



June 23, 2020

The Honorable Alex Padilla  
Secretary of State of California  
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Elections@sos.ca.gov

Ms. Brandi Orth  
Fresno County Clerk and Registrar of Voters  
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*Via Electronic Mail*

**RE: Request for Language Access Services in Arabic in Fresno County**

Dear Secretary of State Padilla and Registrar Orth:

On behalf of the Council on American-Islamic Relations of Sacramento Valley/Central California (“CAIR-CC”)<sup>1</sup> and the American Civil Liberties Union Foundation of California (ACLU of California), we write to inform you that Arabic speakers in Fresno County require language access services in order fully to exercise the right to vote, and we respectfully request that you begin providing those services. Specifically, we request that Secretary of State Alex Padilla require a translated facsimile ballot and related instructions in Arabic, as well as translations posted in a conspicuous location in each polling place, and that Registrar Brandi Orth make a reasonable effort to recruit bilingual poll workers for vote centers throughout the county. We make this request pursuant to California Elections Code Sections 12303 and 14201 (hereinafter “Section 12303” and “Section 14201”).

We, along with other civil rights and community-based organizations, including many Fresno-based organizations, have previously requested that the Fresno County Elections Office (“Elections Office”) provide language access services in Arabic. These requests have been made in writing on at least 3 different occasions (*see Attachments 1-3*) and at least once during a public meeting.<sup>2</sup> Having not received a response to our written inquiries, we are now formally submitting this request.

Over the last several months, the Sacramento Valley/Central California chapter of CAIR-CC, a branch of which is based in Fresno, has partnered with the ACLU of California and law students enrolled in an election law seminar at UC Berkeley School of Law to conduct research and interviews in order to document the language access needs of Fresno’s Arabic-speaking population, with a particular focus on citizens of voting age and soon-to-be-eligible voters. We

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<sup>1</sup> CAIR is America’s largest Islamic civil liberties group, with regional offices nationwide. CAIR’s mission is to enhance understanding of Islam, protect civil rights, promote justice and empower American Muslims. CAIR’s regional office is located at 1273 E Shaw Avenue, Fresno, CA 93710.

<sup>2</sup> During the May 15, 2019 Fresno County Voter’s Choice Act Advisory Committee, a Fresno County resident and representative from CAIR-CC asked if the Elections Office would be able to provide language access services in Arabic, but was told that the only languages covered would be those required under federal and state law.

found that Fresno’s Arabic-speaking voters and soon-to-be-eligible voters both want and need language access services, and that a portion of this electorate is disenfranchised because they do not have the necessary language access to vote. Moreover, community organizations that serve this population of voters are eager to partner with the Elections Office to assist with these efforts. We respectfully request that you expand language access services to include Arabic for the November 2020 general election, or as soon as otherwise practicable.

This letter will briefly discuss (I) the statutory authority for providing language access services in Arabic and (II) provide a review of our research that demonstrates the compelling need for language access, including (III) an overview of the Arabic community in Fresno County, (IV) the difficulties the Arabic-speaking community has faced while attempting to vote, and (V) the importance of voting to the Arabic-speaking community.

## **I. Statutory Authority to Cover Arabic**

The California Elections Code establishes a process for designating which language groups must be provided language assistance under state law. *See* Section 14201. These designations are a floor, and elections officials have the discretion to provide additional language assistance as needed. *See* Sections 12303 and 14201. For example, Los Angeles County has provided language assistance in Japanese, Thai, and Hindi, even during elections when they were not mandated to.<sup>3</sup>

Further, the Secretary of State and elections officials may cover additional languages when petitioned by interested citizens or organizations. Specifically, Section 12303(c)(1) requires elections officials to make reasonable efforts to recruit bilingual poll workers “if interested citizens or organizations provide[] information that the elections official believes indicates a need for voting assistance for qualified citizens....” Section 14201(b)(1) requires the Secretary of State to provide elections materials in other languages “if interested citizens or organizations provide the Secretary of State with information that gives the Secretary of State sufficient reason to believe a need for the furnishing of facsimile ballots...and ballot instructions.”

We believe the information we provide below indicates a sufficient need for these language access services in Fresno County.

## **II. Primary & Secondary Research Overview**

To prepare this request, we conducted secondary research on the importance of language access in California and the Arabic-speaking community in Fresno County. We met with statewide language access experts, advocates, and researchers, to understand the applicable California law including California Elections Code Sections 12303 and 14201. In addition, we reviewed Section 12303 and 14201 coverage formulas, their legislative histories, and conducted research on the American Community Survey (“ACS”) and undercounting.

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<sup>3</sup> Los Angeles County, Multilingual Election Services, 2017. Available at <https://lavote.net/docs/rrcc/documents/Multilingual-Services-Evaluation-Report.pdf>.

In conducting the primary research for this request, we interviewed members of the Arabic-speaking community of Fresno County over the course of March and April 2020. Specifically, we interviewed four senior staff members from three community organizations serving over 8,000 Arabic speakers in Fresno, as well as an Arabic-speaking social worker working with refugees. In addition, we conducted four other interviews with Arabic-speaking voters and soon-to-be eligible voters in both English and Arabic, over the phone and via Zoom. As you will see, we don't always list names of interviewees as not all felt comfortable with their identities being public.

### **III. The Arabic Speaking Population in Fresno County**

Fresno County is home to a large Arabic-speaking population.<sup>4</sup> Like the County as a whole,<sup>5</sup> the Arabic-speaking community is extraordinarily diverse and growing fast.<sup>6</sup> The overwhelming majority are citizens or on the path to citizenship.<sup>7</sup> The newest arrivals are Syrian refugees, most of whom came to the United States in 2016 and will become citizens in 2021.<sup>8</sup>

Critically, official government data likely significantly undercounts the Arabic-speaking population in Fresno County.<sup>9</sup> While the most recent ACS data from 2018 shows that the Fresno Arabic-speaking population is 4,169,<sup>10</sup> among whom the Limited English Proficient (“LEP”) population is 1,453,<sup>11</sup> information we obtained from interviews suggests that the actual size of the Fresno Arabic-speaking population is approximately 6,000-10,000 individuals, half of whom are LEP. As one community leader noted, because “the census includes Middle Eastern communities as white, someone has to actually specify Arabic as first language to be counted,”

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<sup>4</sup> Arabic speakers have called Central California home for generations. Yemeni farmworkers started arriving as early as the 1940s and 1950s, and then began to immigrate in large numbers in the 1960s and 1970s. Neama Alamri, “Yemeni Farm Workers and the Politics of Arab Nationalism in the UFW,” *Boom California* (online journal published by the University of California Press) (Feb. 18, 2020), available at:

<https://boomcalifornia.com/2020/02/18/yemeni-farm-workers-and-the-politics-of-arab-nationalism-in-the-ufw/>.

<sup>5</sup> “Quick Facts: Fresno County, CA,” U.S. Census Bureau, available at:

<https://www.census.gov/quickfacts/fact/table/fresnocitycalifornia.fresnocountycalifornia/PST120218>.

<sup>6</sup> Arabic speakers are integral members of the Fresno community and deserve equal access to the ballot. Like their neighbors, many work as farm, factory, and slaughterhouse workers, Uber drivers, non-profit and faith leaders, and owners of convenience stores and other small businesses. Interview with Mohammed Talib, Fresno Interdenominational Refugee Ministries (FIRM), April 9, 2020; interview with Dr. El Sayed Ramadan, Masjid Fresno Islamic Center (MFIC), April 22, 2020. Some came to Fresno seeking economic opportunity; others are refugees or asylum seekers; still others came to reunite with family members already here. *Id.* While the majority of Fresno’s Arabic speakers are Yemeni or Palestinian, the community also includes immigrants from Syria, Egypt, Jordan, Iraq, Lebanon, Saudi Arabia, and other countries across the Middle East and North Africa. Interview with Reza Nekumanesh, Executive Director of Islamic Community Center of Fresno (ICCF), April 13, 2020.

<sup>7</sup> Interview with Seyed Ali Ghazvini, Imam of ICCF, April 2, 2020 (“We have very few undocumented immigrants. Very few. 95% or more are citizens or documented immigrants with green cards.”).

<sup>8</sup> Miriam Jordan, “When Syria Came to Fresno: Refugees Test Limits of Outstretched Hand,” *N.Y. Times* (July 20, 2017), available at: <https://www.nytimes.com/2017/07/20/us/fresno-syrian-refugees.html>; interview with Mohammed Talib, FIRM, April 9, 2020.

<sup>9</sup> Even the Census Bureau acknowledges the difficulties in accurately counting language minorities. See O’Hare, W. *Differential Undercounts in the U.S. Census: Who is Missed?* SpringerBriefs in Population Studies. 2019. p. 46.

<sup>10</sup> U.S. Census Bureau. ACS 5 Year Estimates – Public Use Microdata Sample (2018). Accessible at [https://data.census.gov/mdat/#/search?ds=ACSPUMS5Y2018&rv=ucgid,LANP\(4500\)&wt=PWGTP&g=7950000US0601901.0601902.0601903.0601904.0601905.0601906.0601907](https://data.census.gov/mdat/#/search?ds=ACSPUMS5Y2018&rv=ucgid,LANP(4500)&wt=PWGTP&g=7950000US0601901.0601902.0601903.0601904.0601905.0601906.0601907).

<sup>11</sup> *Id.*

which many people do not realize they should do.<sup>12</sup> Sukaina Hussain, Fresno-based Outreach Director for CAIR-CC, estimates that there are 10,000 Arabic speakers in Fresno County.<sup>13</sup> Reza Nekumanesh, Executive Director of the Islamic Cultural Center of Fresno, estimates that there are 7,000-8,000 Arabic speakers in the County, including 5,000 Arabic speakers in the city of Fresno alone.<sup>14</sup> Many Arabic speakers, including those who have become citizens and lived in Fresno for several years, have not learned English “very well.”<sup>15</sup> Ms. Hussain of CAIR-CC estimates that half of Fresno’s Arabic speakers—as many as 5,000 people—are LEP.<sup>16</sup>

#### **IV. Barriers to Voting for Limited English Proficient (LEP) Arabic Speakers in Fresno**

LEP Arabic speakers face significant barriers to voting in Fresno County, including a lack of understanding about the voting process, issues, and candidates on the ballot. Without language access, Arabic speakers are effectively disenfranchised and cannot exercise their rights as American citizens.<sup>17</sup>

Language access is necessary for LEP Arabic speakers to understand the electoral process. Seyed Ali Ghazvini, imam of the Islamic Cultural Center of Fresno (“ICCF”), explained, “some community members have never seen a voter registration form, never been in a ballot box, never cast their ballot. You’ve immigrated to a new home where an essential way of expressing yourself is through voting.” The language barrier greatly exacerbates many immigrants’ fears of misunderstanding, and consequently messing up, the voting process in their new home. Diala H., a 30-year-old originally from Lebanon who came to the United States 5 years ago, explained that one of the biggest barriers she and other LEP voters face is their “fear of making the wrong decision due to not understanding the process and everything else that is going on during voting.”<sup>18</sup>

For some would-be voters, the language barrier feels insurmountable. For example, Diala H. stated: “I know people who will not take part in the voting process due to their lack of English proficiency and not wanting to deal with the difficulties they could face.”<sup>19</sup> Another eligible voter said that because Arabic speakers aren’t “able to understand most of the process, it’ll be hard to participate.”<sup>20</sup> As a result, some “Arabic speakers most likely won’t vote... a lot of voices

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<sup>12</sup> Interview with Reza Nekumanesh, ICCF, April 13, 2020.

<sup>13</sup> Interview with Sukaina Hussain, CAIR-CC, March-April 2020.

<sup>14</sup> *Id.* Similarly, his colleague Seyed Ali Ghazvini estimated that alone there are at least 5-6,000 Yemeni and Palestinian Arabic speakers, the two largest subsets of the population. Interview with Seyed Ali Ghazvini, ICCF, April 2, 2020. Mohammed Talib of FIRM estimated the number of Arabic speakers as “5,000 or a bit more...[and you] could add an extra 1,000 who didn’t do the census, if not more.” Interview with Mohammed Talib, FIRM, April 9, 2020.

<sup>15</sup> *See* interview with Seyed Ali Ghazvini, ICCF, April 2, 2020 (“In my own community, there are members who are citizens maybe for 10 or 20 years, [yet] their English is very limited.”); interview with Diala H., an Arabic speaker in Fresno, April 2020 [translated] (“My in-laws have lived here for the past 30 years...[but] have limited English levels.”).

<sup>16</sup> Interview with Sukaina Hussain, CAIR-CC, March-April 2020.

<sup>17</sup> Interview with Seyed Ali Ghazvini, Imam of ICCF, April 2, 2020.

<sup>18</sup> Interview with Diala H., an Arabic speaker in Fresno, April 2020 [translated].

<sup>19</sup> *Id.*

<sup>20</sup> Interview with N.B., an Arabic speaker in Fresno, April 2020 [translated].

will be lost.”<sup>21</sup> Dr. El Sayed Ramadan, imam of a Fresno mosque with a large Arabic-speaking population, stated simply that if LEP Arabic-speaking voters do not receive any voting services in Arabic, “they will not be able to vote.”<sup>22</sup>

Even when Arabic-speaking voters are able to access a ballot and vote, many do not understand the issues they are voting on. Zena Chafi, a Syrian-American fluent in English but with several family members who are not, identified the problem: “How can you vote if you don’t know who you’re voting for or what their position is?”<sup>23</sup> Because the ballot is in English, LEP eligible voters are unfamiliar with many of the names and terms on the ballot. As a result, many end up only voting for names they recognize.<sup>24</sup> They are effectively precluded from participating in many down-ballot races where candidates’ name recognition often is less. Moreover, because Arabic-speaking eligible voters do not receive information beforehand, such as voter guides in Arabic, they lack the ability to read and understand the issues, differences between candidates, and other ballot measures. Ensuring that all voters can understand their ballots, and thus cast informed votes, helps ensure a fair electoral process.<sup>25</sup> All voters, regardless of how well they speak English, deserve equal access to all aspects of the ballot.

The need for Arabic language election materials may be most acute for women. Seyed Ali Ghazvini of ICCF noted that many middle-aged women, who may have immigrated several years prior but become busy raising their families and find it difficult to attend English classes, have a particular need for voting materials in Arabic.<sup>26</sup> Bayan M., a 41-year-old woman originally from Saudi Arabia, said that her husband and children know English, but that she doesn’t.<sup>27</sup> Zena Chafi, a Syrian-American, stated that she knows a lot of people, particularly women, who are “not too fluent in English, that prefer Arabic. They want to vote, but don’t know how. They don’t know where to start, don’t understand the process or how to do it.”<sup>28</sup>

Nearly every person interviewed noted that Arabic-speaking voter participation is low, but that expanded language services would significantly increase voter participation. Offering Arabic language materials is an essential step to greater civic engagement for this important segment of Fresno’s population.

## **V. Importance of Voting to the Community**

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<sup>21</sup> *Id.*

<sup>22</sup> Interview with Dr. El Sayed Ramadan, MFIC, April 22, 2020.

<sup>23</sup> Interview with Zena Chafi, CAIR-CC, April 15, 2020.

<sup>24</sup> Interview with Reza Nekumanesh, Executive Director of ICCF, April 13, 2020 (“If you don’t understand what’s on the ballot, you’re not going to understand what you’re going to vote for...[instead] just clicking on the name you’ve heard the most.”).

<sup>25</sup> The mission statement of the Fresno County Clerk/Registrar of Voters Office is to “provide citizens with fair and honest elections and professional customer-services...recogniz[ing] and respect[ing] all individuals while continually improving and providing the highest quality of service,” and to “[c]onduct elections in a manner that protects the integrity of the electoral process.” See “Mission Statement,” Fresno County Clerk/Registrar of Voters, accessed Apr. 27, 2020, <https://www.co.fresno.ca.us/departments/county-clerk-registrar-of-voters/about-us>. Expanding language coverage is in line with this mission statement.

<sup>26</sup> Interview with Seyed Ali Ghazvini, Imam of ICCF, April 2, 2020 (estimating that while 15-20% of Fresno’s Yemeni Arabic speakers can’t speak English at all, for women, this number is higher, perhaps 25-30%).

<sup>27</sup> Interview with Bayan M., an Arabic speaker in Fresno, April 2020 [translated].

<sup>28</sup> Interview with Zena Chafi, CAIR-CC, April 15, 2020.

Every individual interviewed spoke enthusiastically about the importance of voting to them and the Arabic-speaking community. Like other Fresno voters, Arabic-speaking voters care about having their voices heard on issues ranging from education, healthcare, social security,<sup>29</sup> and acceptance of refugees.<sup>30</sup> Interviewees explained that decreased voter participation resulting from the lack of language access has harmed the Arabic-speaking community's ability to influence policy and form relationships with lawmakers. When asked why voting is important to his community, Reza Nekumanesh responded, "Representation. We haven't mattered, we haven't shown up. When we go to ask City Hall for things it's like we're aliens, we haven't been there for the process, canvassing, winning...because we didn't show up, we have no power."<sup>31</sup> Fresno's Arabic-speaking community would like to fully engage in our democracy and be able to weigh in on issues that affect the community.

Interviewees discussed the need for language services in order to increase voter participation:

- Diala H. said, "*We have the right to vote and the right to fully understand our voting process before making any decisions. Having it presented to us in our language will help those in need of support...the more we are informed, the more likely we are to vote.*"<sup>32</sup>
- Zena Chafi noted that without Arabic language access, "*We're missing out on so many voters because they don't understand what's going on. They don't know the importance of it. If we can reach them in their mother tongue and explain to them, give them the resources they need to vote, it would make a huge difference.*"<sup>33</sup>
- When asked why Arabic language access is important, N.B. responded, "*because there is a big Arabic community in Fresno...having the Arabic coverage is important to get most of the community [to] participate.*"<sup>34</sup>
- Mohammed Talib stated that "*Arabic ballots would greatly increase the population of Arabic speakers that would want to vote. That's their first language and they are more comfortable with that language.*"<sup>35</sup>

Many Fresno organizations serving Arabic speakers already go to great lengths to educate their members about upcoming elections, and see integrating new citizens into American democracy as part of their mission.<sup>36</sup> ICCF, for example, reported "turn[ing] our center into a place where people can register for voting...for those who need help for registering, we have volunteers who

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<sup>29</sup> Interview with Seyed Ali Ghazvini, ICCF, April 2, 2020 ("Our community is just like any other community, they need their voice heard in the nation when it comes to healthcare...social security and employment, education in the schools. All of this is just like other communities.").

<sup>30</sup> Interview with Mohammed Talib, FIRM, April 9, 2020.

<sup>31</sup> Interview with Reza Nekumanesh, ICCF, April 13, 2020.

<sup>32</sup> Interview with Diala H., an Arabic speaker in Fresno, April 2020 [translated].

<sup>33</sup> Interview with Zena Chafi, CAIR-CC, April 15, 2020.

<sup>34</sup> Interview with N.B., an Arabic speaker in Fresno, April 2020 [translated].

<sup>35</sup> Interview with Mohammed Talib, FIRM, April 9, 2020.

<sup>36</sup> Interview with Seyed Ali Ghazvini, ICCF, April 2, 2020 ("One of our focuses is to help immigrants integrate within the society"). FIRM has run citizenship workshops and plans to do voter education, candidate forums, and education about the electoral college and how to vote in 2021 and 2022, when most Syrian refugees become eligible for citizenship. Interview with Mohammed Talib, FIRM, April 9, 2020. Masjid Fresno has hosted voter registration drives after Friday prayers and at other events. Interview with Dr. El Sayed Ramadan, MFIC, April 22, 2020.

go around and ask people, are you registered voters, and if not, would you like to register, do you need help registering.”<sup>37</sup> But the impact of voter education and outreach is inherently limited when election materials remain in a language many cannot understand. As Reza Nekumanesh stated, “having access to information in your own language will allow your vote to be more in line with what you believe, not just the first name that pops up or the name of a bill without understanding what it’s all about.”<sup>38</sup>

## **VI. Request to Provide Language Access Services in Arabic**

In summary, we request that language access services be provided in Arabic in time for the November general election.<sup>39</sup> Specifically, we request that Secretary Padilla require translated facsimile ballots and related instructions in Arabic, with translations posted at conspicuous locations in each vote center, and further request that Registrar Orth make a reasonable effort to recruit bilingual poll workers in accordance with Sections 12303 and 14201.

We understand the importance of a strong partnership between the Elections Office and community organizations in order to make sure implementation is a success. The undersigned and other community organizations that formed part of this effort are eager to help expand access to the ballot for Arabic-speaking voters and to partner with the Elections Office to help find bilingual poll workers, review translations, and provide other support as necessary.<sup>40</sup> Further, these organizations are ready to help direct their members to the vote centers with Arabic-speaking poll workers.<sup>41</sup>

We ask that you please respond to us by **Friday, July 3rd, 2020**. We look forward to working together to expand language access for the large Arabic-speaking population of Fresno County in time for the November general election.

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<sup>37</sup> Interview with Seyed Ali Ghazvini, ICCF, April 2, 2020.

<sup>38</sup> Interview with Reza Nekumanesh, ICCF, April 13, 2020.

<sup>39</sup> Voting materials should be translated into Modern Standard Arabic, also known as Formal Arabic, which is widely used in literature, education, and news broadcasts through the Arabic-speaking world. Interview with Zena Chafi, CAIR-CC, April 15, 2020; see also “Arabic,” Center for Global Education, Asian Society, available at: <https://asiasociety.org/education/arabic>.

<sup>40</sup> CAIR-CC and the ICCF, in particular, are ready to act. Reza Nekumanesh of ICCF noted that his members already are getting more interested in political engagement, including poll working. Interview with Reza Nekumanesh, ICCF, April 13, 2020. Sukaina Hussain of CAIR-CC also will help recruit bilingual poll workers. Interview with Sukaina Hussain, CAIR-CC, March-April 2020.

<sup>41</sup> Interview with Reza Nekumanesh, ICCF, April 13, 2020. While Arabic speakers live throughout the county, in both urban and rural areas, North Fresno is home to many: Recent Syrian refugees are clustered near El Dorado Park on East San Ramon Avenue, and many others of all backgrounds living in the northeast part of the city. Arabic-speaking poll workers would be most beneficial in these areas. Miriam Jordan, “When Syria Came to Fresno: Refugees Test Limits of Outstretched Hand,” *N.Y. Times* (July 20, 2017), available at: <https://www.nytimes.com/2017/07/20/us/fresno-syrian-refugees.html> (“more than a dozen Syrian families... [live] in two apartment blocks on East San Ramon Avenue”); interview with Dr. El Sayed Ramadan, Masjid Fresno Islamic Center (MFIC), April 22, 2020 (“Many of them [Arabic speakers] lie close to the Masjid,” located at 2111 East Shaw Ave); interview with Diala H., an Arabic speaker in Fresno, April 2020 [translated] (“I live in Fresno, around the Maple and Nees area”); interview with Bayan M., an Arabic speaker in Fresno, April 2020 [translated] (“Fresno N. Boyd Ave.”).



Please do not hesitate to contact us with any questions. Thank you for your consideration and we look forward to your response.

Sincerely,



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