



U.S. Department of Justice
Civil Rights Division

Voting Section - NWB
950 Pennsylvania Ave, NW
Washington, DC 20530

RECEIVED

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WC ELECTIONS

March 14, 2011

VIA FACSIMILE AND FIRST-CLASS MAIL

Richard L. Barron, III
Elections Administrator, Williamson County
301 S.E. Inner Loop
Suite 104
Georgetown, Texas 78626

Re: Election Monitoring in Williamson County on November 2, 2010

Dear Mr. Barron:

As you are aware, federal observers monitored the November 2, 2010 general election in Williamson County. We write to share observations from the election and to make recommendations regarding the following elements of the County's bilingual election program for Spanish-speaking voters: (1) the recruitment and assignment of bilingual poll officials, and (2) the training of poll workers on election procedures and the provision of language assistance to Spanish-speaking voters.

Williamson County is required to provide bilingual elections in both English and Spanish under Section 4(f)(4) of the Voting Rights Act, 42 U.S.C. § 1973b(f)(4); see also 40 Fed. Reg. 43,746 (Sept. 23, 1975). Specifically, the County must provide "any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots . . . in the language of the applicable language minority group as well as in the English language." 42 U.S.C. § 1973b(f)(4). This requirement applies to information communicated orally as well as in writing. Additional information on the minority language requirements of the Voting Rights Act can be found at our website at http://www.justice.gov/crt/about/vot/sec_203/activ_203.php. We are also attaching a copy of the consent decree in the case United States v. Galveston County, as an example of a model program for compliance.¹

¹ The Galveston consent decree provides guidance, for example, on the number of recommended Spanish-speaking poll workers per precinct. Under that formula, a county would hire one Spanish-speaking poll worker in precincts with 100 to 249 Spanish-surnamed voters, two Spanish-speaking poll workers in precincts with 250 to 499 Spanish-surnamed voters, and three Spanish-speaking poll workers in precincts with 500 or more Spanish-surnamed voters. See Consent Decree, Judgment, and Order, ¶ 9, United States v. Galveston County, 3:07-CV-377 (S.D. Texas) (July 16, 2007).

On September 16, 2010, we sent the County a request for updated information regarding Williamson County's bilingual election program ahead of the November 2010 election. In addition to copies of election materials prepared in both English and Spanish, the County provided the Department with bilingual recruitment materials and a list of bilingual poll workers assigned to the County's polling places. In the weeks leading up to Election Day, you provided us with updated lists of bilingual poll workers.

On November 2, 2010, federal observers monitored five polling places in Round Rock, one polling place in Hutto, one in Georgetown, and one in Leander. The eight polling places monitored were (1) the J.B. & Hallie Jester Annex; (2) the First Baptist Church; (3) Stony Point High School; (4) The Fellowship at Forest Creek Church; (5) Caldwell Heights Elementary School; (6) Hutto Middle School; (7) the County Central Maintenance Facility; and (8) Leander High School. Each site has a sizeable number of Spanish-surnamed registered voters.

Bilingual Poll Worker Staffing

The County has increased the number of bilingual poll workers in recent elections. For example, in June 2009, the County reported to the Voting Section that it hired 21 Spanish-speaking workers for the entire County during the November 2008 election. In contrast, the County reported that 100 bilingual workers served on Election Day during the November 2010 election. Despite the increase in the number of bilingual workers, a number of precincts monitored were still understaffed with bilingual workers, and a few sites had no bilingual workers on Election Day. If Williamson County used the Spanish-surname formula found in the Galveston and similar Department consent decrees when assigning its bilingual workers, the County would need to have about 142 bilingual workers for the November 2010 election.

Eighty of the County's consolidated precincts had 100 or more Spanish-surnamed voters during the November 2010 election. According to the final list of bilingual poll workers submitted by the County, five of those precincts had no bilingual poll workers present on election day. In addition, of the 15 precincts with 500 or more Spanish-surnamed voters, one had no bilingual worker and six had only one bilingual worker.

Each of the eight polling places monitored in November 2010 had 500 or more Spanish-surnamed voters, based on a January 2010 surname analysis provided to the Department by the State of Texas. Four of the polling places monitored had one bilingual poll worker available to limited English proficient ("LEP") voters, and three of the polling places had two bilingual poll workers. The Caldwell Heights Elementary School, however, had no Spanish-speaking poll worker on election day. This precinct had 827 Spanish-surnamed voters, the highest of any precinct in the County.

Instances of language assistance provided to Spanish-speaking voters by bilingual poll workers occurred at First Baptist Church, Leander High School, and Forest Creek Church. The observers reported that the bilingual poll workers at these polling places demonstrated fluency in Spanish and provided accurate instructions and translation of materials.

At Caldwell Heights Elementary School, where no bilingual poll workers were present, the observers documented requests for language assistance. In one instance, the non-bilingual election judge attempted to assist the Spanish-speaking voter in English but the voter did not understand her instructions. When the voter sought additional assistance with the proposition portion of the ballot, a poll worker stated that poll workers could not help voters in casting a vote. No attempt was made by polling place officials to provide this voter with Spanish-language assistance.

In another instance at Caldwell Heights Elementary School, a first-time, Spanish-speaking voter attempted to have her husband assist her with casting a ballot. The election judge intervened and told the husband that he had to complete a voters' assistance form in order to assist his wife. The husband declined to complete the form, and the election judge called the County to request Spanish-language assistance for the LEP voter. The Spanish-speaking voter reported that the assistance she received by phone was adequate. She also reported that her husband was embarrassed by the incident.

Poll Worker Training

The County reported that it provided English-Spanish glossaries of election terminology at each polling place for use by poll workers in assisting Spanish-speaking voters. We found, however, that the County can take additional steps to improve its training of poll workers. Although several poll workers reported that they received some general election procedures training from the County, about 20 percent of all poll workers at the sites monitored by the Department reported that they received no training or that they only received an overview of their responsibilities on Election Day.

The bilingual poll worker at First Baptist Church was the only worker who reported that he received training on general election procedures, including instruction on providing election related assistance to Spanish-speaking voters.

Although both of the bilingual poll workers at Stony Point High School indicated that they received training on general election procedures, only one of the two workers indicated she received training specifically on the provision of language assistance.

The bilingual poll worker at Leander High School and one of the two bilingual poll workers at Hutto Middle School reported that they received very cursory training on general election procedures and no training on the provision of language assistance. The second bilingual poll worker at Hutto Middle School indicated that she received no training.

At J.B. & Hallie Jester Annex and the County Central Maintenance Facility, all the bilingual poll workers reported that they received no training. One of the two bilingual poll workers at Forest Creek Church received no training, and the other reported that she received minimal on-site instructions on the day of the election.

Provision and Dissemination of Written Election Materials

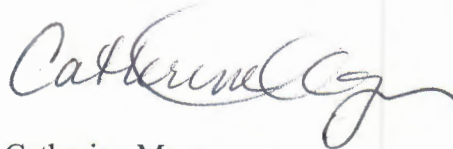
The Voting Section found that the County translated English-language election information, materials, and announcements into Spanish, and that the materials provided substantially the same information and were made equally available to voters. The County also reported that it had distributed Spanish-language election information through newspapers and radio within Williamson County and through other media, including the Internet.

In sum, in light of the observations made for the November 2, 2010 election, and the guidance provided by the Voting Section about compliance with the minority language requirements of the Voting Rights Act, we have a few suggestions for Williamson County regarding its program. First, the County should hire more bilingual workers and develop a plan to send replacement workers when an assigned bilingual worker drops out at the last minute. The County should ensure that precincts with 100 or more Spanish-surnamed voters always have a bilingual worker on Election Day, and that larger precincts have two or three bilingual workers. The County should also ensure that workers receive training on election procedures in general and specifically on providing assistance to Spanish-speaking voters; the County might consider additional training for bilingual workers. Finally, the Voting Section has found that other jurisdictions have benefited from the establishment of (1) a bilingual elections coordinator and (2) an advisory group of residents who can provide feedback to the County on its bilingual program.

Finally, we note that the County last submitted its bilingual election procedures for review under Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c, in 1976. See Submission Number X2354. As the County has made changes to its bilingual election program since that time, we request that the County submit its new bilingual election procedures for review. Additional information on the procedures for Section 5 review can be found on the Voting Section website at http://www.justice.gov/crt/about/vot/sec_5/about.php.

Please contact me at (202) 305-0132 to discuss the County's plans for upcoming elections regarding bilingual assistance. We appreciate the County's cooperation during our monitoring in November, and we look forward to working with the County in the future.

Sincerely,

A handwritten signature in dark ink, appearing to read "Catherine Meza", with a stylized flourish at the end.

Catherine Meza
Trial Attorney
Voting Section

Enclosure