

Section 5 amends KRS 117.030 to require that the State Board of Elections provide for the conspicuous placement of signs at all precinct polling places which display the availability of multilingual ballots and the multilingual ballot hotline.

Section 6 amends KRS 117.085 to allow for the requesting of a multilingual mail-in absentee ballot.

Section 7 amends KRS 117.125 to require voting machines and voting systems to have the ability to accept multilingual ballots.

Section 8 amends KRS 117.145 to require county clerks to print a sufficient number of multilingual ballots and multilingual absentee ballots for any primary or election.

Section 9 amends KRS 117.175 to require county clerks, along with their county attorneys, to prepare a sufficient number of multilingual instruction cards for each language in those counties that have at least 2,000 citizens age 17 years or older, or 2.5% of citizens in the county age 17 years or older, who speak English less than very well, as determined by the ACS or comparable census data. These instruction cards would include the same content that is provided by the English instruction cards and would be prepared by a qualified translator or interpreter. The State Board of Elections would be tasked with determining which counties are required to provide instruction cards for various languages identified by the most recent 5 year census estimates. County boards of election would be required to approve the multilingual instruction cards in the same way they approve English instruction cards.

Section 10 would amend KRS 117.187 to require county boards of elections to provide special training to election officials regarding multilingual ballots and information relating to the multilingual ballot hotline.

Section 11 would amend KRS 117.195 to require the availability of multilingual ballots.

Section 1, Section 3, and Sections 12 through 20 provide conforming language. **Section 21** states that this Act may be cited as Ballot Access For All Citizens Act.

The fiscal impact of SB 125 on local governments is indeterminate due to the absence of necessary data. The criteria that would need to be met for multilingual accommodations to become a requirement would be based on the population of citizens in Kentucky who speak English less than very well and are 17 years or older according to data collected by the ACS or a comparable data source. This level of cross-sectional data does not exist.

In 2019's the *Department of Commerce v. New York*, the US Supreme Court blocked a measure that would have included a question about citizenship within households for the 2020 Decennial Census.* It is unclear whether this will change in the future. The United States Bureau continues to collect citizenship data through the ACS, however it uses a

significantly smaller sample size and its estimates have a much higher margins of error than the Decennial Census.

In addition, ACS data for foreign language speakers who speak English less than very well and are 17 years or older is not granular enough to provide the figures necessary to determine which languages would meet the standard for multilingual accommodations in Kentucky. The 2021 ACS 1-year estimate provides incomplete data for this calculation. Instead of providing data for citizens of 17 years or older, it provides citizens age 18 and higher. In addition, it does not provide specific statistics for languages spoken by citizens who do not speak English very well. Instead, it provides statistics for speakers of Spanish or other languages. It does provide a count of those who do not speak English very well but speak Spanish, other Indo-European languages, Asian and Pacific Island Languages, or other languages, however there is no cross section of data to indicate how many of these individuals are citizens. These categories are also too broad to determine which languages must be accommodated for.

Were this information to become available, county clerks may experience new costs related to multilingual accommodations outlined in Section 6 through Section 11, however without the relevant demographic data the fiscal impact of these provisions cannot be approximated.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II refers to SB 125 as introduced. No prior versions exist.

Data Source(s): LRC Staff; *Congressional Research Service, "The Supreme Court Temporarily Blocks Citizenship Question on the 2020 Census", July 5, 2019.; 2021 ACS 1-Year Estimates Tables for Languages Spoken AT Home.

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