

Verifying Implementation of Language Provisions in the Voting Rights Act¹

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Given the centrality of the Voting Rights Act for the incorporation of ethnic and racial minorities into American electoral politics, we know remarkably little of how Section 203 of the act, which has direct implications for Asian, Latino and Native American/Alaska Native registration and voting, has actually been implemented or of the effects of its implementation. To verify implementation of the provisions of Section 203 of the Voting Rights Act, field researchers conducted site visits with county clerks or registrars in sixty-six Section 203-covered counties in fifteen states and twenty-eight counties that are not independently covered by Section 203² in three states. These site visits determined the availability of voter registration and voting materials in Spanish and Asian languages specified under Section 203, the presence of other materials (posters, etc.) in these covered languages, and access to staff members who speak these Section 203 covered languages.

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² These include several counties in Texas, which are covered for Spanish language by virtue of Texas’s statewide coverage under Section 4(f)(4).

Section 203 of the Voting Rights Act

When the Voting Rights Act was first passed, its primary focus was African Americans in the South. Initially, the act was designed to facilitate voter enfranchisement, including registration and voting, but soon, the enforcement of the act shifted to the mechanisms of representation (drawing districts for representation, for example) under Sections 2 and 5 of the act.

Latinos, Asians, and Indians were not covered under the original Voting Rights Act in 1965, but the act was extended to include these groups in 1975 under Sections 4(f) and 203. Coverage under the act for these groups, though, was not based on racial/ethnic categories, but rather on being “linguistic minorities.” The justification for coverage was that language restrictions in voter materials and ballots were operating in much the same way as poll taxes or literacy tests to keep linguistic minorities from the polls.

Section 203 of the act mandated the provision of translated voting materials in covered areas. Covered areas were states or political jurisdictions, such as counties, in which 5% of the 1970 citizen population was a “linguistic minority” and in which fewer than 50% of registered citizens turned out to vote in the 1972 presidential elections. The definition of covered areas was broadened in 1982 and then again in 1990 to include counties where the citizen population of “linguistic minorities” was 10,000 people or more.

Section 4(f) of the Voting Rights Act brought linguistic minorities under the umbrella of Section 5 coverage, a portion of the act that relates in part to concerns about the mechanisms of representation. As a result, Latinos and Asians have been included in discussions about “majority-minority” districts. Coverage under this portion of the act is frozen; that is, coverage reflects Latino/Asian participation in 1972, but has not been changed since.

One critical difference of Section 203, particularly as amended, is that unlike other parts of the VRA (like Section 5 or 4(f)), *coverage has been updated* every ten years according to updated counts from the decennial census. After the 2006 reauthorization of the act, Section 203 coverage determinations will be updated every five years using American Community Survey Census data. Thus, this portion of the act most reflects changing demographic realities.

Within a short period after its passage, the emphasis in the enforcement of the Voting Rights Act quickly shifted from the enfranchisement of individual voters to questions of representation, and, in particular, to a debate on the desirability and effectiveness of majority-minority districts (Grofman and Davidson 1992, Swain 1993, Lublin 1997, Canon 1999). With this shift in emphasis, both scholars and policymakers have lost sight of the act’s effect on registration and voting. For instance, in Grofman and Davidson’s collection of essays on the controversies surrounding the Voting Rights Act (1992), none focuses on enfranchisement. This is also true of their later volume evaluating the act’s impact on the South, in which all but one of thirteen chapters focus on minority voter dilution and representation (Davidson and Grofman 1994). Enfranchisement under the Voting Rights Act has not been controversial, and consequently, has been invisible.

This shift in attention away from enfranchisement might not be so problematic if the Voting Rights Act applied only to African Americans. However, in 1975, Congress extended the act to apply to certain linguistic minority groups—Asian Americans, Hispanics and American Indians. Eligible voting-age individuals from these groups continue to have lower rates of registration and voting. For example, in the 2000 presidential election, 55% of the total voting-age population (111 million people), turned out to vote. However, only 25% of the Asian and Pacific Islanders' voting-age population and 28% of the Latino voting-age population voted. In comparison, 60% of voting-age Anglos³ and 54% of voting-age blacks voted (Jamieson et al. 2001).⁴ These differences in turnout among racial and ethnic groups have persisted over the last thirty years.

It is worth emphasizing here that Section 203 continues the act's original emphasis on voter enfranchisement. In fact, unlike the application of the VRA under Section 5, the language provisions in Sections 4(f)(4) and 203 are the primary portions of the VRA focusing on individual voters' access to the polls rather than on representation more broadly (i.e., the drawing of districts). In addition, unlike other sections of the Voting Rights Act, Section 203 has provisions to ensure that its coverage is updated every five years, thus capturing changing demographic patterns and accompanying language needs.

What Section 203 Sets Out to Do

Section 203 was implemented because, as the statute indicates, Congress believed that “through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process.”⁵ To end these practices, Section 203 indicates that, “[w]henver any State or political subdivision [covered by the section] provides registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language.”⁶ All information that is provided in English at registrars and polling places must be provided in the minority language as well. This covers all election information, including voter registration, candidate qualifying, polling place notices, sample ballots, instructional forms, voter information pamphlets, and absentee and regular ballots—from details about voter registration through the

³ Meaning “non-Hispanic whites.”

⁴ Data for the American-Indian and Alaska-Native populations are not included in the November 2000 CPS Voter Supplement reports because of their small sample size (Jamieson et al. 2001: 3)

⁵ 42 U.S.C. § 1973aa-1a.

⁶ *Ibid.* at 4c. Section 4(f)(4) also prohibits English-only elections and mandates the provision of language assistance to enumerated language minority voters in the jurisdictions it covers. 42 U.S.C. § 1973b(f)(4).

actual casting of the ballot and questions that regularly come up in the polling place. Written materials must be translated, and oral assistance must be available in person by staff speaking the covered languages.

The act targeted specific language minority groups that Congress identified as having borne the brunt of linguistic barriers to the ballot. The covered language groups were Spanish, Asian, Native American and Alaska Native. In some covered jurisdictions only one of these groups is present, while in a very few there are four or more (see Table 7.1).⁷

As of 2002, Section 203 of the Voting Rights Act covers 298 jurisdictions (see Map 7.1: All counties covered under Section 203). The single most widely covered language under Section 203 is Spanish. Section 203 requires the provision of Spanish-language registration and election-related materials in 219 of the 298 covered local jurisdictions (see Table 7.2: Section 203 jurisdictions covering Spanish linguistic minorities).

These 219 jurisdictions (which, aside from Hawaii, include all jurisdictions with Asian-language coverage) are the universe from which the sample in our study was drawn (see Map 7.2: All counties covering Spanish language minorities under Section 203).

Studying the Effects and Implementation of Section 203

There has been virtually no scholarly study of the Voting Rights Act's impact on Latinos and Asian Americans, the two largest ethnic groups covered under Section 203 of the act. In much of the literature there is only a glancing reference to the Voting Rights Act's impact on Asian and Latino electoral participation, and often these references dismiss the importance of the act altogether.⁸ For example, in her work on this subject, Abigail Thernstrom (1987) cast doubt on the need for an extension of the act to cover Hispanics, arguing that the (albeit scanty) pre-1975 literature on Hispanic political participation (Weeks 1930, Grebler et al. 1970, McCloskey and Merrill 1973) indicated that they were already active and well represented. Though they reach very different conclusions, de la Garza and De Sipio concur in most respects with Thernstrom's analysis. In their view, early studies of Latino participation "strongly indicate that prior to the [Voting Rights Act] Mexican-Americans were not excluded from the Texas and Los Angeles electorates" (de la Garza and DeSipio 1997: 86). Furthermore, "[d]espite the protections of the [act], Latino registration and voting rates have not increased significantly since 1975" (de la Garza and DeSipio 1997: 87). Finally, they note, if one of the most concrete provisions of the amended Voting Rights Act was the provision of voting materials for linguistic minorities, evidence from the 1989 Latino National Political Survey indicated that very few

⁷ 67 Fed. Reg. 48871, 48871-48877 (July 26, 2002)

⁸ But see Pantoja, et al. 2001; there is a considerable literature on Latino *representation* as a result of the VRA. See, e.g., Tolbert and Hero 2001; Lublin 1997.

Table 7.1. Number of local jurisdictions covered under Section 203, by number of languages covered.

1 language	253
2 languages	29
3 languages	12
4 languages	3
5 languages	1
Total:	298 jurisdictions

Latinos were taking advantage of the availability of Spanish-language voting materials (de la Garza and DeSipio 1997: 95). As it currently stands, the importance of the act for Latino electoral participation, they conclude, is mostly symbolic, particularly for the native-born (de la Garza and DeSipio 1997: 114; see *also* de la Garza 2004). However, Ramakrishnan's analysis of the language provisions of the Voting Rights Act concludes that they are significant, but only for native-born Latinos, not newly naturalized Latino or Asian citizens (Ramakrishnan 2002).⁹

Jones-Correa (2005) and Jones-Correa and Ramakrishnan (2004) have written pieces addressing the overall impact of Section 203 on the registration and voting rates of covered language minorities at the individual, municipal, and county levels. This work assumes that counties covered under the VRA are in fact faithful to the letter and spirit of the law, an assumption that an earlier GAO study (United States General Accounting Office, 1997) indicates cannot be taken for granted. The question raised in this study, therefore, is how have jurisdictions covered under Section 203 of the Voting Rights Act actually implemented the law?

Data Collection

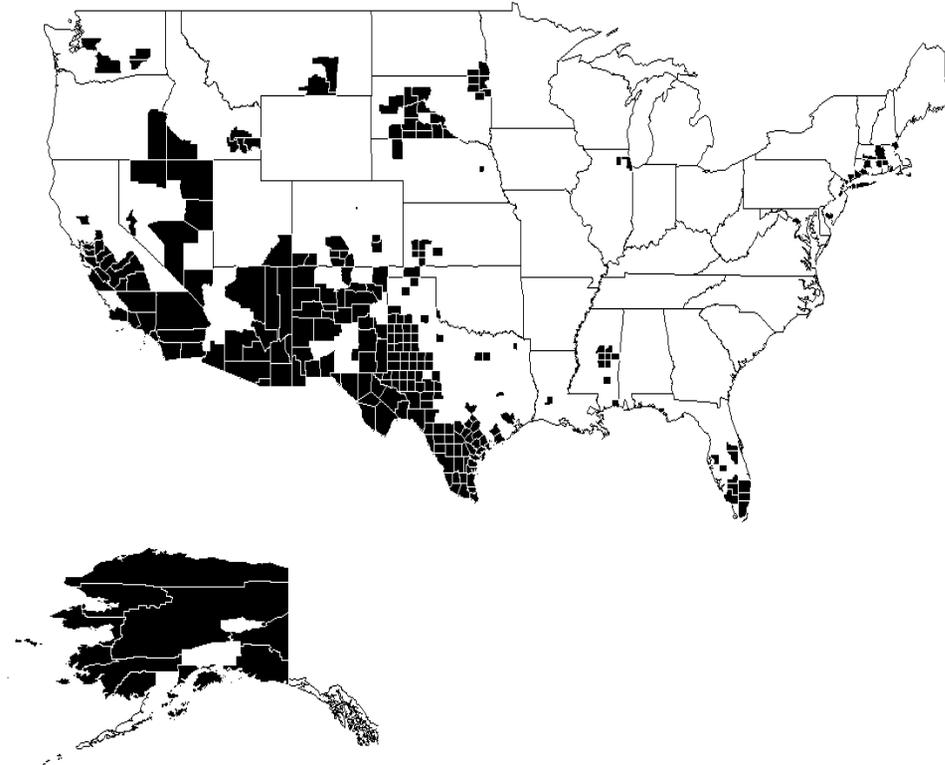
The primary data for this project are on-the-spot checks of registration and voting materials and assistance provided by county registrars and clerks' offices in Section 203 covered jurisdictions. These on-site visits were conducted by Cornell University undergradu-

⁹ Ramakrishnan's study, like the one here, uses the census's Current Population Survey to analyze the effects of Voting Rights Act's language provisions. However, he uses a combined sample drawn from congressional and presidential elections (elections that have very different dynamics) and adds county-level demographic data as contextual variables, reducing his sample by at least a third (due to census restrictions on county identifiers). The combination of these differences in approach leads to quite different results from those presented here.

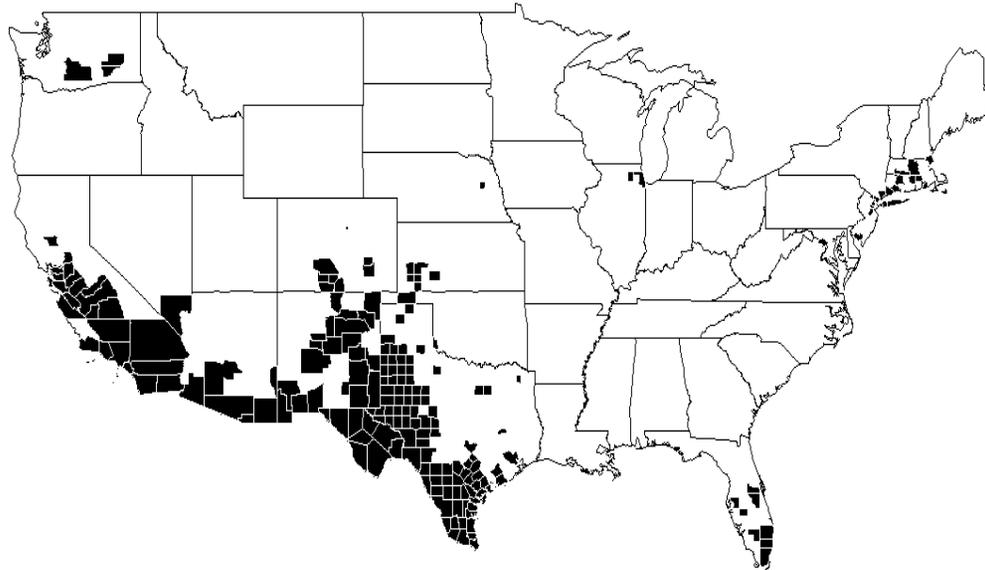
Table 7.2. Number of Section 203 jurisdictions covered for Spanish language, by state with any Section 203 covered jurisdiction

State with Section 203-Covered Jurisdictions	Number of Counties Covered for Spanish Language
Texas:	104
California:	25
New Mexico:	21
Colorado:	8
Florida:	8
Connecticut:	7
Massachusetts:	7
New Jersey:	7
New York:	7
Arizona:	6
Kansas:	6
Washington:	3
Illinois:	2
Oklahoma:	2
Rhode Island:	2
Maryland:	1
Nebraska:	1
Nevada:	1
Pennsylvania:	1
Alaska:	0
Hawaii:	0
Idaho:	0
Louisiana:	0
Mississippi:	0
Montana:	0
North Dakota:	0
South Dakota:	0
Utah:	0

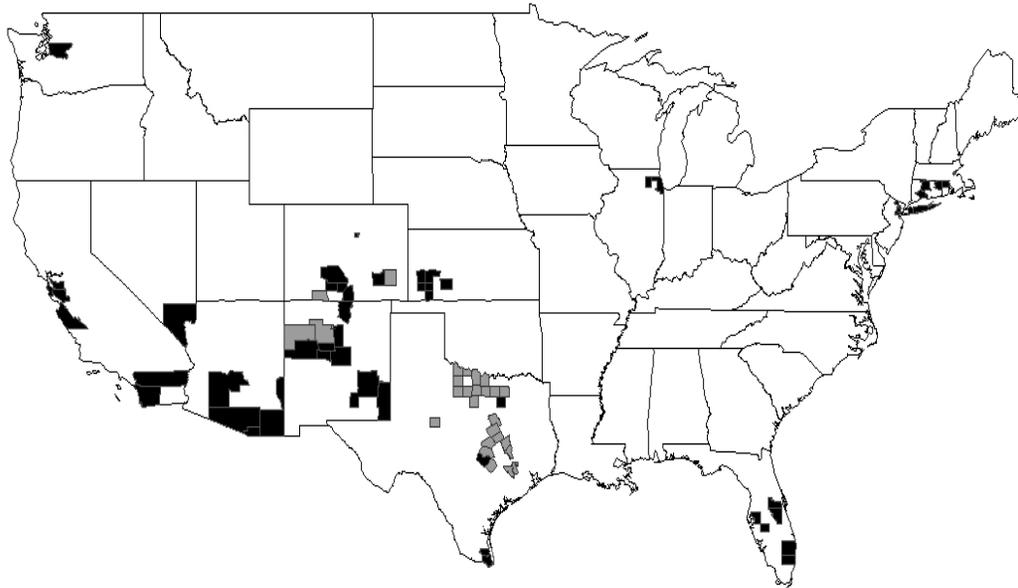
Map 7.1. All Counties Covered under Section 203



Map 7.2. All Counties Covering Spanish Language Minorities under Section 203



Map 7.3. All Counties Included in the Study



ates in the spring and summer of 2005.¹⁰ Data were collected for ninety-one counties: sixty-three counties (across fifteen states) covered under Section 203 of the Voting Rights Act, and twenty-eight counties not individually subject to Section 203 requirements in three states (hereinafter “nonindividually covered counties”) (see Map 7.3: All counties included in the study, with nonindividually covered counties in gray).

The goal of the data collection was to visit as many of the covered states and jurisdictions as possible to test for variance in compliance across states. In addition, data on jurisdictions not individually covered by Section 203 was gathered in three states (Texas, New Mexico, and Colorado). Note that New Mexico and Texas are covered in their entirety by Section 203 of the Voting Rights Act, but many counties within them are not individually covered under that section of the act, including twenty-three of the counties visited in Texas and three in New Mexico. In New Mexico, the nonindividually covered counties are not subject to VRA language requirements. In Texas, however, counties are subject to federal language assistance requirements for Spanish by virtue of statewide coverage under Section 4(f)(4) of the act.¹¹ In addition, Texas, New Mexico, and Colorado each has its own state law requirements applying to the registration and voting of linguistic minorities. We included the nonindividually covered counties to gauge if state regulations or statewide VRA coverage were sufficient, in and of themselves, to provide access to voter registration by linguistic minorities, and if there were significant differences in access to language assistance in registration and voting in covered and nonindividually covered jurisdictions.

During site visits, researchers asked staff at clerks’ and registrars’ offices for registration forms in Spanish and any covered Asian language(s) and for any additional voting- or election-related materials in these languages. Staff were questioned as to the presence of staff capable of speaking Spanish or any Asian languages covered under Section 203 in each jurisdiction (in the case of the jurisdictions in this study, these languages included Chinese, Korean and Filipino languages).

The Data

The data presented here include two measures of compliance with Section 203: the availability of registration materials in covered languages, and the presence of personnel capable of providing oral assistance in covered languages. Under Section 203 of the Voting Rights Act, both materials and oral assistance in registration and elections should be available.

¹⁰ The fieldwork was sponsored by the Russell Sage Foundation and the College of Arts and Science at Cornell University, to whom we extend many thanks.

¹¹ Unlike Section 203, Section 4(f)(4) provides no exemption for counties within a covered state that do not meet Section 203 coverage thresholds.

Registration Materials

Table 7.3 presents the findings for the availability of registration materials in the covered languages by state. The table has columns for state, jurisdictions in the study, and compliance. The study covered fifteen states, listed in the states column. The county column indicates the number of counties visited in each state. The compliance column is a measure of “0” to “1,” where “1” indicates every jurisdiction in the state provided the materials required under Section 203, and “0” indicates that none did so.

Ten of the fifteen states had perfect compliance with this requirement. This was particularly true of states with larger Latino and Asian-American populations, such as California, Florida, Illinois, and New York. Three of the four covered jurisdictions visited in Texas provided materials. Colorado and Rhode Island had the weakest coverage. Note, however, that only two jurisdictions were sampled in Rhode Island, while seven were sampled in Colorado. Findings across the larger sample size suggest that Colorado’s noncompliance is systematic and widespread.

Personnel

Table 7.4 presents the findings for the availability of personnel capable of providing assistance in Spanish and Asian covered languages, by state. Like Table 7.3, this table has columns for state, jurisdictions in the study, and compliance. Again, the first column is a list of states included in the study, and the county column indicates the number of counties visited in each state. The compliance column is a measure of “0” to “1,” where “1” indicates every jurisdiction in the state claimed to provide oral assistance in Spanish and Asian covered languages required under Section 203, and a “0” indicated that none did so.

Nine states had perfect compliance with this provision of Section 203: Arizona, California, Connecticut, Illinois, New Jersey, Nevada, Texas, and Washington. The majority of covered jurisdictions surveyed met this provision of the act, with 80% of the counties surveyed claiming to have staff that could provide assistance in the covered languages. Note that the inclusion of the word “claimed” is not accidental. The field research team took claims of the presence of personnel, and their ability to speak the covered languages, at face value. Four states—Kansas, Massachusetts, New Mexico, and Rhode Island—had significant compliance issues with respect to personnel required by the Voting Rights Act.

Voter Registration Materials and Personnel

Table 7.5 presents the findings for the availability of translated registration materials as well as bilingual personnel, by state. Like Tables 7.3 and 7.4, this table has columns for state, counties in the study, and compliance. Again, the first column is a list of states included in the study, and the county column indicates the number of counties visited in each state. The compliance column is a measure of “0” to “2,” where “2” indicates every jurisdiction in the state provided both regis-

Table 7.3. Compliance in the Provision of Voter Registration Materials, by State

Voter Registration Materials		
State	Jurisdictions In the Study	Compliance
Arizona	5	1.00
California	7	1.00
Colorado	7	0.29
Connecticut	7	1.00
Florida	6	1.00
Illinois	2	1.00
Kansas	6	1.00
Massachusetts	1	1.00
New Jersey	3	1.00
New Mexico	8	0.88
Nevada	1	0.00
New York	6	1.00
Rhode Island	2	0.50
Texas	4	0.75
Washington	1	1.00
Total/ Average	66	0.86

tration materials and assistance in the covered languages required under Section 203, and a “0” indicated that the counties provided neither.

Table 7.5 is thus a compilation of the data presented in Tables 7.3 and 7.4. What’s clear from this compiled data is that few covered jurisdictions are completely out of compliance with Section 203. Jurisdictions in five of the states surveyed were fully in compliance—Arizona, Florida, Illinois, New Jersey, and Washington state. Four others were, with rare exceptions, in full compliance as well—California, Connecticut, New York, and Texas (note that the findings for California and Texas should be interpreted with some caution: seven counties were visited in California and only four covered counties were visited in Texas). The picture that emerges, overall, is of general compliance across the covered jurisdictions—reflected by the composite score of 1.67 out of 2 for compliance.

Table 7.4: Compliance in the Provision of Oral Language Assistance by Personnel in Section 203 Covered Language(s), by State

Personnel		
State	Jurisdictions In the Study	Compliance
Arizona	5	1.00
California	7	1.00
Colorado	7	0.29
Connecticut	7	1.00
Florida	6	1.00
Illinois	2	1.00
Kansas	6	0.33
Massachusetts	1	0.00
New Jersey	3	1.00
New Mexico	8	0.63
Nevada	1	1.00
New York	6	0.83
Rhode Island	2	0.50
Texas	4	1.00
Washington	1	1.00
Total/Average	66	0.80

Despite these findings, there are a number of states that stand out for their noncompliance in either providing voter registration materials or bilingual personnel. These are Colorado, Kansas, Massachusetts, Nevada, and Rhode Island. The limited number of cases for Massachusetts, Nevada, and Rhode Island suggest some caution in interpreting these results, even as the findings suggest further scrutiny is needed with regard to the implementation of Section 203 of the VRA in their covered jurisdictions. The findings for Colorado and Kansas should raise greater alarm, drawing as they do on the evaluation of services provided from a greater number of covered jurisdictions in these states.

Table 7.5: Compliance in both the Provision of Materials and Personnel Bilingual in Section 203 Covered Language(s), by State

Registration Materials and Personnel		
State	Jurisdictions In the Study	Compliance
Arizona	5	2.00
California	7	1.86
Colorado	7	1.14
Connecticut	7	1.86
Florida	6	2.00
Illinois	2	2.00
Kansas	6	1.33
Massachusetts	1	0.50
New Jersey	3	2.00
New Mexico	8	1.50
Nevada	1	0.50
New York	6	1.83
Rhode Island	2	0.50
Texas	4	1.75
Washington	1	2.00
Total/Average	66	1.67

Jurisdictions Not Individually Covered under Section 203

The research team sampled an additional twenty-eight jurisdictions or counties in Colorado, New Mexico, and Texas not individually covered under Section 203 of the Voting Rights Act. Texas and New Mexico are covered statewide by Section 203, but not all their counties are *individually* covered by Section 203. However, all counties within Texas are covered for Spanish language pursuant to statewide Section 4(f)(4) coverage. In addition, all three states have state legislation requiring aid to Spanish language dominant citizens for jurisdictions meeting certain thresholds in their Latino populations. The purpose of sampling these counties, then, was to compare the effectiveness of individual county coverage under Section 203 of the VRA (analyzed in the previous sections) with guarantees

Table 7.6. Provision of Translated Registration Materials in Nonindividually Covered Jurisdictions, by State

Voter Registration Materials		
State	Jurisdictions in the Study	Compliance
Texas	23	0.48
Colorado	2	0.00
New Mexico	3	0.67
Total/Average	28	0.46

Table 7.7. Provision in Nonindividually Covered Counties of Personnel Capable of Providing Oral Assistance in Section 203 Covered Language(s), by State

Personnel		
State	Jurisdictions in the Study	Compliance
Texas	23	0.52
Colorado	2	0.50
New Mexico	3	1.00
Total/Average	28	0.57

for voter access for linguistic minorities offered by statewide coverage under Section 4(f)(4) of the VRA together with state laws.

Section 4(f)(4) coverage statewide in Texas, together with state codes or laws in the three states, do have a positive effect: the data indicate that provision of materials and personnel for linguistic minorities in our sample of non-individually covered counties is not “0.” For the purposes of comparison, tables for the provision of materials and personnel are presented in Tables 7.6 and 7.7.

Nonetheless, the overall picture for the provision of translated registration materials is less than sanguine: just under half of the nonindividually covered counties visited by the research team offered translated registration materials. New Mexico’s counties are required by state law to provide bilingual materials and

assistance,¹² and two of the three counties visited did. Under state law, all Texas counties are required to provide voting materials in Spanish if 5% of their population is of Spanish origin or descent; Section 4(f)(4) also applies statewide in Texas. All but one of the nonindividually covered counties visited for this study met this 5% threshold, yet only slightly under half had registration forms in Spanish as required under state law, despite these forms being available from the state of Texas.¹³

The majority of nonindividually covered jurisdictions visited in these three states claimed to have Spanish-speaking personnel, but this varied significantly, with all the New Mexico counties visited for the study having bilingual personnel, but almost half of Texas and Colorado counties having no Spanish-speaking personnel. In Texas the determination of “adequate” staffing of bilingual personnel is left to the county clerks; this may account for the relatively low percentage of counties with bilingual personnel. Colorado state law is more strongly worded, requiring county clerks or registrars in all counties where 3% or more of eligible voters are non-English speaking to hire full- or part-time personnel to assist those voters.¹⁴ Nonetheless, in Colorado, as in Texas, only about half of the counties visited for the study had bilingual personnel in the county clerk or registrar’s offices.

Despite state-level coverage under Section 4(f)(4) of the VRA for Texas and state laws addressing access to registration and voting by non-English speakers in all three states, the rate of provision of translated registration materials and oral language assistance in the nonindividually covered counties is only about half that of covered counties (46% of the nonindividually covered counties surveyed, for instance, offered voter registration materials, versus 86% of the individually covered counties; and 57% had personnel to offer language assistance versus 80% of individually covered jurisdictions). These findings were particularly striking in Texas where, with twenty-three nonindividually covered counties visited, the findings have a high degree of reliability. These data suggest that state level and statewide VRA regulation of registration and voting for language minorities is significantly less effective than individual, county-level federal coverage under Section 203 of the Voting Rights Act. One explanation for the differences observed may be the outreach, education, and enforcement actions directed at individually covered counties the Department of Justice has undertaken in recent years. For example, prior to the 2004 elections, the department sent letters to over 400 Section 203 and 4(f)(4) covered counties reminding election officials of their obligation to provide language assistance.¹⁵ In any case, however imperfect, federal efforts specify-

¹² New Mexico, General Government Administration, Title 1, Chapter 10, Part 8.

¹³ TEX. ELEC. CODE ANN., §§ 272.002, 272.010, “Voter Registration Application Form.”

¹⁴ COLO. REV. STAT. § 1-2-202, “Registration by County Clerk or Recorder.”

¹⁵ See, e.g., Letter from AAG R. Alexander Acosta to Elections Director Penny L. Pew (August 31, 2004) available at http://www.usdoj.gov/crt/voting/sec_203/nontx203.htm (9/12/06).

ing county level Section 203 coverage seem to be better implemented than similar state-led efforts or than broad statewide coverage under Section 4(f)(4).

Next Steps

The next step in this study will be the analysis of these data in conjunction with voter registration data using either the November 2004 Census Current Population Survey or individual level registration and voting data from Voter Contact Services (VCS).¹⁶ In addition, the authors expect to analyze additional fieldwork data not presented in this initial paper. We expect that as this vein of research continues, the results will mirror those of previous studies by Jones-Correa and Ramakrishnan: that is, that jurisdictions covered under Section 203 of the VRA will have significantly greater registration and turnout for linguistic minorities than noncovered areas, even accounting for differences in the percentage minority population and the resources available to provide these services in each covered jurisdiction.¹⁷ However, the results are also expected to reflect the variation in Section 203 compliance, so that counties that actually comply with Section 203 will likely have higher registration and voting rates by linguistic minorities than those that comply in part or not at all. Moreover, there will likely be some significant differences in voter registration and turnout depending on the location and kinds of materials and services offered by state and county agencies.

The authors collected data on services and materials provided at county department of motor vehicle offices. These data will be analyzed both with respect to the Voting Rights Act and the 2003 Help America Vote Act. The fieldwork included data on other materials present at county clerks and registrars' offices (materials and posters in languages other than English, etc.). The authors will test whether counties and jurisdictions that go "beyond the law," that is, that provide services beyond that required by Section 203, have higher registration rates for non-English speaking citizens than those that do not.

Conclusions

The preliminary findings of this study suggest that there is significant non-compliance across counties covered by Section 203 provisions, both in the provision of written materials for linguistic minorities as well as the availability of staff assistance in languages other than English. To sum up:

¹⁶ VCS has allowed Jones-Correa access to their data in the past (Jones-Correa and Ramakrishnan 2004). VCS data available at <http://www.vcsnet.com/>.

¹⁷ One argument used against the services required under Section 203 is that they are essentially "unfunded mandates" that place a financial burden on cash-strapped localities. However, studies have found these costs are not significant. See GAO 1997.

One in seven of the sixty-six covered jurisdictions surveyed in the study could not offer, upon request, registration materials in languages other than English, as required under the law.

One in four of the sixty-six covered jurisdictions in the study indicated they did not have personnel present who could offer aid in the languages indicated under the Voting Rights Act.

Levels of compliance ranged widely across states, with five states—Colorado, Kansas, Massachusetts, Nevada and Rhode Island—having significantly lower compliance rates. In general states with larger Latino and Asian-American populations did well in providing both translated materials and oral language assistance.

Nonindividually covered counties in Colorado, New Mexico, and Texas offered some level of materials and assistance, but at levels approximately half that of covered jurisdictions. The findings suggest that state laws requiring translation of materials and oral assistance for linguistic minorities, or even broad state-level coverage under Section 4(f)(4), are less effective than specifying individual county coverage under Section 203 of the Voting Rights Act in guaranteeing voter access to the ballot.

Earlier analyses (Jones-Correa 2005, Jones-Correa and Ramakrishnan 2004) have indicated that Section 203 coverage has a significant effect on registration and voting rates of language minorities residing in those counties. The findings here suggest that this effect is present even though Section 203 compliance is very uneven, and therefore that the effects found in earlier research would be even greater if Section 203 compliance were universal, and specified at the county, rather than state, level. Greater emphasis needs to be placed on verifying the voting and registration standards set under the law, so that counties are required to demonstrate they are in fact providing the translation of electoral materials and oral assistance to linguistic minorities as specified under Section 203 of the Voting Rights Act.

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Part II: Legal Perspectives

