

Language Accessibility Advisory Committee (LAAC)

January 23, 2018

City Hall, Room 305

Attendees:

John Arntz, Director, Department of Elections
Nataliya Kuzina, Deputy Director, Department of Elections
Kimberly Daniel, Department of Elections
Mayank Patel, Department of Elections
Yelena Cappello, Department of Elections
Barbara Carr, Department of Elections
Jill Fox, Department of Elections
Jonathan Aaberg, Department of Elections
Hong Mai Pang, Chinese for Affirmative Action
Hazel Lee, SF Shanghai Association

Christopher Bardales, Mayor's Office on Neighborhood Services
Heather Kittel, Mayor's Office on Disability
Randy Weaver, SF Project Read
Mohsin Mirza, Asian Americans Advancing Justice/ Asian Law Caucus
Jonathan Stein, Asian Americans Advancing Justice/ Asian Law Caucus
Gregory Keech, CCSF Department of ESL
Alberto Perez-Rendon, Asociacion Mayab
Ana De Carolis, Mujeres Unidas y Activas

Meeting Minutes

1. Welcome and Introductions
 - a. All participants introduced themselves
2. Charter Amendment (File No. 171305, Non-citizen voting in School Board Elections)
 - a. John discussed the proposed legislation
 - i. John clarified that the timeframe cited in the proposal – 270 days – is tied to the budget cycle, giving the Department of Elections time to assess fiscal implications of including Non-citizen voting in election budget planning
 - b. Note: Following the LAAC meeting, Supervisor Fewer withdrew this Charter amendment for further consideration by the Board of Supervisors and will not seek to place the measure on the ballot for the June 5 election.
3. Prop N – Non-citizen Voting in School Board Elections Implementation
 - a. Charter Section 13.111 changes the definition of a voter for election in San Francisco.
 - b. The new definition of a voter in San Francisco includes non-citizen parents, legal guardians, and caregivers (as described in California Family Code Section 6550) who live in San Francisco, are not in prison or on parole, and have or care for children under 19 years of age who also live in San Francisco. These non-citizen voters are eligible to vote only for members of the School Board.
 - c. The agenda packet included a draft affidavit of registration and implementation plan for review
 - d. The Department of Elections is responsible for facilitating elections and will conduct elections for non-citizens voting in School Board elections mostly in the same manner as the Department conducts all elections:

- i. Voters would need to complete a registration form which includes providing a California driver's license or ID number, or the last four digits of voters' social security numbers.
 - ii. Voters would not need to provide any additional information to verify residential addresses or residency status.
 - iii. Voters would not need to provide information verifying that they are a parent, guardian, or caregiver as stated in Charter Section 13.111.
 - iv. The Department will process the registration forms in the same manner as such forms are processed currently.
 - v. The Department will provide the same voting options to non-citizen voters as to all other voters: voting at the polls, voting at the City Hall Voting Center, voting by mail, and remote accessible vote-by-mail voting as required under California election laws.
- e. The Department will, however, need to implement several procedural changes to account for the logistics of processing registration and voting for non-citizen voters, including:
- i. Create and manage a registration database to administrate the registration-related information, including voting history, provided by non-citizen voters. This is necessary because the Department cannot add information to the existing statewide registration database that the California Secretary of State administers since only voters who are citizens are eligible voters.
 - ii. Create a separate ballot for non-citizen voters, with content listing candidates for School Board in English, Chinese, Spanish, and Filipino appearing on one ballot, because they will only be eligible to vote on the one contest.
 - iii. Create a separate Voter Information Pamphlet that includes only information about voting and candidates in the Board of Education contest.
 - iv. Include as a publicly available data set the registration information for non-citizen voters, similar to registration data is currently made available upon approved requests.
 - v. Tally ballots cast by non-citizens with those also cast by regular voters.
 - a. Regarding turnout, the Department will need to keep a separate tally for those who vote only in the Board of Education contest, as applying the number to the total turnout would be inaccurate
 - ii. The Department will continue to put a lot of time into this topic, but LAAC members are highly encouraged to take part in the planning discussions
 1. The Department will host bi-weekly implementation meetings and if anyone is interested in joining, or know someone who is, please indicate this interest by contacting the Community Engagement Team
 2. The tentative start date for bi-weekly meetings was the week of February 5, but subsequent to the LAAC meeting, the Department has instead begun organizing the meeting for the week of February 12.

- iii. The Department will continue to develop plans to implement elections for non-citizen voters in School Board elections on an ongoing basis and will implement the elections as prescribed by election law.
 - 1. Messaging and mechanisms for outreach are our most important concerns and what we seek to discuss during these bi-weekly meetings
 - 2. The interpersonal approach is what John thinks is the most effective way to engage potential Non-citizen voters and ensure they understand their rights and responsibilities under this new legislation
 - 3. There is no need to wait for the bi-weekly meetings to start the conversation or share materials; feel free to communicate with the Department prior to the start of bi-weekly meetings
- f. The concern was raised that none of the materials speak to what is being done by the Department to prevent people from voting in contests they are not eligible to vote in – concern is that they will set themselves up for deportation, specifically in regard to the request for a provisional ballot at a polling place
 - i. John stated that by law, we must treat all voters the same and if someone requests a provisional ballot we are required by law to provide the ballot to them
 - ii. John also stated that concerns such as those expressed regarding provisional balloting are good topics to include in the bi-weekly discussion group meetings.
 - 1. Members of the LAAC feel strongly that the Department will need to consider additional mechanisms for helping Non-citizen voters avoid setting themselves up to be deported by participating in voting
- g. Language is a fundamental concern regarding the City ability to inform non-citizens about these elections and who is eligible to vote. One LAAC member asked what is being done to incorporate information in other languages
 - i. The Department does not have the capacity to provide information in non-certified languages, which is where LAAC members and community partners can assist in getting accurate information out into the community in other languages
- h. One LAAC member stated that there is a risk that people may misunderstand what Prop N allows them to do – the risk of confusion is high
 - i. In order for the Department to ask individuals to provide proof of eligibility, the City will need to set the policy; the Department does not have the experience in this area or the authority to create notices for matters beyond conducting elections and related processes – the City must provide guidance to the Department, including through ordinance.
 - 1. One LAAC member asked the Department to “go above and beyond”
 - a. John reiterated that the Department does not have the capacity to deal with fall out of providing information that is not required and to deal with potential fallout if there is misinterpretation of the guidance we provided that we were not authorized to provide in the first place

2. The discussion group is a great way to determine what the concerns are and can help determine the topics that can be raised with the City on behalf of the Department in asking for additional guidance for implementation
 - ii. One LAAC member indicated that he will reach out to Supervisor Fewer's office to ask for additional assistance in drafting guidance from the City
- i. Other stakeholders with important input might be missing from the current LAAC, and if a stakeholder is not represented, members are encouraged to invite additional participants
- j. Feedback on the draft Registration Application
 - i. First page: information about eligibility cannot be in the same size/color/boldness as other information – make eligibility information front and center
 - ii. Application section VBM – ballots are available in CH, SP, FI – add information about “if you want to receive a reference copy in Korean or Vietnamese, request one from the Department of Elections”
 1. Facsimile options are not clear
 - a. Reference copy of a ballot is confusing and more effort should be made to describe what a facsimile ballot is
 - b. Concerns about translating these “made up” terms into other languages
 2. LAAC members suggested including a section that defines the terms for clarification – what is a legal guardian or caregiver?
 - iii. “Eligibility” is a hard term, suggest simplifying the sentiment
 - iv. Identify community organizations that are resources and ask that they provide accurate information on Non-citizen voting– “contact us, or contact these community groups that also have information about your ability to vote in School Board Elections”
 1. One question is how to identify which organizations could provide such support and another question is will they agree to do so?
 - v. Communicating the eligibility concerns
 1. Distilling laws and codes is hard; John asked LAAC member to “help us engage in a reciprocal process”
 - a. LAAC members are welcome to provide suggestions for marketing this information
 2. LAAC members who are interested in assisting with crafting language are encouraged to join a discussion group and can consider implementing a glossary
 - a. Gregory offered to pilot materials at CCSF before the Department shares them with a wider audience
 - vi. One LAAC member stated that more documents need to be sent out on this topic, including authoritative information – regarding requirements and risks

1. Not everyone has the same level of literacy, and the Department cannot rely on only written materials to inform potential voters, but establish relationships with community organizations to help get accurate information out in a variety of mediums
 - a. One organization that might be able to assist is the Commission on the Status of Women.
 - vii. Incoming outreach coordinators need to verbally speak to and express the importance of Non-citizen voting, eligibility, and potential consequences, and should proactively reach out to organizations to seek approval to visit their sites and share information with the people they serve
4. AB 918 – California Voting for All Act Implementation
 - a. Federal law requires designated groups of non-English speakers to receive election information
 - b. Intent of AB 918 is to expand voting information and services to those who do not speak English, based on predominant minority populations in each county, in addition to languages that are required by federal law
 - i. There are many requirements under AB 918, but the current review of implementation milestones focuses on a few larger components
 - c. Under AB 918, San Francisco election officials are required to offer voters the ability to request a reference ballot in Vietnamese and Korean, in addition to:
 - i. Requiring reference ballots to be available and displayed at each polling location
 - ii. Requiring the inclusion of translated information in the Voter Information Pamphlet and on the Department’s website
 - iii. Requiring expansive signage informing of the availability of facsimile ballots and what languages poll workers speak
 - d. So far, the Department has made updates to the website, the Translated Materials Request tool, and a mailer sent annually to capture voters’ language preferences
 - e. Pages 1 and 2 of the supplemental attachment show screen shots to the planned enhancements to the website
 - i. Homepage of the website – to feature added language assistance button which will serve as the door to the new page that provides information about assistance in Vietnamese and Korean
 - ii. Page 2 is a screen shot of the new webpage that the Department plans to roll out, which discusses various ways a facsimile ballot can be requested, year round telephone assistance, and assistance at the polls via bilingual poll workers
 - iii. Page 3 is a screen shots of the Request for Translated Materials online tool, which allows voters to request translated materials
 1. This tool previously existed for voters to request materials in Chinese, Spanish, and Filipino, however it has now been updated to include options for Vietnamese and Korean requests
 2. Page 1 of the tool asks voters to enter their credentials to access the voters record

3. Page 2 allows voters to select the language in which they want to receive materials
 - f. The Language Preference Mailer will be arriving in mail boxes in the next few weeks
 - i. Intro page informs people of the availability of translated materials
 - ii. The inside content is expanded to include information about other services offered by the Department
 - iii. At the bottom of the mailer voters can select their language preference, detach the bottom portion, and mail it back to the Department free of charge
 1. There is also information about how to access the Request for Translated Materials tool online to make the same request
 - iv. The mailer is a standard practice and is sent annually to capture new translated material requests from voters
 1. Past efforts have yielded approximately 26,000 requests from voters for materials in Chinese, 6,500 requests for materials in Spanish, and 1,300 requests for materials in Filipino
 2. Through the established practice, the Department adds about 5,000 new language preference requests annually
 3. The previous practice was to send the mailer to voters born in Chinese-, Spanish-, and Filipino-speaking countries and the practice will now expand to include voters who were born in Vietnamese- and Korean-speaking countries
 - a. Voters who request translated materials from the Department also receive the state voter guide in the selected language
 - g. Next step for implementing AB 918 is to look at poll worker instructions to ensure poll workers understand how to properly display facsimiles and signage at the polls
 - h. Feedback on AB 918 materials and implementation
 - i. (mailer) One LAAC member suggested moving Vietnamese and Korean translations above Chinese, Spanish, and Filipino translations
 - ii. (mailer) On the outside, the Spanish translation is missing the mention of Korean
 - iii. (website) Information on website is fully accessible on mobile and should be advertised, as many users access the website through their devices rather than a computer
5. Bilingual Poll Worker Assignment and Recruitment
 - a. Current criteria for assigning poll workers on election day
 - i. Voter requests for translated materials
 1. If a precinct has 10 or more voters who have requested translated materials the Department places one bilingual poll worker in the precinct
 2. If there are 75 or more requests, the Department places two bilingual poll workers in the precinct
 - ii. Voter Countries of Birth
 1. Voters can choose to provide country of birth during registration, though not required, this data is used to assign bilingual poll workers

- a. If there are 25 or more voters in the precinct with a country of birth that is Chinese-, Spanish-, or Filipino-speaking, the Department assigns a bilingual poll worker to that precinct
 - i. Country of Birth is not a definitive indicator of a what language a person might speak, for instance, the country of birth could be Mexico but the person is Mayan-speaking
- iii. Data from the California Secretary of State
 1. By January 1 SOS provides updated language requirements for each county based on population
- iv. Voter assistance hotline inquiries
 1. The Department tracks the languages in which voters call to request information and this information is also used to inform poll worker staffing at precincts on Election Day
- v. Poll Worker feedback
 1. If there is feedback that more requests are receiving on Election Day, the Department makes an effort to staff more bilingual poll workers at the precinct for the following election
- b. A handout was shared, highlighting the areas in the city where bilingual poll workers were placed for the November, 2016 election
- c. One LAAC member asked if the Department captures data by gradient of density based on the number of voters who turn out to vote
 - i. For example, when comparing Chinatown to other predominantly Chinese-speaking areas of the city – what is the voter to poll worker ratio – does the Department match this data set?
 1. When considering bilingual poll worker placement, the Department considers vote-by-mail voters as well polling place voters
 - ii. For Chinese languages the dialects matter, as do the age and literacy level of those who speak and read the language
- d. Recruitment of Poll Workers
 - i. Current methods
 1. Retaining current poll workers is the priority – 60% retention rate between elections
 - a. The Department hosts quarterly poll worker network meetings, sends quarterly newsletters, seeks input on procedures and recruitment methods, and offers referral cards
 2. High School poll worker program – high school students represent 30-40% of bilingual poll workers
 - a. One concern pertaining to high school poll workers is that the upcoming June election will be held the day before the last day of school so many may be unavailable
 3. Strategic mail or email messaging in locations that are still in need of poll workers

4. Top three recruitment mechanisms: word of mouth, mail, email
5. The Department also places ads on local radio stations, in neighborhood newspapers, and in the Voter Information Pamphlet
- e. How can we collaborate? What other sources can the Department provide information to help recruit more poll workers?
 - i. In order to serve as a poll worker you do not need to be a citizen or a San Francisco resident, but you do need to be a legal permanent resident of the United States
 1. The LAAC member from Association Mayab indicated interest in serving as a resource for linguistic groups in the City
 - ii. Financial incentive – an adult poll worker can earn up to \$195 (students can earn up to \$152)
6. Poll Worker Training Materials Development
 - a. The Department will send materials for LAAC review, please provide feedback
 - b. June election trainings for poll workers will begin May 5
7. Outreach Mechanisms
 - a. The goal of the Department's outreach program is to reach every corner of San Francisco to let all voters and potential voter know how, when, where to vote, utilizing materials and presentations in person, via social media, place-specific events that we are invited to, merchant walks, collaboration with other city departments, training community organizations to provide information, and presentations at citizenship ceremonies
 - b. What else can we do?
 - i. One LAAC member shared that District 9 is comprised on a large Chinese population and stated that many Asian people but who do not care about voting
 1. The member stated that she would like to encourage disengaged potential voters to vote by making voting and participation personal
8. Review discussion groups and discuss future agenda items