



October 17, 2022

Darlene E. Ingersoll, Registrar of Voters
Merced County Elections
2222 M Street
Merced, CA 95340
elections@countyofmerced.com

Re: November 2022 Ballot Errors and Recommendations to Correct Errors

Dear Registrar Ingersoll:

On behalf of the Asian Americans Advancing Justice - Asian Law Caucus and the ACLU Foundation of Northern California, we write to express concerns over the incorrect ballots that your office has sent to Merced County voters and to provide specific recommendations on what your office must do to ensure that all affected voters receive corrected ballots, including information and instructions related to those new ballots. While we commend your office for committing to issuing new ballots to affected voters and for notifying the California Secretary of State's office, we also urge your office to take additional affirmative steps to inform voters of the issue and how to cast a ballot that will be counted. We are particularly concerned that infrequent voters, new voters, and limited-English proficient voters could be disenfranchised if they do not receive adequate information about the issuance of corrected ballots.

We recommend that your office take the following steps, at a minimum:

1. **Provide the public with transparency about the errors and affected areas.** We urge you to identify the number of affected voters and provide a map to the public of affected areas. Publicly posting a map will help voters understand whether they are impacted and will help community organizations and neighborhood groups share information with affected voters. We appreciate that you have listed the 12 affected precincts and have a look up tool, but a map of affected areas is a more effective tool for both individuals and organizations.

2. **Notify all impacted voters.** We appreciate that you currently plan to mail notices to all affected voters and call and email voters for whom such contact information is on file. We urge you to send voters eye-catching, multilingual mailers to inform them that they will receive corrected ballots and to explain that they must complete the corrected ballot in order to vote in all contests for their area. Mailing a letter may be less effective than mailing a piece with more visual elements that is designed to reach both English-speaking and non-English-speaking voters.
3. **Translate notices into Spanish, Chinese, Hmong, Mien, and Punjabi.** All mail, email, and phone notifications must be in Spanish and English, as Spanish is a covered language under Section 203 of the federal Voting Rights Act.¹ Merced County is also home to many limited-English proficient voters and, as such, we strongly urge you to also provide all notices in Chinese, Hmong, Mien, and Punjabi to ensure that these voters are not disenfranchised.
4. **Provide plain language information about the errors and how voters can ensure their votes are counted.** Written and telephonic notices should direct affected voters to a location on your website with a plain language explanation or “Frequently Asked Questions” page, translated into Spanish, Chinese, Hmong, Mien, and Punjabi. The explanations should address, at a minimum: which areas have been affected; when voters will receive their new ballot; what to do with their incorrect ballots; what happens if a voter already voted their incorrect ballot; and how your office will ensure the correct ballot is counted. In all of your communications to affected voters, your office should also encourage them to track the status of their ballot via <https://california.ballottrax.net/voter/>.
5. **Use media and partner with community-based organizations to help alert voters to the issue and inform voters of the steps they need to take to vote.** Provide public service announcements in local media, including Spanish-, Chinese-, Hmong-, and Punjabi-language media. Share notices and the plain-language explanation page with local organizations, community centers, and libraries in affected precincts so that they can spread the word to affected voters.
6. **Place conspicuous signs at drop boxes and voting locations telling voters to check their ballot if they live in an affected precinct.** Provide signs, in English, Spanish, Chinese, Hmong, Mien, and Punjabi, informing voters that they should submit the ballot

¹ 52 U.S.C. § 10503; California Secretary of State County, Clerk/Registrar of Voters (CC/ROV) Memorandum #21204 (Dec. 10, 2021), <https://bit.ly/3MbDmjI> (directing election officials to review DOJ guidance on Section 203).

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they received in an envelope marked “#2”. The signs should also instruct voters on how to request an updated, correct ballot if they did not receive one in the mail. Include a map of the affected precincts so voters can easily determine if the notice applies to them.

We request that your office take these steps immediately to ensure all Merced County voters have the opportunity to vote in all contests for which they are eligible. We also request a meeting with your office to discuss these measures. Please contact Julia Marks at juliam@advancingjustice-alc.org and Angélica Salceda at asalceda@aclunc.org to discuss your office’s response.

Sincerely,

Julia Z. Marks
Asian Americans Advancing Justice - Asian Law Caucus
Voting Rights Program Manager and Staff Attorney

Angélica Salceda
ACLU Foundation of Northern California
Director, Democracy and Civic Engagement Program

cc:

Steve Reyes, Chief Counsel, California Secretary of State