

9/14/2022

August 31, 2022

Via Email

York County Board of Elections

President Commissioner Julie Wheeler

Vice President Commissioner Doug Hoke

Commissioner Ron Smith

28 E Market Street

Administrative Center, B003

York, PA 17401-1579

evr@yorkcountypa.gov

Re: Ensuring Ballot Access for Puerto Rican Voters in York County

Dear President Commissioner Wheeler, Vice President Commissioner Hoke and Commissioner Smith:

Thank you for all your hard work on behalf of York County voters during this election cycle. We are encouraged by the productive conversations we have had over the past few months regarding York County's commitment to removing barriers to voting. We are writing to continue assisting the York County Board of Elections (the "Board") in complying with the requirements of Section 4(e) of the Voting Rights Act ("VRA"). We are grateful that the Board has taken the time to meet with CASA and already demonstrated a commitment to ensuring that Spanish-language dominant Puerto Ricans living in York County have access to Spanish-language ballots, voter registration services, other election materials, and bilingual poll workers as required by the VRA.

CASA is a grassroots organization that works to uplift and leverage the voices of Pennsylvania's immigrant and Latino communities. Since 2016, we have been actively registering Latinx voters and working on issues of voter protection and language access at the polls in Pennsylvania, including in York County. Our election work, which is founded on the notion that voting is a critical component of our democracy, includes civic education and surveying our communities about their relationship to and experience with voting. Before and after the 2022 Primaries, we spoke with several eligible York County voters who shared that they did not vote because of English-only voting materials and assistance. We also spoke to voters who not receive the language assistance they needed at the polls. Unfortunately, many Spanish-speaking voters in York County believe that they do not have the right to vote because they do not speak English, and we are dedicated to working with your office to change that. We urge you to work with us to ensure that no one in York

County is denied the right to vote because they are denied Spanish-language materials and services to which they are entitled.

Section 4(e) of the VRA grants American citizens educated in Puerto Rico who receive public schooling in Spanish with a right to Spanish voting materials and assistance. Specifically, Section 4(e) states that:

Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language. 52 U.S.C. § 10303(e).

Section 4(e) of the VRA requires the Board to provide Spanish language ballots, election materials and bilingual poll workers.

Notwithstanding the Board's hard work to provide access to the polls to Spanish-language dominant Puerto Ricans, CASA has identified several English-only barriers to voting that harmed Spanish-speaking voters during the May 2022 primary.

We also would like to highlight that e-mail communications this cycle have been exclusively in English. While we understand that many e-mail communications related to voting are sent by the Department of State, we ask that to the extent that you work with the State, you address this issue.

The problems we outlined above are not abstract—they provide real, concrete barriers to eligible voters who seek to participate in the electoral process. Maria, the Senior Director of Membership at CASA and a signee of this letter, experienced several English-only barriers on Election Day. The VRA protects voters like Maria because she was educated in Puerto Rico and is Spanish-language dominant. After Maria's mail-in ballot was rejected, she followed the Board's instructions to vote a provisional ballot at her polling location—Ward 4, Precinct 1. When Maria requested the provisional ballot, the poll worker questioned her citizenship and only looked for her name on the list of registered voters after reviewing her driver's license and passport, a humiliating and unnecessary burden on her right to vote.

Maria was told that no provisional ballots or ballot instructions were available in Spanish. Poll workers laughed at Maria's request for a Spanish-speaking poll worker to assist her. A poll worker told Maria that if she did not speak English, she could not vote. She was also made to feel uncomfortable about her request for language assistance when she was told "but you speak English" even after she informed workers that she did not feel comfortable exercising her right to vote in English. The VRA does not only protect voters who speak no English, it also protects voters who are Spanish dominant and prefer to vote in their native language, even though they may speak some English. A poll worker also told Maria that their recent training did not inform them about her language access rights.

Maria's story does not exist in a vacuum. In fact, Maria was able to vote only because of her persistence and her knowledge of her rights. We have spoken to many community members who faced similar circumstances and did not feel that they could access the polls. These practices have a substantial impact on the ability of our community members to exercise their right to vote.

Despite our ongoing communication with the Board regarding the urgency of improving Spanish language voting services, we have not yet received a commitment to print general and provisional ballots in both English and Spanish; to provide ballot instructions in both English and Spanish; to print other election materials, including signs in both English and Spanish; to staff bi-lingual poll workers at all polling locations; to train poll workers on language access requirements; and to staff bilingual employees at the Board of Elections office. We are seeking a written response by September 9, 2022 containing reassurances that the Board will comply with these Section 4(e) requirements in time for the November election.

Sincerely,



Maria del Carmen Gutierrez
Senior Director of Membership
CASA

