



October 31, 2022

Sent via e-mail

Linsey J. Dale
Imperial County Registrar of Voters
940 W. Main Street, Suite 206
El Centro, CA 92243
linseydale@co.imperial.ca.us

Re: Section 203 Compliance for the November 2022 General

Dear Registrar Linsey J. Dale:

On May 18, 2022, our organizations sent a letter to your office reminding you of your obligations under Section 203 of the federal Voting Rights Act (VRA), 52 U.S.C. § 10503, to provide available election-related materials in Spanish. We also flagged Section 203 deficiencies with your elections website. For your reference, we have attached the May 2022 letter as Exhibit 1. To date, your office has not made key election materials on your website available in Spanish. This is not only disservice to limited English proficient (“LEP”) voters in Imperial County but is also contrary to federal law. We again urge that you immediately correct these deficiencies ahead of the November 8, 2022 election.

Continued Deficiencies

Section 203 requires that any election material provided to voters in English, including material provided on the county election website or via mail by county election officials, should also be provided in the county’s Section 203 language.¹ The Department of Justice (DOJ) has interpreted the language requirements of Section 203 to “apply to all stages of the electoral process . . . including, for example the issuance, at any time during the year, of notifications, announcements, or other informational materials concerning the opportunity to register, the deadline for voter registration, the time, places and subject matters of elections, and the absentee voting process.”²

Our team again reviewed your county’s election website and found that critical election information available in English continues to be unavailable in Spanish.³ As previously noted, although there is a tool that translates the website into Spanish, the Spanish version of the website links to some webpages and documents in English. For example, the Spanish version of the website links to an English version of a flyer on early voting opportunities,⁴ and the website to locate a polling place continues to

¹ Department of Justice, Civil Rights Division, *About Language Minority Voting Rights* (last updated Jan. 4, 2022), <https://bit.ly/3EPzzGu> (noting that, when investigating language minority cases, the DOJ looks at website information and other election information provided in English “to determine whether that same information is being made available to each language minority community”); County Clerk/Registrar of Voters (CC/ROV) Memorandum #21204 (Dec. 10, 2021), <https://bit.ly/3MbDmjI> (directing election officials to review DOJ guidance on Section 203).

² 28 C.F.R. § 55.15.

³ See Elections, Imperial County Registrar of Voters, <https://bit.ly/39xGxnX>.

⁴ November 8, 2022, California General Election, 3 Early Voting Opportunities, Imperial County Registrar of Voters, <https://bit.ly/3yjSIhu>.

only be available in English.⁵ The Spanish version of the website also links to a ballot guide in English.⁶ **We request that your office or the administrator of your county’s election website immediately correct these deficiencies to comply with Section 203.** We also request that you notify us when you have made these corrections.

Best Practices for Translating Election Materials

Accuracy of election information is of utmost importance, and we urge your office to avoid relying on software such as Google Translate to translate election materials. This includes avoiding the use of the Google Translate widget to translate the County’s election website. The U.S. Election Assistance Commission (EAC) recommends that translators have plain language, linguistic, and cultural expertise to support the review of translations for accuracy and dialectical nuances.⁷ Using automatic electronic translations for election websites, however, means that the information will likely be error-filled because these services and web widgets are not designed to parse nuance.⁸ For this reason, the EAC notes that “[h]uman translation is of much higher quality than electronic translation software,”⁹ and even Google Translate’s disclaimer states that “no automated translation is perfect nor is it intended to replace human translators.”¹⁰ Please confirm with us that your office will not be relying solely on Google Translate to translate your website into Spanish.

* * *

The November 2022 general election is only a few weeks away. Eligible voters in your county are looking to your office for the information they need to participate meaningfully in the election. We urge you to update your website and provide all election materials sent via mail in Spanish. Without these resources, LEP voters will not have equal access to crucial and accurate information such as important registration deadlines, different voting options, ballot drop off information, voting locations, and how to vote by mail.

We understand the pressures your office faces in the weeks leading up to the election. We look forward to a response by November 4, 2022.

Sincerely,

Crystal Quezada
Imperial Valley Regional Director
ACLU Foundation of San Diego &
Imperial Counties

Deanna Kitamura
Senior Staff Attorney
Asian Americans Advancing Justice
– Asian Law Caucus

Charles Evans
Supervising Attorney
Asian Americans Advancing
Justice – Southern California

⁵ Election Polling Places, Imperial County Registrar of Voters, <https://bit.ly/3lgO9O8>.

⁶ What’s on the Ballot?, Imperial County November 8, 2022 General Election, Imperial County Registrar of Voters, <https://bit.ly/3ebCTCQ> (last updated Oct. 1, 2022).

⁷ U.S. Election Assistance Commission, *Language Accessibility* at 5 (April 2019), <https://bit.ly/3838X8k> [hereinafter “EAC on Language Accessibility”].

⁸ See, e.g., Yeganeh Torbati, *Google Says Google Translate Can’t Replace Human Translators. Immigration Officials Have Used it to Vet Refugees*, PROPUBLICA, Sept. 26, 2019, <https://bit.ly/3869ari>.

⁹ EAC on Language Accessibility, *supra* note 7 at 5.

¹⁰ Google, *Attribution Requirements*, <https://bit.ly/3vKrO0a>.