



## **EAC Decision on Request for Interpretation 2009-02 (Alternate Languages)**

**2002 VSS Volume I: 2.2.1.3a ballot Production**  
**2005 VVSG Volume I: 3.1.3 Alternate Languages**

### ***Date:***

August 5, 2009

### ***Question:***

Must a Voting System be capable of supporting any language covered by law or only those applicable to a particular jurisdiction?

### ***Section of Standards or Guidelines:***

#### **2005 VVSG Volume I: 2.2.1.3a**

The electronic display or printed document on which the user views the ballot is capable of rendering an image of the ballot in any of the languages required by the Voting Rights Act of 1965, as amended.

#### **2005 VVSG Volume I: 3.1.3**

The voting equipment shall be capable of presenting the ballot, ballot selections, review screens and instructions in any language required by state or federal law.

Discussion: HAVA Section 301 (a)(4) states that the voting system shall provide alternative language accessibility pursuant to the requirements of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a). Ideally, every voter would be able to vote independently and privately, regardless of language. As a practical matter, alternative language access is mandated under the Voting Rights Act of 1975, subject to certain thresholds, e.g., if the language group exceeds 5% of the voting age population.

## ***Discussion:***

The previous EAC Decision on Request for Interpretation 2008-04 requires voting systems to have the **capability** of providing all ballot information, including all portions of the ballot, all instructions, warnings, and vote verification information in the appropriate manufacturer supported alternative languages. RFI 2008-04 also states that “If a voting system supports a language, the system must be capable of presenting all ballot information in that language.”

This new RFI clarifies the issue of whether or not the interpretation provided by RFI 2008-04 requires the capability to support any possible languages covered by law or only those required by the voting Rights Act of 1965, as amended, and state and federal law *for a particular jurisdiction of use*. This RFI also clarifies what is meant by the word “capable.”

Section 2.2.1.3a of the 2005 VVSG specifically requires the electronic display or printed document to be capable of rendering an image in any of the languages required by the Voting Rights Act of 1965, as amended. There is nothing in that language that equivocates or limits the capability to particular jurisdictions of use. RFI 2008-04 adds to this requirement by stating that the system must be capable of presenting all ballot information in any language supported by the voting system.

The term “capability” can be interpreted in many ways. However, the intent of the word here was to allow for an easy transformation so that alternate languages can be easily added. The voting system does not have to have all languages required by the Voting Rights Act to be loaded on the system and ready to use. A modular approach, where data files can be added or modified, to allow the selection of the appropriate language for the vendor is the desirable approach.

## ***Conclusion:***

The electronic display or printed document on which the user views the ballot shall be capable of rendering an image of the ballot in any of the languages required by the Voting Rights Act of 1965, as amended, that are supported by the voting system. The voting system need not have all languages required by the Voting Rights Act permanently loaded on the system and ready to use. The system must, however, have the intrinsic capability of providing these languages, when needed, without major software or hardware modifications. To be capable of rendering the image in any of the languages, the voting system manufacturer may opt to use a modular approach that would limit the voting system changes to modification of data files, rather than source code modification, to allow for the addition of required languages.

## ***Applicability:***

Immediate- for all voting system test plans submitted after the date of this document.