately enough to participate in the electoral process;

Signage is defined to include, but are not limited to:

1. Signs at polling places on days of early voting or election day;
2. Directional, instructional or informational signs;
3. Name tags and other election judge and poll work identification; and
4. Language assistance signs and instructions;

Voting Materials is defined to include, but is not limited to:

1. Sample ballots
2. Voter registration notices, voter registration forms, mail-in ballot request applications, voter registration instructions and new voter guides, to the extent that these materials are not already provided in the required language by the Office of the Illinois Secretary of State;
2. Print and audio ballot instruction, electronic ballot and kiosk instructions, and all other directions;

3. Local voters' pamphlets and guides, on-site instructions, rules and procedures including but not limited to individual translator and disability accommodations as required by section 208 of the federal Voting Rights Amendment; and
4. Information on the Office of the Cook County Clerk's website and online properties which pertain, in any way or tangentially, to the elections, including but not limited to early and regular poll locations and instructions as well as information on current elections, candidates and elected officials, working on election day, ways to vote, and registering to vote;

Section 22-37 – Policy

a. By March 1, 2020, the Office of the Cook County Clerk shall deliver fully translated ballots and voting materials in Korean and Tagalog, in addition to qualified languages required by Section 203 of the Voting Rights Act of 1965, 52 U.S.C. § 10503 as the first phase of this program.

b. By November 1, 2020 and at least every three years thereafter, the Office of the Cook County Clerk or their designee shall review data on limited-English-proficient populations in Cook County and shall determine, in consultation with community leaders of limited-English-proficient populations, each single language that has ten thousand or more limited-English-proficient Cook County residents. The Office of the Cook County Clerk will then provide all translated voting materials in those determined languages in the following elections unless it is determined in a future evaluation that the group does not reach that threshold. The Cook County Clerk shall analyze relevant data and shall consult community leaders and organizations to determine prioritized precincts where voting materials shall be provided on Election Day. The Cook County Clerk shall make voting materials available for all qualified languages at all Early Voting sites and “Super Sites.”

c. By February 1, 2021 and at least every three years thereafter, the Office of the Cook County Clerk or their designee shall review data on limited-English-proficient populations in Cook County and shall determine, in consultation with community leaders of limited-English-proficient populations, each single language that has thirteen thousand or more limited-English-proficient Cook County residents. The Office of the Cook County Clerk will then provide a fully translated ballot, print ballots and all translated voting materials in those determined languages in the following elections unless it is determined in a future evaluation that the group does not reach that threshold. The Cook County Clerk shall analyze relevant data and shall consult community leaders and organizations to determine prioritized precincts where fully translated ballots, print ballots and voting materials shall be provided on Election Day. The Office of the Cook County Clerk shall make this determination by referring to the best available data from the United States Census Bureau, the American Community Survey, voter registration and language assistance requests for materials in languages other than English, or other sources the Clerk considers relevant and reliable. The Cook County Clerk shall file a report of this determination per Section 22-39 [Reporting].

d. For all elections administered by the Office of the Cook County Clerk, the Clerk shall prepare voting materials and a fully translated ballot where applicable, to the extent not already provided by the Office of the Illinois Secretary of State, in languages determined through the process described in Section 22-39 [Reporting] of this ordinance, in addition to those languages required by Section 203 of the Voting Rights Act of 1965, 52 U.S.C. § 10503, and those languages for which Cook County is covered in the Federal Register of Covered Areas for Voting Rights Bilingual Election Materials.

Section 22-38 – Scope

This ordinance applies to voting materials and fully translated ballots for all elections administered by the Cook County Clerk starting November 1, 2020 and every election thereafter.

Section 22-39 – Reporting

a. Starting March 1, 2021, the Cook County Clerk shall submit a report annually, or add to the existing Cook County Post Election Report, data and information related to language access at the ballot including, but not limited to:

1. The number of sample ballot requests and distributions in each language other than English;
2. The number of ballots submitted, including Early Voting, Election Day Voting, and Mail-in Ballots, in each language other than English;
3. Voting material requests and distributions, as applicable, in each language other than English, by precinct where applicable.
4. Voter assistance requests and provided in each language other than English b; and
5. Bilingual poll workers required and recruited in each language other than English.

b. The Office of the Cook County Clerk shall file a report with the Cook County Board of Commissioners with a determination of the languages that have ten thousand or more limited-English-proficient Cook County residents and the supporting analysis as well as the languages that have thirteen thousand or more limited-English-proficient Cook County residents and the supporting analysis. This determination shall be made based on a review of data on limited-English-proficient populations in Cook County and in consultation with community leaders of limited-English-proficient populations and appropriate budgetary and other offices under the president, and also by referring to the best available Countywide data from the United States Census Bureau, the American Community Survey, voter registration and language assistance requests for materials in languages other than English, or other sources the Clerk considers relevant and reliable.

1. The Office of the County Clerk shall file a report with the Cook County Board as above described, by November 1, 2020, and at least every three years thereafter.
2. The Office of the County Clerk shall file the report in the form of a paper original and an electronic copy with the Secretary of the Board of Commissioners, who shall retain the original and provide an electronic copy to the Office of the President and all Board of Commissioners members. The Office of the Cook County Clerk shall also ensure that the report, along with underlying data and analysis, be made available and accessible online.
3. Beginning in the first election after the Office of the Cook County Clerk files the report as required by Section 22-39, Subsection B [Reporting] of this ordinance, the Office of the County Clerk shall provide all voting materials, signage, and fully translated ballots as required within this ordinance in all languages determined in the above-described triannual report as well as those required by Section 203 of the Voting Rights Act of 1965, 52 U.S.C. § 10503.
4. Beginning in the first election after the Office of the Cook County Clerk files the report as required by Section 22-39, Subsection B [Reporting] of this ordinance, the Office of the Cook County Clerk shall post on the county elections website the polling places that will have translated ballots, sample ballots and/or bilingual poll workers and translate this content into the relevant languages.

Section 22-40 – Operations

a. At all applicable poll locations on days of early voting and on election day, as required by this ordinance, ensure that:

1. Bilingual poll workers wear badges that identify the languages they speak, translated in the languages that they speak;
2. A “language assistance sign” is posted or located on the main table at each polling place staffed by bilingual poll workers that identifies the languages spoken by the poll workers present; and that sign should be translated into the relevant languages;
3. A sign is posted at each voting booth reading, “Do you want to see a sample ballot in [insert language]? Ask a poll worker for assistance;” and that sign should be translated into the relevant languages;
4. A sign is clearly posted addressing the fact that voters may bring individuals with them to the polls to assist in voting as required by Section 208 of the Voting Rights Act of 1965;
5. A “vote here” sign or other signage indicating the poll location be posted outside each polling location; and that sign should be translated into the relevant languages; and
6. The language assistance hotline number is clearly posted; and that sign should be translated into the relevant languages.

b. The Office of the Cook County Clerk shall make voting materials available to any resident of Cook County upon request of that person, and in addition shall make all necessary voting materials, including sample ballots, voter registration materials, mail-in ballot applications, and voter guides broadly available, including to Cook County offices and buildings. The Office of the Cook County Clerk shall make a best effort to broadly distribute the previously described voting materials to all offices of elected officials within Cook County, the offices of local municipal, township or county-wide government offices, the residents at the County jail, and through nonprofits and community organizations.

c. The Cook County Clerk may make best efforts to ensure a robust, multi-lingual and culturally competent outreach and community engagement program, including, but not limited to:

1. Recruiting and retaining bilingual poll workers and election judges;
2. Training all judges on cultural competency, language access rules and procedures, and that voters may bring individuals with them to the polls to assist in voting as required by Section 208 Voting Rights Act of 1965; and
3. Working in partnership with community leaders and organizations serving limited-English proficiency communities to engage in outreach to educate residents on their rights, and language services offered, distribute voting materials and recruit bilingual election judges.

Section 22-41 – Enforcement

- a. Complaints on non-compliance of this ordinance can be reported to the Elections Division of the Cook County Clerk’s Office to be addressed.
- b. Further complaints of non-compliance of this ordinance can be reported via a complaint to the Cook County Office of the Independent Inspector General.

Section 22-42 – Other

- a. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.
- b. The Office of the County Clerk shall ensure that the cost of providing the materials and services described in this ordinance shall be considered a cost of elections.
- c. This ordinance shall not be construed as creating any duty on the part of Cook County to any particular person or class of persons and the performance or non-performance of the duties specified herein shall not affect the validity of any election.

EFFECTIVE DATE: This ordinance shall be in effect immediately upon adoption.