

HB

288

Member

Alaska State Legislature

House of Representatives

Interim:
716 W 4th Avenue, Rm 350
Anchorage, Alaska 99501-2133
Phone: (907) 269-0123
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Standing Committees:

Judiciary
State Affairs
Transportation



Session:
Alaska State Capitol, Rm 110
Juneau, Alaska 99801-1182
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Finance Subcommittees:

Transportation
Courts
Law

Representative Max F. Gruenberg, Jr.
House District 20

Anchorage (Mountain View, Russian Jack, East Anchorage)
House Minority Assistant Floor Leader

Email:
Rep.Max.Gruenberg@legis.state.ak.us

TO: Representative Bob Lynn

FROM: Representative Max Gruenberg *M*

DATE: January 28, 2010

RE: HB 288: An Act relating to bilingual voting; and relating to the definition of 'political party.'"

Please consider this memorandum as a request for the House State Affairs Committee to schedule a hearing on HB 288. Accompanying this memo are the following documents:

- HB 288 – 26-LS1303\S
- Sponsor Statement & Sectional Analysis
- Supporting Materials
 - U.S. Code Collection on bilingual voting materials
 - Correspondence with the leaders of other political parties

Thank you for considering my request for a hearing on HB 288. If you have any questions please contact my staffer, Ted Madsen, at 465-2840.

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Sponsor Statement and Sectional Analysis for HB 288

By: Representative Max F. Gruenberg, Jr.

Title: "An Act relating to bilingual voting; and relating to the definition of 'political party.'"

This bill does two things relating to voting. Section one of this bill would allow for the printing of ballots and other voting materials, in another language, for individuals in an election district in which at least 20 percent of the voting-age citizens speak a single common language other than English.

Section two of this bill also changes the definition of political party, AS 15.60.010 (25), which requires obtaining three (3) percent of the statewide vote total for either a gubernatorial, senatorial, or congressional race. This three percent currently mandates that a political party have over 9,000 registered voters. The new threshold would require that a political party have 2,500 registered voters. This will make it easier for minor political parties to place their candidates on the ballot.



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please fax to:
Rep. Gruenberg ((4 pages))
3+1
Alphens

TITLE 42 > CHAPTER 20 > SUBCHAPTER I-B > § 1973aa-1a
§ 1973aa-1a. Bilingual election requirements

(a) Congressional

findings and declaration of policy

The Congress finds that, through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process. Among other factors, the denial of the right to vote of such minority group citizens is ordinarily directly related to the unequal educational opportunities afforded them resulting in high illiteracy and low voting participation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting these practices, and by prescribing other remedial devices.

(b) Bilingual voting materials requirement

(1) Generally

Before August 6, 2032, no covered State or political subdivision shall provide voting materials only in the English language.

(2) Covered States and political subdivisions

(A) Generally

A State or political subdivision is a covered State or political subdivision for the purposes of this subsection if the Director of the Census determines, based on the 2010 American Community Survey census data and subsequent American Community Survey data in 5-year increments, or comparable census data, that—

(i)

(I) more than 5 percent of the citizens of voting age of such State or political subdivision are members of a single language minority and are limited-English proficient;

(II) more than 10,000 of the citizens of voting age of such political subdivision are members of a single language minority and are limited-English proficient; or

(III) in the case of a political subdivision that contains all or any part of an Indian reservation, more than 5 percent of the American Indian or Alaska Native citizens of voting age within the Indian reservation are members of a single language minority and are limited-English proficient; and

(ii) the illiteracy rate of the citizens in the language minority as a group is higher than the national illiteracy rate. ②

(B) Exception

The prohibitions of this subsection do not apply in any political subdivision that has less than 5 percent voting age limited-English proficient citizens of each language minority which comprises over 5 percent of the statewide limited-English proficient population of voting age citizens, unless the political subdivision is a covered political subdivision independently from its State.

(3) Definitions

As used in this section—

- (A) the term "voting materials" means registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots;
- (B) the term "limited-English proficient" means unable to speak or understand English adequately enough to participate in the electoral process;
- (C) the term "Indian reservation" means any area that is an American Indian or Alaska Native area, as defined by the Census Bureau for the purposes of the 1990 decennial census;
- (D) the term "citizens" means citizens of the United States; and
- (E) the term "illiteracy" means the failure to complete the 5th primary grade.

(4) Special rule

The determinations of the Director of the Census under this subsection shall be effective upon publication in the Federal Register and shall not be subject to review in any court.

(c) Requirement of voting notices, forms, instructions, assistance, or other materials and ballots in minority language

Whenever any State or political subdivision subject to the prohibition of subsection (b) of this section provides any 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: Provided, That where the language of the applicable minority group is oral or unwritten or in the case of Alaskan natives and American Indians, if the predominant language is historically unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting.

(d) Action for declaratory judgment permitting English-only materials

Any State or political subdivision subject to the prohibition of subsection (b) of this section, which seeks to provide English-only registration or voting materials or information, including ballots, may file an action against the United States in the United States District Court for a declaratory judgment permitting such provision. The court shall grant the requested relief if it determines that the illiteracy rate of the applicable language minority group within the State or political subdivision is equal to

or less than the national illiteracy rate.

(e) Definitions

For purposes of this section, the term "language minorities" or "language minority group" means persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage.

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203. The states and political divisions obligated to comply with requirements are listed in the attachment.
 Section 203 also provides that determinations of the Director of the Census under this subsection shall be effective upon publication in the Federal Register and shall not be subject to review in any court." Therefore, as of this date, those

jurisdictions that are listed as covered by Section 203 have a legal obligation to provide the minority language assistance prescribed by Section 203 of the Act. In the cases where a state is identified as covered, those counties or county equivalents not displayed in the attachment are exempt from the obligation. Those jurisdictions subject to Section 203 of the Act previously, but not included on the list below, are no

longer obligated to comply with Section 203. The previous determinations under Section 4(f)(4) of the Voting Rights Act remain in effect and are unaffected by this determination. (See Title 28, Code of Federal Regulations, Part 55, Appendix.)

Dated: July 22, 2002.

Charles Louis Kincannon,
 Director, Bureau of the Census.

COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2000

State and political subdivision	Group
Alaska:	
Aleutians West Census Area	Aleut.
Bethel Census Area	Eskimo.
Bethel Census Area	American Indian (Tribe not specified).
Bethel Census Area	American Indian (Other Tribe specified).
Denali Borough	Athabaskan.
Dillingham Census Area	Eskimo.
Dillingham Census Area	American Indian (Other Tribe specified).
Dillingham Census Area	Native (Other Group specified).
Kenai Peninsula Borough	American Indian (Tribe not specified).
Kenai Peninsula Borough	Aleut.
Kodiak Island Borough	Filipino.
Lake and Peninsula Borough	Athabaskan.
Lake and Peninsula Borough	Aleut.
Lake and Peninsula Borough	Eskimo.
Nome Census Area	Eskimo.
North Slope Borough	American Indian (Tribe not specified).
North Slope Borough	Eskimo.
Northwest Arctic Borough	Eskimo.
Northwest Arctic Borough	Alaska Native (Other Group specified).
Southeast Fairbanks Census Area	Athabaskan.
Southeast Fairbanks Census Area	Native (Other Group specified).
Valdez-Cordova Census Area	Athabaskan.
Wade Hampton Census Area	Eskimo.
Wade Hampton Census Area	American Indian (Chickasaw).
Wade Hampton Census Area	American Indian (Tribe not specified).
Yukon-Koyukuk Census Area	Athabaskan.
Yukon-Koyukuk Census Area	Eskimo.
Yukon-Koyukuk Census Area	American Indian (Other Tribe specified).
Arizona:	
Apache County	American Indian (Apache).
Apache County	American Indian (Navajo).
Apache County	American Indian (Pueblo).
Cochise County	Hispanic.
Coconino County	American Indian (Navajo).
Coconino County	American Indian (Pueblo).
Gila County	American Indian (Apache).
Graham County	American Indian (Apache).
Greenlee County	Hispanic.
Maricopa County	Hispanic.
Maricopa County	American Indian (Tohono O'Odham).
Navajo County	American Indian (Apache).
Navajo County	American Indian (Navajo).
Navajo County	American Indian (Pueblo).
Pima County	Hispanic.
Pima County	American Indian (Tohono O'Odham).
Pima County	American Indian (Yaqui).
Pinal County	American Indian (Apache).
Pinal County	American Indian (Tohono O'Odham).
Santa Cruz County	Hispanic.
Yuma County	Hispanic.
Yuma County	American Indian (Yuman).
California:	
State Coverage	Hispanic.
Alameda County	Hispanic.
Alameda County	Chinese.
Colusa County	Hispanic.
Contra Costa County	Hispanic.
Fresno County	Hispanic.

please note.

Ted Madsen

From: Rep. Max Gruenberg
Sent: Wednesday, January 20, 2010 9:59 AM
To: 'scott@draftresistance.org'
Subject: RE: HB 288 relating to the definition of political party

Scott,
Thanks!
-Max

-----Original Message-----

From: scott@draftresistance.org [mailto:scott@draftresistance.org]
Sent: Tuesday, January 19, 2010 3:36 PM
To: Rep. Max Gruenberg
Cc: shadouts@gmail.com; attymerrill@anchoragelawyer.us; lpalaska@gmail.com;
robclift@ptialaska.net; edmarshburn@yahoo.com; ban@richardwinger.com
Subject: Re: HB 288 relating to the definition of political party

Quoting "Rep. Max Gruenberg" <Representative_Max_Gruenberg@legis.state.ak.us>:

> Dear Scott,
> Enclosed please find a copy of HB 288, which I have pre-filed to
> change the definition of political party to one that has "at least
> 2500 registered voters in the state." As you can also see section
> one will also make it easier for bilingual voters to cast ballots.
> The support of your party for this bill would be greatly appreciated.
> I hope you will continue to keep in touch. I appreciate your advice
> on this and other issues of mutual concern.
> Cordially,
> Representative Max F. Gruenberg, Jr.
>

Dear Max,
Thanks! I am sending this to the ALP executive committee so they are aware of this important bill. Richard Winger as well. The ALP will do everything we can to help. It may take many years to build the support we need to pass this. I know I speak for the ALP when I say that we appreciate your leadership on this vital piece of legislation. Please let me know if you see opportunities where we may assist.

HB 288!!! I am very excited.

Scott Kohlhaas

Lisa Valenta

From: Judith Moss [judithmossak@gmail.com]
Sent: Tuesday, October 27, 2009 12:37 PM
To: Rep. Max Gruenberg
Subject: Third party status

Rep. Max Gruenberg

Sir,

This letter is to inform you that the Green Party of Alaska is very interested and is soliciting your assistance and support, in legislation that would restore the requirement of registered voters needed to qualify as a Third Party to a more just number of 2500.

If we might help in any way please feel free to contact us.

Thank you for your time and energy on behalf of the Green Party and all Third Political Parties.

Respectfully,

Judith Moss - Treasurer, Green Party of Alaska
Soren Wuerth - Co-Chair Green Party of Alaska
Tom Macchia - Co-Chair Green Party of Alaska

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Reduce, reuse, recycle

*Get election bills -
bill was put in
the 25th Feb.*