



## **Unfunded federal mandate is too costly**

**By: Rep. Mike Coffman**

**Posted: August 20, 2011**

The right to vote is sacred. When I was the Colorado Secretary of State, I worked hard to make sure that every U.S. citizen who called our state home and had the legal right to cast a ballot was afforded the opportunity to do so. However, I fail to see how a portion of the Voting Rights Act contributes to that by forcing an increasing number of local governments to use bilingual ballots all across the United States.

Under Section 203 of the Voting Rights Act, local governments whose populations include at least 5 percent of voting-age citizens or at least 10,000 who have “limited English proficiency,” as defined by the federal government, must provide ballots and other voting materials in languages other than English.

Right now, there are 10 counties in Colorado that are mandated to provide bilingual ballots, and the Obama administration’s Justice Department is now looking at adding 16 more to the list.

Linda Chavez from the Center for Equal Opportunity has repeatedly testified before Congress against this provision. She has argued that there are exceedingly few persons who are actually eligible to vote who cannot understand English. Chavez has said that English proficiency among U.S.-born Hispanics is virtually universal, and that even among naturalized citizens, English proficiency is rarely a problem since demonstrating English proficiency is a requirement to become a U.S. citizen.

Under the Voting Rights Act, the Census Bureau is responsible for determining which local

governments will be required to print bilingual ballots, and there is no doubt that they are using a method that is highly suspect. Since 1982, the bureau, on its census forms, has counted those who are members of language minorities and who self evaluate their speaking abilities in English as “well” as opposed to “very well” are classified categorically as having “limited proficiency.” This method for calculating whether a local government is subject to the federal mandate has greatly expanded the number of those jurisdictions falling under the requirement.

In 1997, a General Accounting Office report noted that the unfunded mandate of printing bilingual ballots accounted for half of the election costs in those affected local governments. One reason why the cost of complying with the act in Colorado has exploded is that we simply vote differently today than we did in 1973 when the act was passed.

In 1973, in Colorado like most of the country, voters cast their ballots by showing up to the polls on Election Day. To get an absentee ballot in 1973, a Colorado voter had to request one and affirm that they had a “qualified” reason as to why they could not vote at the polls on Election Day (i.e. illness, deployed military, or travelling out of state).

Today, most voters cast their ballots by mail in general elections, and in off-year elections they almost always vote exclusively by mail.

The requirement to print bilingual ballots for all voters in a given jurisdiction dramatically drives up both printing and mailing costs. In Colorado, for a small county like Crowley, the printing and postage costs have doubled since the mandate went into effect. The 16 new counties that the Obama administration is trying to add to the list will face substantial new expenses. Complying with the mandate will cost, for example, Arapahoe County \$350,000 for each election, and Weld County over \$100,000.

Locally elected officials can find more intelligent ways to address the legitimate needs of their voters if they believe they have voters with limited English skills that could prevent them from casting a ballot. One way might be to print sample ballots in minority languages and make them available to voters upon request. Another might be only to mail bilingual ballots to voters who request them instead of sending them out to every registered voter in a mail-in ballot election, as the federal mandate requires.

No doubt, all U.S. citizens who are eligible to vote should be guaranteed the right to do so, but decisions on how to best meet the needs of the voters in diverse communities ought to be left to the locally elected officials in those communities. It should not be determined by an arbitrary threshold defined by Washington bureaucrats who have no relationship to the consequences of their decisions.

Read more at the [Castle Rock News Press](#)