



Latino Policy & Politics Initiative
**Voting Rights
Project**

August 27, 2020

County of Kauaʻi County Council
Office of the County Clerk
Council Services Division
4396 Rice Street, Suite 209
Līhuʻe, Hawaii 96766

Re: Election Material Language Access for the APPI Population in Kauaʻi County.

As the COVID-19 pandemic continues to present novel ballot access issues, the UCLA Voting Rights Project (VRP) has observed that Kauaʻi County is not providing its sizable and growing Filipino and Japanese communities with the resources to best exercise their right to vote. Specifically, Kauaʻi County does not provide election materials in Tagalog and Japanese, as it is likely legally obligated to do. We write to bring this to your attention and invite your jurisdiction's officials to provide a timely remedy in advance of the upcoming elections.

There is strong evidence that Kauaʻi County should be covered by Voting Rights Act Section 203 for its Tagalog and Japanese-speaking residents. 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.

Based on data collected by the UCLA VRP, Kauaʻi County should be accommodating its Tagalog and Japanese-speaking language communities in conducting its elections. According to the American Community Survey, Kauaʻi County has 24,275 Filipino residents and 5,794 Japanese residents, among 50,727 total citizen voting age population residents in the County; 26.26% of its Asian residents are limited English proficient; and 9.14% of its Asian residents age 25 or older have less than a 9th grade education, as compared to the national average of 1.14% for those 18 years old or older.

In light of these population characteristics, Kauaʻi County is likely required to comply with the broad mandates of Voting Rights Act Section 203. And even if a minority group falls below the statistical benchmarks required for Section 203 liability, language inaccessibility is inconsistent with the mandates of Voting Rights Act Section 2, the Act's general anti-discrimination provision, and the 14th and 15th Amendments.

The COVID-19 pandemic is exacerbating existing voting language access issues. It is also presenting a unique opportunity for jurisdictions to revise their election measures to best serve voters facing the disenfranchising effects of the virus. The UCLA VRP trusts that your Office is well-intentioned and will endeavor to provide election materials and other election-related services in Tagalog and Japanese. We would like to offer our services to translate any election materials, should that be useful to your Office. We remain available at any time to provide any other resources your County needs to best enable all your residents to vote.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Sonni Waknin", with a long horizontal flourish extending to the right.

Sonni Waknin
Managing Legal Fellow
UCLA Voting Rights Project