



Latino Policy & Politics Initiative

## Voting Rights Project

June 11, 2020

The Honorable County Judge  
K.P. George  
401 Jackson St.  
Richmond, Texas 77469

Re: Election Material Language Access for the AAPI Population in Fort Bend.

The UCLA Voting Rights Project has observed that Fort Bend County is not providing its sizable and rapidly growing Chinese and Vietnamese communities with the resources to best exercise their right to vote. We write to bring this shortcoming to your attention, so that your officials can collaborate to provide a timely remedy in advance of the upcoming elections.

There is strong evidence that Fort Bend County is under a legal obligation to provide these resources. Section 203 of the Voting Rights Act mandates, among other things, that covered jurisdictions provide all election materials in minority languages that are prominent enough to trigger the statute's protection. Specifically, Section 203 covers those jurisdictions where there are more than 10,000 or over 5 percent of the total citizen voting age population in a single political subdivision (usually a county) who are members of a single language minority group, have depressed literacy rates, and do not speak English very well. Adjacent Harris County is covered for both Chinese and Vietnamese, and provides some election materials in those languages in its efforts to satisfy the directives of Section 203.

Based on data collected by the UCLA VRP, Fort Bend County should be accommodating Chinese and Vietnamese language communities in conducting its elections. In 2018, Asian American and Pacific Islanders were 18 percent of the total population of the County and 16 percent of the Citizen Voting Age Population.<sup>1</sup> The total Chinese population in the County was 33,386 and the Vietnamese population was 19,513.<sup>2</sup> The Chinese population that is 5+ years old and speaks English "less than very well" in 2013 was 10,947.<sup>3</sup> The Asian and Pacific Islander language population that is 18+ years old and speaks English "less than very well" is 27.965 percent.<sup>4</sup> The percentage of the population that is 18+ years old and limited English proficient is

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<sup>1</sup> <https://www.apiavote.org/sites/default/files/TX-2018.pdf>

<sup>2</sup> 2018 American Community Survey 5-year Estimates Data Profiles - Table DP05: ACS Demographic and Housing Estimates.

<sup>3</sup> 2013 American Community Survey 5-year Estimates Data Profiles - Table B16001: Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over.

<sup>4</sup> 2018 American Community Survey 5-year Estimates Data Profiles - Table S1601: Language Spoken at Home.

25.8, and 4.99 percent of the population that is 25+ years old has less than a 9th grade education.<sup>5</sup> The national rate of those 18+ years old with less than a 5th grade education is 1.14 percent.<sup>6</sup>

In light of these population characteristics, Fort Bend County is required to comply with the broad requirements of Voting Rights Act Section 203. We believe that the County is aware of its obligations under the Act, as at one point it did offer ballots in Vietnamese, but has since ceased to do so.<sup>7</sup> Furthermore, in 2009 the County entered into a Consent Decree with the Department of Justice related to providing assistance at the polls for limited English proficient Spanish-speaking voters.<sup>8</sup>

Even if a minority group falls below the statistical benchmarks required for Section 203 liability, jurisdictions like Fort Bend County must still comply with the Voting Rights Act Section 2, the Act's general anti-discrimination provision. Furthermore, the 14th Amendment requires that County residents enjoy a meaningful opportunity to cast their ballots.

The UCLA Voting Rights Project trusts that your Office is well-intentioned and will endeavor to provide election materials and other election-related services in Chinese and Vietnamese. We look forward to staying in touch with your Office; we remain available at any time to provide whatever resources your County needs to best enable all of your residents to vote.

Thank you for your consideration.

Sincerely,



Sonni Waknin  
Managing Legal Fellow

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<sup>5</sup> 2018 American Community Survey 5-year Estimates Data Profiles - Table S1501: Educational Attainment.

<sup>6</sup> U.S. Census Bureau, Current Population Survey, 2015 Annual Social and Economic Supplement.

<sup>7</sup> Zen T. C. Zheng, *Fort Bend Tackles Language Barriers to Voting*, HOUSTON CHRONICLE (Oct. 5, 2006), <https://www.chron.com/news/article/Fort-Bend-tackles-language-barriers-to-voting-1496590.php>.

<sup>8</sup> U.S. DEP'T OF JUSTICE, <https://www.justice.gov/crt/case-document/file/1239171/download> (last visited May 28, 2020).