3730--A

2017-2018 Regular Sessions

IN ASSEMBLY

January 30, 2017

Introduced by M. of A. COLTON, CYMBROWITZ, RIVERA, WEINSTEIN, CRESPO, WILLIAMS, DE LA ROSA, MOSLEY, BARRON, HARRIS -- Multi-Sponsored by --M. of A. ABBATE, AUBRY, GUNTHER -- read once and referred to the Committee on Election Law -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to providing bilingual voting materials

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative findings and declaration of policy. The legis-1 2 lature finds that, through the use of various practices and procedures, citizens of language minorities have been effectively excluded from 3 4 participation in the electoral process. Among other factors, the denial 5 of the right to vote of such minority group citizens is ordinarily directly related to the unequal educational opportunities afforded them 6 resulting in high illiteracy and low voting participation. The legisla-7 ture declares that, in order to enforce the guarantees of the United 8 9 States Constitution, it is necessary to eliminate such discrimination by 10 prohibiting these practices, and by prescribing other remedial devices. \S 2. The election law is amended by adding a new section 3-505 to read 11 12 as follows:

13 § 3-505. Bilingual voting materials requirement. 1. Generally. Before 14 August sixth, two thousand nineteen, no covered state or political 15 subdivision shall provide voting materials only in the English language. 16 2. Covered states and political subdivisions. (a) Generally. A state 17 or political subdivision is a covered state or political subdivision for 18 the purposes of this section if the director of the census determines, 19 based on census data, that:

EXPLANATION--Matter in <u>italics</u> (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD04917-03-8

A. 3730--A

 or political subdivision are members of a single language minority are limited-English proficient; or (2) more than ten thousand of the citizens of voting age of such political subdivision are members of a single language minority and limited-English proficient. (b) Exception. The prohibitions of this section do not apply in political subdivision that has less than five percent voting age lim ed-English proficient citizens of each language minority which compri over five percent of the statewide limited-English proficient populat of voting age citizens, unless the political subdivision is a cove political subdivision independently from its state. 3. Definitions. As used in this section: (a) The term "voting materials" means registration or voting notic forms, instructions, assistance, or other materials or informat relating to the electoral process, including ballots; (b) The term "limited-English proficient" means unable to speak understand English adequately enough to participate in the elector primary grade. 4. Special rule. The determinations of the director of the cent under this section shall be effective upon publication in the Fede Register and shall not be subject to review in any court. 5. Requirement of voting notices, forms, instructions, assistance, other materials and ballots in minority language. Whenever any state political subdivision subject to the prohibition of this section assistance, or other materials or information relating to the elector process, including ballots, it shall provide them in the language of applicable minority group as well as in the English language. Provid 	such poli- ity and are ly in any age limit- h comprises population a covered ng notices, information to speak or
 (2) more than ten thousand of the citizens of voting age of such potical subdivision are members of a single language minority and limited-English proficient. (b) Exception. The prohibitions of this section do not apply in political subdivision that has less than five percent voting age lime ed-English proficient citizens of each language minority which comprise over five percent of the statewide limited-English proficient populat of voting age citizens, unless the political subdivision is a cover political subdivision independently from its state. 3. Definitions. As used in this section: (a) The term "voting materials" means registration or voting notic forms, instructions, assistance, or other materials or informat relating to the electoral process, including ballots; (b) The term "limited-English proficient" means unable to speak understand English adequately enough to participate in the elector process; (c) The term "citizens" means citizens of the United States; and (d) The term "illiteracy" means the failure to complete the fi primary grade. 4. Special rule. The determinations of the director of the cent under this section shall be effective upon publication in the Fede Register and shall not be subject to review in any court. 5. Requirement of voting notices, forms, instructions, assistance, other materials and ballots in minority language. Whenever any state provides any registration or voting notices, forms, instruction assistance, or other materials or information relating to the elector of the subject to the prohibition of the section applicable minority and assistance, or other materials or information relating to the elector applicable minority group as well as in the English language. Provid applicable minority group as well as in the English language. Provid that where the language of the applicable minority group is oral 	ity and are ly in any age limit- h comprises population a covered ng notices, information to speak or
5 tical subdivision are members of a single language minority and limited-English proficient. (b) Exception. The prohibitions of this section do not apply in political subdivision that has less than five percent voting age lim ed-English proficient citizens of each language minority which comprise over five percent of the statewide limited-English proficient populat of voting age citizens, unless the political subdivision is a cove political subdivision independently from its state. 3 Definitions. As used in this section: (a) The term "voting materials" means registration or voting notice forms, instructions, assistance, or other materials or informat relating to the electoral process, including ballots: (b) The term "limited-English proficient" means unable to speak understand English adequately enough to participate in the electo process: (c) The term "citizens" means citizens of the United States; and (d) The term "limitedreary" means the failure to complete the fi primary grade. 4. Special rule. The determinations of the director of the cen under this section shall be effective upon publication in the Fede Register and shall not be subject to review in any court. 5. Requirement of voting notices, forms, instructions, assistance, other materials and ballots in minority language. Whenever any state political subdivision subject to the prohibition of this sect provides any registration or voting notices, forms, instructio assistance, or other materials or information relating to the electo process, including ballots, it shall provide them in the language of applicable minority group as well as in the English language. Provid that where the language of the applicable minority group is oral	ity and are ly in any age limit- h comprises population a covered ng notices, information to speak or
1 limited-English proficient. (b) Exception. The prohibitions of this section do not apply in political subdivision that has less than five percent voting age lim ed-English proficient citizens of each language minority which compride over five percent of the statewide limited-English proficient populat of voting age citizens, unless the political subdivision is a cover political subdivision independently from its state. 3. Definitions. As used in this section: (a) The term "voting materials" means registration or voting notice forms, instructions, assistance, or other materials or informat relating to the electoral process, including ballots; (b) The term "limited-English proficient" means unable to speak understand English adequately enough to participate in the elector process; (c) The term "citizens" means citizens of the United States; and (d) The term "illiteracy" means the failure to complete the fiprimary grade. 4. Special rule. The determinations of the director of the cent under this section shall be effective upon publication in the Fede Register and shall not be subject to review in any court. 5. Requirement of voting notices, forms, instructions, assistance, other materials and ballots in minority language. Whenever any state political subdivision subject to the prohibition of this section assistance, other materials and ballots in minority language. forms, instruction assistance, or other materials or informatices, forms, instruction assistance, or other materials or informatices, forms, instruction assistance, or ball provides any registration or voting notices, forms, instruction assistance, or other materials or informatice the elector process, including ballots, it shall provide them in the language of applicable minority group as well as in the English language. Providi that where the language of the applicable minority group is oral	ly in any age limit- h comprises population a covered ng notices, information to speak or
 (b) Exception. The prohibitions of this section do not apply in political subdivision that has less than five percent voting age lim ed-English proficient citizens of each language minority which compri over five percent of the statewide limited-English proficient populat of voting age citizens, unless the political subdivision is a cove political subdivision independently from its state. 3. Definitions. As used in this section: (a) The term "voting materials" means registration or voting notic forms, instructions, assistance, or other materials or informat relating to the electoral process, including ballots; (b) The term "limited-English proficient" means unable to speak understand English adequately enough to participate in the electo process; (c) The term "citizens" means citizens of the United States; and (d) The term "illiteracy" means the failure to complete the fi primary grade. 4. Special rule. The determinations of the director of the cen under this section shall be effective upon publication in the Fede Register and shall not be subject to review in any court. 5. Requirement of voting notices, forms, instructions, assistance, other materials and ballots in minority language. Whenever any state political subdivision subject to the prohibition of this sect provides any registration or voting notices, forms, instructio assistance, or other materials or information relating to the electo process, including ballots, it shall provide them in the language of applicable minority group as well as in the English language. Provid that where the language of the applicable minority group is oral 	age limit- h comprises population a covered ng notices, information to speak or
8 political subdivision that has less than five percent voting age lim 9 ed-English proficient citizens of each language minority which compri 10 over five percent of the statewide limited-English proficient populat 11 of voting age citizens, unless the political subdivision is a cove 12 political subdivision independently from its state. 13 3. Definitions. As used in this section: 14 (a) The term "voting materials" means registration or voting notice 15 forms, instructions, assistance, or other materials or informat 16 relating to the electoral process, including ballots; 17 (b) The term "limited-English proficient" means unable to speak 18 understand English adequately enough to participate in the elector 19 process; 20 (c) The term "citizens" means citizens of the United States; and 21 (d) The term "illiteracy" means the failure to complete the fi 21 primary grade. 23 4. Special rule. The determinations of the director of the cen 23 4. Special rule. The determinations of the director of the cen 24 under this section shall be effective upon publication in the Fede 25 Register and shall not be subject to review in any court. 26 5. Requirement of voting notices, forms, instructions, assistance, 27 other materials and ballots in minority language. Whenever any state 28 political subdivision subject to the prohibition of this sect 29 provides any registration or voting notices, forms, instructio 20 assistance, or other materials or information relating to the elector 21 applicable minority group as well as in the English language. Provid 22 applicable minority group as well as in the English language. Provid 23 that where the language of the applicable minority group is oral	age limit- h comprises population a covered ng notices, information to speak or
 9 ed-English proficient citizens of each language minority which compri over five percent of the statewide limited-English proficient populat of voting age citizens, unless the political subdivision is a cove political subdivision independently from its state. 3. Definitions. As used in this section: (a) The term "voting materials" means registration or voting notic forms, instructions, assistance, or other materials or informat relating to the electoral process, including ballots; (b) The term "limited-English proficient" means unable to speak understand English adequately enough to participate in the elector process; (c) The term "citizens" means citizens of the United States; and (d) The term "illiteracy" means the failure to complete the fi primary grade. 4. Special rule. The determinations of the director of the cen under this section shall be effective upon publication in the Fede Register and shall not be subject to review in any court. 5. Requirement of voting notices, forms, instructions, assistance, other materials and ballots in minority language. Whenever any state political subdivision subject to the prohibition of this sect provides any registration or voting notices, forms, instructio assistance, or other materials or information relating to the electo process, including ballots, it shall provide them in the language of applicable minority group as well as in the English language. Provid 	h comprises population a covered ng notices, information to speak or
 over five percent of the statewide limited-English proficient populat of voting age citizens, unless the political subdivision is a cover political subdivision independently from its state. 3. Definitions. As used in this section: (a) The term "voting materials" means registration or voting notice forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots; (b) The term "limited-English proficient" means unable to speak understand English adequately enough to participate in the elector process; (c) The term "citizens" means citizens of the United States; and (d) The term "illiteracy" means the failure to complete the fi primary grade. 4. Special rule. The determinations of the director of the cen under this section shall be effective upon publication in the Fedee Register and shall not be subject to review in any court. 5. Requirement of voting notices, forms, instructions, assistance, other materials and ballots in minority language. Whenever any state political subdivision subject to the prohibition of this section assistance, or other materials or information relating to the electod process, including ballots, it shall provide them in the language. Provid 	population a covered ng notices, information to speak or
of voting age citizens, unless the political subdivision is a cover political subdivision independently from its state. 3. Definitions. As used in this section: (a) The term "voting materials" means registration or voting notice forms, instructions, assistance, or other materials or informat relating to the electoral process, including ballots; (b) The term "limited-English proficient" means unable to speak understand English adequately enough to participate in the elector process; (c) The term "citizens" means citizens of the United States; and (d) The term "illiteracy" means the failure to complete the fi primary grade. 4. Special rule. The determinations of the director of the cen under this section shall be effective upon publication in the Fedee Register and shall not be subject to review in any court. 5. Requirement of voting notices, forms, instructions, assistance, other materials and ballots in minority language. Whenever any state political subdivision subject to the prohibition of this sect provides any registration or voting notices, forms, instruction assistance, or other materials or information relating to the electo process, including ballots, it shall provide them in the language of applicable minority group as well as in the English language. Provid	a covered ng notices, information to speak or
political subdivision independently from its state. 3. Definitions. As used in this section: (a) The term "voting materials" means registration or voting notice forms, instructions, assistance, or other materials or informat relating to the electoral process, including ballots; (b) The term "limited-English proficient" means unable to speak understand English adequately enough to participate in the elector process; (c) The term "citizens" means citizens of the United States; and (d) The term "illiteracy" means the failure to complete the fi primary grade. 4. Special rule. The determinations of the director of the cen under this section shall be effective upon publication in the Fede Register and shall not be subject to review in any court. 5. Requirement of voting notices, forms, instructions, assistance, other materials and ballots in minority language. Whenever any state political subdivision subject to the prohibition of this sect provides any registration or voting notices, forms, instruction assistance, or other materials or information relating to the electod process, including ballots, it shall provide them in the language. Provid that where the language of the applicable minority group is oral	ng notices, information to speak or
 3. Definitions. As used in this section: (a) The term "voting materials" means registration or voting notice forms, instructions, assistance, or other materials or informat relating to the electoral process, including ballots; (b) The term "limited-English proficient" means unable to speak understand English adequately enough to participate in the electo process; (c) The term "citizens" means citizens of the United States; and (d) The term "limited-english at effective upon publication in the Fede primary grade. 4. Special rule. The determinations of the director of the cen under this section shall be effective upon publication in the Fede Register and shall not be subject to review in any court. 5. Requirement of voting notices, forms, instructions, assistance, other materials and ballots in minority language. Whenever any state political subdivision subject to the prohibition of this sect provides any registration or voting notices, forms, instructio assistance, or other materials or information relating to the electo applicable minority group as well as in the English language. Provid 	information to speak or
 (a) The term "voting materials" means registration or voting notice forms, instructions, assistance, or other materials or informat relating to the electoral process, including ballots; (b) The term "limited-English proficient" means unable to speak understand English adequately enough to participate in the elector process; (c) The term "citizens" means citizens of the United States; and (d) The term "illiteracy" means the failure to complete the fiprimary grade. 4. Special rule. The determinations of the director of the cend under this section shall be effective upon publication in the Fede Register and shall not be subject to review in any court. 5. Requirement of voting notices, forms, instructions, assistance, other materials and ballots in minority language. Whenever any state political subdivision subject to the prohibition of this sector process, including ballots, it shall provide them in the language of the applicable minority group is oral 	information to speak or
forms, instructions, assistance, or other materials or informat relating to the electoral process, including ballots; (b) The term "limited-English proficient" means unable to speak understand English adequately enough to participate in the electo process; (c) The term "citizens" means citizens of the United States; and (d) The term "illiteracy" means the failure to complete the fi primary grade. 4. Special rule. The determinations of the director of the cen under this section shall be effective upon publication in the Fede Register and shall not be subject to review in any court. 5. Requirement of voting notices, forms, instructions, assistance, other materials and ballots in minority language. Whenever any state political subdivision subject to the prohibition of this sect provides any registration or voting notices, forms, instruction assistance, or other materials or information relating to the electo process, including ballots, it shall provide them in the language. Provid that where the language of the applicable minority group is oral	information to speak or
relating to the electoral process, including ballots: (b) The term "limited-English proficient" means unable to speak understand English adequately enough to participate in the elector process; (c) The term "citizens" means citizens of the United States; and (d) The term "illiteracy" means the failure to complete the fi primary grade. 4. Special rule. The determinations of the director of the cen under this section shall be effective upon publication in the Fede Register and shall not be subject to review in any court. 5. Requirement of voting notices, forms, instructions, assistance, other materials and ballots in minority language. Whenever any state political subdivision subject to the prohibition of this sect provides any registration or voting notices, forms, instruction assistance, or other materials or information relating to the electod process, including ballots, it shall provide them in the language. Provid that where the language of the applicable minority group is oral	<u>to speak or</u>
 (b) The term "limited-English proficient" means unable to speak understand English adequately enough to participate in the electo process; (c) The term "citizens" means citizens of the United States; and (d) The term "illiteracy" means the failure to complete the fi primary grade. 4. Special rule. The determinations of the director of the cen under this section shall be effective upon publication in the Fede Register and shall not be subject to review in any court. 5. Requirement of voting notices, forms, instructions, assistance, other materials and ballots in minority language. Whenever any state political subdivision subject to the prohibition of this sect provides any registration or voting notices, forms, instructio assistance, or other materials or information relating to the electo process, including ballots, it shall provide them in the language. Provid that where the language of the applicable minority group is oral 	_
18 understand English adequately enough to participate in the elector process; 20 (c) The term "citizens" means citizens of the United States; and 21 (d) The term "illiteracy" means the failure to complete the fi 22 primary grade. 23 4. Special rule. The determinations of the director of the cent 24 under this section shall be effective upon publication in the Fedee 25 Register and shall not be subject to review in any court. 26 5. Requirement of voting notices, forms, instructions, assistance, 27 other materials and ballots in minority language. Whenever any state 28 political subdivision subject to the prohibition of this sect 29 provides any registration or voting notices, forms, instruction 30 assistance, or other materials or information relating to the elector 31 process, including ballots, it shall provide them in the language of 32 applicable minority group as well as in the English language. Provid 33 that where the language of the applicable minority group is oral	_
19 process: 20 (c) The term "citizens" means citizens of the United States; and 21 (d) The term "illiteracy" means the failure to complete the fi 22 primary grade. 23 4. Special rule. The determinations of the director of the cen 24 under this section shall be effective upon publication in the Fedee 25 Register and shall not be subject to review in any court. 26 5. Requirement of voting notices, forms, instructions, assistance, 27 other materials and ballots in minority language. Whenever any state 28 political subdivision subject to the prohibition of this sect 29 provides any registration or voting notices, forms, instruction 30 assistance, or other materials or information relating to the electo 31 process, including ballots, it shall provide them in the language of 32 applicable minority group as well as in the English language. Provid 33 that where the language of the applicable minority group is oral	alactoral
 (c) The term "citizens" means citizens of the United States; and (d) The term "illiteracy" means the failure to complete the fi primary grade. 4. Special rule. The determinations of the director of the cen under this section shall be effective upon publication in the Fede Register and shall not be subject to review in any court. 5. Requirement of voting notices, forms, instructions, assistance, other materials and ballots in minority language. Whenever any state provides any registration or voting notices, forms, instructio assistance, or other materials or information relating to the electo process, including ballots, it shall provide them in the language. Provid that where the language of the applicable minority group is oral 	erectorar
 (d) The term "illiteracy" means the failure to complete the fi primary grade. 4. Special rule. The determinations of the director of the cen under this section shall be effective upon publication in the Fede Register and shall not be subject to review in any court. 5. Requirement of voting notices, forms, instructions, assistance, other materials and ballots in minority language. Whenever any state political subdivision subject to the prohibition of this sect provides any registration or voting notices, forms, instructio assistance, or other materials or information relating to the electo process, including ballots, it shall provide them in the language of applicable minority group as well as in the English language. Provid 	_
22 primary grade. 23 <u>4. Special rule. The determinations of the director of the cen</u> 24 under this section shall be effective upon publication in the Fede 25 Register and shall not be subject to review in any court. 26 <u>5. Requirement of voting notices, forms, instructions, assistance,</u> 27 other materials and ballots in minority language. Whenever any state 28 political subdivision subject to the prohibition of this sect 29 provides any registration or voting notices, forms, instructio 30 assistance, or other materials or information relating to the electo 31 process, including ballots, it shall provide them in the language of 32 applicable minority group as well as in the English language. Provid 33 that where the language of the applicable minority group is oral	
 4. Special rule. The determinations of the director of the cen under this section shall be effective upon publication in the Fede Register and shall not be subject to review in any court. 5. Requirement of voting notices, forms, instructions, assistance, other materials and ballots in minority language. Whenever any state political subdivision subject to the prohibition of this sect provides any registration or voting notices, forms, instruction assistance, or other materials or information relating to the electo process, including ballots, it shall provide them in the language of applicable minority group as well as in the English language. Provid 	<u>e the fifth</u>
under this section shall be effective upon publication in the Fede Register and shall not be subject to review in any court. 5. Requirement of voting notices, forms, instructions, assistance, other materials and ballots in minority language. Whenever any state political subdivision subject to the prohibition of this sect provides any registration or voting notices, forms, instruction assistance, or other materials or information relating to the electo process, including ballots, it shall provide them in the language of applicable minority group as well as in the English language. Provid	
Register and shall not be subject to review in any court. 5. Requirement of voting notices, forms, instructions, assistance, other materials and ballots in minority language. Whenever any state political subdivision subject to the prohibition of this sect provides any registration or voting notices, forms, instructio assistance, or other materials or information relating to the electo process, including ballots, it shall provide them in the language of applicable minority group as well as in the English language. Provid that where the language of the applicable minority group is oral	
5. Requirement of voting notices, forms, instructions, assistance, other materials and ballots in minority language. Whenever any state political subdivision subject to the prohibition of this sect provides any registration or voting notices, forms, instructio assistance, or other materials or information relating to the electo process, including ballots, it shall provide them in the language of applicable minority group as well as in the English language. Provid that where the language of the applicable minority group is oral	the Federal
27 other materials and ballots in minority language. Whenever any state 28 political subdivision subject to the prohibition of this sect 29 provides any registration or voting notices, forms, instructio 30 assistance, or other materials or information relating to the electo 31 process, including ballots, it shall provide them in the language of 32 applicable minority group as well as in the English language. Provid 33 that where the language of the applicable minority group is oral	
political subdivision subject to the prohibition of this sect provides any registration or voting notices, forms, instructio assistance, or other materials or information relating to the electo process, including ballots, it shall provide them in the language of applicable minority group as well as in the English language. Provid that where the language of the applicable minority group is oral	
29 provides any registration or voting notices, forms, instructio 30 assistance, or other materials or information relating to the electo 31 process, including ballots, it shall provide them in the language of 32 applicable minority group as well as in the English language. Provid 33 that where the language of the applicable minority group is oral	
30 assistance, or other materials or information relating to the electo 31 process, including ballots, it shall provide them in the language of 32 applicable minority group as well as in the English language. Provid 33 that where the language of the applicable minority group is oral	
31 process, including ballots, it shall provide them in the language of 32 applicable minority group as well as in the English language. Provid 33 that where the language of the applicable minority group is oral	
32 applicable minority group as well as in the English language. Provid 33 that where the language of the applicable minority group is oral	
33 that where the language of the applicable minority group is oral	
24 unumitton on in the gage of Mlaghan natives and Amenigan Indians if	
34 <u>unwritten or in the case of Alaskan natives and American Indians, if</u> 35 <u>predominant language is historically unwritten, the state or politi</u>	
	—
36 <u>subdivision is only required to furnish oral instructions, assistan</u> 37 <u>or other information relating to registration and voting.</u>	assistance,
38 6. Action for declaratory judgment permitting English-only materia	materials
40 section, which seeks to provide English-only registration or vot	
41 materials or information, including ballots, may file an action agai	
42 the United States in the United States District Court for a declarat	
43 judgment permitting such provision. The court shall grant the reques	
44 relief if it determines that the illiteracy rate of the applica	
45 language minority group within the state or political subdivision	applicable
46 equal to or less than the national illiteracy rate. 47 § 3. This act shall take effect on the first of January next succe	ivision is

2