



POLICY BRIEF

Multilingual Ballots in Nebraska
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Summary

Section 203 of the Voting Rights Act of 1965 sets a somewhat arbitrary standard for determining counties that are required to provide multilingual voting materials. This standard may be leaving out Nebraskans who do not speak English but live in counties that fall below the threshold. Because of this possibility, counties should voluntarily create regulations lowering this threshold to ensure that all citizens have the opportunity to exercise their right to vote.

Background and Impact

In 1975, Congress amended the Voting Rights Act to add Section 203. The Director of Census uses information collected through the U.S. Census and the American Community Survey to determine which counties will be covered. These final determinations are made under Section 203 standards, which state that a political subdivision must comply with the requirements if the number of U.S. citizens of voting age in a minority language group within that jurisdiction is

- (1) more than 10,000 people; or
- (2) is more than 5% of all voting aged citizens; or
- (3) on an Indian reservation, exceeds 5% of all reservation residence, and
- (4) the illiteracy rate of the minority language group must be higher than the national illiteracy rate.¹

Covered language minorities include American Indian, Asian American, Alaskan Native, and Spanish-heritage citizens.

¹ Voting Rights Act of 1965, § 203, 42 U.S.C.A. § 1973aa-1a.

The Department of Justice plays a large role in the implementation of Section 203, most specifically with informing, assisting, and enforcing the requirements. The DOJ notifies each covered jurisdiction of their obligations and informs local minority communities of the law's existence. They also answer questions that arise regarding compliance with the requirements. Finally, they investigate and pursue any alleged deviations from the law. The attorney general then chooses whether to bring a civil action against violators.

Currently, there are three counties in Nebraska that fall under the requirements of Section 203:

- (1) Colfax County,
- (2) Dakota County, and
- (3) Dawson County

These counties are required to provide information, assistance, registration materials, and ballots in both English and Spanish. Prior to the 2010 census, Sheridan County also fell under the Section 203 requirements and was required to provide registration and voting materials in Lakota for Sioux voters.

According to the U.S. Census Bureau, nearly 75,000 Nebraskans speak English less than "very well". Only about 10,000 of these people live in one of the counties covered by the Section 203 standard. While the exact number of citizens, their ages, and the illiteracy rates in this group require further findings, there is a good chance that a number of the 75,000 Nebraskans would benefit from a standard lower than what Section 203 provides.

Recommendations

There is a strong possibility that some counties in Nebraska fall right below the national threshold set in Section 203. Because of this, counties should consider enacting their own regulations to ensure that all citizens, regardless of their primary language, have the opportunity to vote. These are some steps that each county should consider:

- (1) Counties should use the U.S. Census and American Community Survey data to determine the number of residents who fit the Section 203 demographics
- (2) If a county has any number of residents who fit these into demographics, that county should voluntarily make multilingual ballots available

Conclusion

By following only the Section 203 requirements and not implementing stricter county-by-county requirements, the possibility remains that some citizens may be left without ballots in their primary language. To ensure that no Nebraskans' right to vote is hindered, counties should voluntarily provide multilingual registration and voting materials to their residents in need.