

THIRD READING

Bill No: SB 1360
Author: Cervantes (D)
Amended: 4/14/26
Vote: 21

SENATE ELECTIONS & C.A. COMMITTEE: 5-0, 4/21/26
AYES: Wiener, Choi, Allen, Cervantes, Umberg

SENATE APPROPRIATIONS COMMITTEE: 5-0, 5/14/26
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab
NO VOTE RECORDED: Seyarto, Dahle

SENATE APPROPRIATIONS COMMITTEE: 5-1, 5/14/26
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto
NO VOTE RECORDED: Dahle

SUBJECT: Elections: translation of election materials

SOURCE: The California Democracy Partnership

DIGEST: This bill increases language access services and the types of translated election-related materials for voters.

ANALYSIS:

Existing federal law, pursuant to Section 203 of the Voting Rights Act of 1965 (VRA):

- 1) Requires a state or a political subdivision of a state to provide voting materials in the language of a minority group when that group within the jurisdiction has an illiteracy rate higher than the national illiteracy rate, and the number of United States citizens of voting age in that single language group within the jurisdiction either:

- a) Numbers more than 10,000;
 - b) Makes up more than 5% of all voting age citizens; or
 - c) On an Indian reservation, exceeds 5% of all reservation residents.
- 2) Defines language minorities or language minority groups, for the purposes of the above provisions, to mean people who are American Indian, Asian American, Alaska Native, or of Spanish heritage.

Existing state law:

- 1) Declares the intent of the Legislature that non-English-speaking citizens be encouraged to vote and appropriate efforts should be made to minimize obstacles to voting by citizens who lack sufficient skills in English to vote without assistance.
- 2) Requires election officials to make reasonable efforts to recruit poll workers who are fluent in a language used by at least 3% of citizens of the voting-age residents of a precinct and in English.
- 3) Requires two facsimile ballots and related instructions to be available at a polling place in Spanish or other languages for which the Secretary of State (SOS) has determined at least 3% of the voting age residents in a county or precinct are members of a single language minority and lack sufficient skills in English to vote without assistance. Four facsimile ballots and related instructions must be available at a polling place in Spanish or other languages in which the SOS has determined more than 20% of voting age residents in a county or precinct are members of a single language minority and lack sufficient skills in English to vote without assistance.
- 4) Requires a county that conducts elections using vote centers pursuant to the California Voter's Choice Act (VCA) to provide language assistance, translated election materials, and information regarding the availability of language assistance in all languages required in the jurisdiction.
- 5) Requires VCA counties to establish language accessibility advisory committees (LAAC).
- 6) Provides a county elections official is not required to provide facsimile copies of the ballot in a particular language if they are required to provide translated ballots in that language pursuant to federal law.

- 7) Requires the SOS to establish a statewide LAAC to help it implement federal and state laws relating to access to the electoral process by limited English proficiency voters.

This bill:

- 1) Requires the SOS to determine the counties that meet at least one of the following criteria:
 - a) At least 5,000 voting age citizens who are limited English proficient individuals and are either members of a single language minority group or speak a shared language.
 - b) At least 5% of voting age citizens who are limited English proficient individuals and are either member of a single language minority group or speak a shared language.
 - c) For political subdivisions containing any or all parts of an Indian reservation, the number of voting age American Indian or Alaska Native citizens within the Indian reservation who are limited English proficient individuals is more than 5% of all residents of the reservation.
- 2) Requires the SOS, on or before December 15, 2028, to use the criteria in 1) of this bill to publish the list of counties and the languages in which each county is required to provide language access. Following the 2028 county and language determinations, the SOS must make and publish updated determinations beginning on or before December 15, 2031, and on or before December 15 of every fifth year thereafter.
- 3) Requires county election officials, beginning on January 1, 2027, to use existing language determinations prescribed by Section 203 of the VRA and to translate the materials and activities listed in 4) below.
- 4) Requires election officials to provide language assistance for the following election-related materials and services: ballots, voter registration forms and instructions, voter education and outreach materials, voting-related notices, notices of in-language assistance availability, in-person bilingual poll workers and interpreters, live telephonic interpretation services, and websites.
- 5) Provides that whenever the SOS or any state agency provides, in any manner, forms, instructions, assistance, or other materials or services to voters relating to elections, registration, or voting in counties subject to the requirements

provided by this bill, the SOS or the state agency must also comply with the requirements provided by this bill.

- 6) Requires that all materials and services provided by the state or counties in a language other than English must be distributed at the same time as the corresponding English materials.
- 7) Provides a process for interested citizens and entities to provide evidence to the SOS demonstrating a significant need exists for translated election materials for a language not part of the language determinations by the SOS. If a preponderance of evidence is provided, then the SOS must require materials and services to be provided in the requested language.
- 8) Permits the SOS to adopt any rules or regulations necessary to implement the provisions of this bill.

Background

Census Data. On December 8, 2021, the United States Census Bureau released its most recent determination of minority language requirements under Section 203 of the VRA. California is required to provide bilingual voting assistance to Spanish speakers in all elections throughout the state, and nine counties (Alameda, Contra Costa, Los Angeles, Orange, Sacramento, San Diego, San Francisco, San Mateo, and Santa Clara) are required to provide voting materials in at least one language other than English and Spanish.

State law requires the SOS, in each gubernatorial election year, to determine the precincts where 3% or more of the voting age residents are members of a single language minority group and lack sufficient skills in English to vote without assistance. According to a memo from the SOS of December 31, 2021, the office contracted with the California Statewide Database at the University of California, Berkeley to determine which precincts have reached the 3% threshold for single language minorities.

Due to stricter census privacy disclosure rules, counties saw a major reduction in populations that met the 3% threshold, meaning ballots and other election materials needed to be translated into fewer languages. The memo encouraged counties to work with community groups to determine if a need exists for any of the previously covered languages before eliminating the use of materials in languages.

On March 1, 2022, the SOS essentially reversed course and reinstated the prior precinct minority language determinations. The SOS found sufficient reason to believe it was necessary to reinstate the 2017 and 2020 minority language

assistance determinations to ensure communities have access to language assistance services.

In December 2025, the SOS issued new language determinations for elections in 2026.

California Voting for All Act & Previous Legislation. In 2017, in an effort to reduce barriers and improve language access and assistance for voters who identify as limited-English proficient voters, the Legislature approved, and Governor Brown signed AB 918 (Bonta, Chapter 845, Statutes of 2017). AB 918 expanded the availability and accessibility of facsimile ballots in languages other than English in situations where such facsimile ballots are required to be made available pursuant to existing law.

During the 2023-24 legislative session, AB 884 (Low) of 2024 would have required the SOS to make additional language determinations and would have required the translation of additional election-related materials, such as forms and ballots. Governor Newsom vetoed AB 884.

SB 266 (Cervantes) of 2025 would have provided a similar framework as AB 884 by expanding the number of applicable languages and the types of election-related materials needing to be translated. Depending on the language, this could have been various voter-related forms or instructions and voteable ballots. The bill was held in the Senate Committee on Appropriations' Suspense File.

Comments

- 1) *Author's Statement.* Section 203 of the federal VRA guarantees language access assistance to lawfully registered voters in the United States who speak Spanish, an Asian language, or a native language if the population in a jurisdiction exceeds certain thresholds. However, barring congressional action to reauthorize it, Section 203 is set to expire in 2032. Whatever might happen in Washington, D.C. in the future, lawfully registered voters in California should have a voice in our government, regardless of whether they are fluent in English or have limited English proficiency. This bill will help the more than 3.2 million lawfully registered voters in California who self-identify as limited-English proficient cast a ballot by making translated election materials more available and accessible. It will accomplish this by codifying Section 203 protections in state law and expanding on Section 203 to provide language access assistance beyond the group of languages required by federal law.

- 2) *Additional Language Assistance.* This bill would increase the number of languages by lowering the population thresholds and making it applicable to languages beyond those specified in the federal VRA. According to the sponsors of the bill, the California Democracy Partnership (Partnership), it is estimated that at least 12 counties would see an increase of at least one language where the county would need to provide translated services. Based on a preliminary analysis of data from the American Community Survey, the Partnership noted that the following counties may be affected: Alameda, Contra Costa, Los Angeles, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Joaquin, Santa Cruz, Solano, and Yolo counties. The Partnership also projected the languages that would be added to the current coverage for the translation of most voter-related materials to include: Arabic, Armenian, Chinese languages, Farsi, Filipino/Tagalog, Hindi, Japanese, Russian, Spanish, Thai, and Vietnamese.
- 3) *Logistical Concerns.* When election officials are required to provide translated materials pursuant to federal law, the officials must translate all election related materials, including ballots and voter information guides. When election officials are required to provide language assistance under state law, the type of assistance required is more limited.

This bill expands the number of election materials that must be translated to include forms, voting notices, and instructions and assistance forms if certain conditions are met. Increasing the amount of election materials to be translated and the number of translated languages likely will improve accessibility to the election process, but also create logistical, timeline, and resource concerns. Due to the limited number of translation vendors, the SOS and many counties already use the same vendors to prepare translated materials. As a result, securing a translation services contract may be even more competitive for election officials and would add more time to an already compressed election calendar.

Related/Prior Legislation

SB 266 (Cervantes) of 2025 would have expanded the number of applicable languages and the types of election-related materials needing to be translated, including voteable ballots. The bill was held in the Senate Committee on Appropriations' Suspense File.

AB 72 (Jackson) of 2025 would have required election officials to provide registration notices, forms, instructions, assistance, ballots, and other materials or

information relating to the electoral process in Bengali, if requested by a voter. The contents of the bill was removed and now reflects another legislative subject.

AB 884 (Low) of 2024 would have required the SOS to make additional language determinations and the translation of additional election-related materials, such as forms and ballots. AB 884 was vetoed by Governor Newsom.

AB 1631 (Cervantes, Chapter 552, Statutes of 2022) requires a county elections official to post on their website a list of all polling places where multilingual poll workers will be present and the language or languages in which they will provide assistance. It also requires county election officials to use the internet in their efforts to recruit multilingual poll workers.

AB 918 (Bonta, Chapter 845, Statutes of 2017) expands the availability and accessibility of facsimile ballots in languages other than English in situations where such facsimile ballots are required to be made available pursuant to existing law.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Committee on Appropriations:

- The SOS indicates that it would incur first-year General Fund costs of \$22 million, and \$14.7 million annually thereafter, to implement the provisions of the bill.
- Any administrative costs to the Department of Motor Vehicles have yet to be identified.
- By increasing the translation duties of local elections officials, this bill creates a state-mandated local program. To the extent the Commission on State Mandates determines that the provisions of this bill create a new program or impose a higher level of service on local agencies, local agencies could claim reimbursement of those costs. The magnitude is unknown, but at a minimum would likely reach the low millions of dollars per election cycle. (General Fund).

SUPPORT: (Verified 5/15/26)

The California Democracy Partnership (source)

AAPIs for Civic Empowerment

ACLU California Action

Asian Law Caucus

Black Leadership Council
California Clean Money Campaign
California Common Cause
California Domestic Workers Coalition
California Environmental Voters
California School Employees Association, AFL-CIO
Catalyst California
CFT – A Union of Educators and Classified Professionals, AFT, AFL-CIO
Courage California
Dēmos
Dolores Huerta Foundation
FairVote Action
Hmong Innovating Politics
Inland Empire United
League of Women Voters of California
Legal Defense Fund
Mexican American Legal Defense and Educational Fund (MALDEF)
NextGen California
Partnership for the Advancement of New Americans
Public Citizen’s Democracy Campaign
SEIU California
Starting Over Inc.
Starting Over Strong
UCLA Voting Rights Project
VietRISE
Western Center on Law and Poverty

OPPOSITION: (Verified 5/15/26)

None received

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**** **END** ****