



Partnership for the  
Advancement of  
New Americans



June 08, 2020

The Honorable Alex Padilla  
Secretary of State of California  
1500 11th Street, 6th Floor  
Sacramento, CA 95814  
Secretary.Padilla@sos.ca.gov  
Elections@sos.ca.gov

Mr. Michael Vu  
Registrar of Voters  
5600 Overland Avenue  
San Diego, CA 92123  
Michael.Vu@sdcounty.ca.gov

*Via USPS and Electronic Mail*

**RE: Request for Language Access Services in Somali in San Diego County**

Dear Secretary of State Padilla and Registrar Vu:

On behalf of The Partnership for the Advancement of New Americans (PANA),<sup>1</sup> a San Diego based organization, and the American Civil Liberties Union Foundation of California (ACLU), we write to urge Secretary of State Alex Padilla to require translated facsimile ballots and related instructions in the Somali language and Registrar Michael Vu to make a reasonable effort to recruit bilingual poll workers. Somali-speakers in San Diego require language access services in order to fully to exercise the right to vote, and we respectfully request that you begin providing those services. We make this request pursuant to California Elections Code Sections 12303 and 14201 (hereinafter “Section 12303” and “Section 14201”).

It is well documented that language access increases turnout for Limited English Proficient (LEP) voters.<sup>2</sup> After the federal government required San Diego County to improve its language access efforts, voter registration rates among Latino and Filipino Americans increased by more than twenty percent, and the voter registration rate among Vietnamese Americans increased by forty percent.<sup>3</sup> With these positive statistics, we believe the addition of language access services could greatly increase participation of Somali-speaking voters.

Over the last several months, PANA partnered with the ACLU of California and law students at UC Berkeley School of Law to conduct research to document the language access needs in San

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<sup>1</sup> PANA is a research, community organizing, and public policy hub dedicated to advancing the full economic, social, and civic inclusion of refugees and Muslims in the region. PANA is focused on ensuring families who have fled violence and persecution by oppressive regimes are on a path to meaningfully rebuild a sense of home in this country and achieve economic and social belonging. PANA is located at 4089 Fairmount Avenue, San Diego, CA 92105.

<sup>2</sup> See, e.g., Hopkins, D., *Translating into Votes: The Electoral Impacts of Spanish-Language Ballots*, American Journal of Political Science, 813-829 (2011), <https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1540-5907.2011.00534.x>.

<sup>3</sup> Gonzales, A. U.S. Attorney General, “Prepared Remarks at the Anniversary of the Voting Rights Act, Lyndon B. Johnson Presidential Library, Austin, Texas,” Aug. 2, 2005, <https://www.justice.gov/archive/ag/speeches/2005/080205agvotingrights.htm>.

Diego's Somali population, with a particular focus on citizens of voting age and soon to be eligible voters. We found that San Diego's Somali-speaking voters and soon to be eligible voters want and need these services. Furthermore, a portion of this electorate is disenfranchised because they do not have necessary language access to vote. Community organizations that serve this population of voters are eager to partner with the San Diego Registrar's Office to assist with these efforts. As a result, we respectfully request that you expand language access services to include the Somali language 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 Somali and (II) provide a review of our research that demonstrates the compelling need for language access, including (III) an overview of the Somali community in San Diego County, (IV) the difficulties the Somali-speaking community has faced while attempting to vote, and (V) the importance of voting to the Somali community.

## **I. Statutory Authority to Cover the Somali Language**

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, although it is not currently mandated, Los Angeles County provides language assistance in Japanese, Thai, and Hindi.<sup>4</sup>

Furthermore, 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 San Diego County.

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

To prepare this request, we conducted secondary research on the importance of language access in California and the Somali community in San Diego. We met with statewide language access experts, advocates, and researchers to understand the applicable California law and Sections 12303 and 14201. In addition, we reviewed coverage formulas for Sections 12303 and 14201, their legislative histories, and conducted research on the census, American Community Survey (ACS), and undercounting and data suppression.

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<sup>4</sup> Los Angeles County, Multilingual Election Services, 2017. Available at <https://lavote.net/docs/rcc/documents/Multilingual-Services-Evaluation-Report.pdf>. Although not currently mandated, Los Angeles will be required to start covering these three languages for the November 2020 election.

In conducting the research for this letter, we interviewed members of the Somali community of San Diego throughout March and April. Specifically, we interviewed the executive directors of two community organizations that serve approximately 10,000 Somali community members in San Diego. In addition, we conducted interviews with Somali residents of San Diego in both English and Somali over the phone and via Zoom.

### **III. The Somali Population in San Diego County**

The city of San Diego has the second largest population of Somali people in the United States.<sup>5</sup> However, it is widely believed that the Census and ACS significantly undercount the San Diego Somali-speaking population.<sup>6</sup> While the most recent ACS 5-year estimate from 2018 shows that the San Diego Somali-speaking population is 2,756,<sup>7</sup> among whom the LEP population is 1,263,<sup>8</sup> information we obtained from news sources and interviews suggests that the actual size of the San Diego Somali-speaking population is approximately 15,000-25,000 individuals, half of whom are likely LEP.<sup>9</sup> As one community leader noted, “Somalis tend to be very invisible when it comes to data because they’re marked as Black/African-American” rather than Somali.<sup>10</sup>

Almost all of the 15,000-25,000 Somali people in San Diego are US citizens.<sup>11</sup> While some Somali people live in North Park and Clairemont Mesa, most Somali people in San Diego live near

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<sup>5</sup> Peter Rowe, “Tense, Troubling Time for Somalis in San Diego,” *San Diego Tribune* (Nov. 20, 2010), available at: <https://www.sandiegouniontribune.com/sdut-somalis-san-diego-tense-and-troubling-time-2010nov20-story.html>; The Somali community has been an integral part of San Diego’s makeup since the 1980’s, with strong family ties serving as a powerful draw for refugees fleeing Somalia which in turn has not only led to the continual growth of this community but the establishment of several Somali-serving community organizations, including PANA, Somali Bantu Community of San Diego, and the International Rescue Committee. See Miriam Raftery, “Little Mogadishu: From East Africa to East San Diego,” *East County Magazine* (April 2011), available at: <https://www.eastcountymagazine.org/little-mogadishu-east-africa-east-san-diego>; Megan Burks, “San Diego’s Somali Population Explained,” *KPBS* (Feb. 22, 2013), available at: <https://www.kpbs.org/news/2013/feb/22/san-diegos-somali-population-explained/>; Interview with Ramla Sahid, Executive Director of the Partnership for the Advancement of New Americans (PANA), April 9, 2020.

<sup>6</sup>PANA believes that, through its organizing and outreach efforts, phone bankers have spoken to over 2,000 Somalis during one campaign; 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>7</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%284840%29&wt=PWGTP&g=7950000US0607301,0607302,0607303,0607304,0607305,0607306,0607307,0607308,0607309,0607310,0607311,0607312,0607313,0607314,0607315,0607316,0607317,0607318,0607319,0607320,0607321,0607322>

<sup>8</sup> *Id.*

<sup>9</sup> The most recent news article to estimate the Somali population in San Diego puts the population size at 20,000 to 30,000 Somalis. (Tarryn Mento, “San Diego’s Somalis Worried About Mental Health Needs,” *KPBS* (March 23, 2018), available at: <https://www.kpbs.org/news/2018/mar/12/san-diegos-somalis-worried-about-mental-health-nee/>); Our interviews with community leaders revealed similar estimates. Hamadi Jumale, the Executive Director of the Somali Bantu Community of San Diego, a non-profit organization that helps refugee families adjust to their new lives in the United States, calculates that his organization alone has helped over 10,000 Somali-speaking residents adjust to life in San Diego after resettling. (Interview with Hamadi Jumale, Executive Director of Somali Bantu Community of San Diego, April 7, 2020.) Ramla Sahid, the Executive Director of PANA, estimates that the Somali population in San Diego is 15,000-25,000, at least half of whom are LEP. (Interview with Ramla Sahid, Executive Director of PANA, April 9, 2020.)

<sup>10</sup> Interview with Ramla Sahid, Executive Director of PANA, April 9, 2020.

<sup>11</sup> Interview with Ramla Sahid, Executive Director of PANA, April 9, 2020.

University and 50th Street in the City Heights neighborhood, commonly known as “Little Mogadishu.”<sup>12</sup>

#### **IV. Barriers to Voting for LEP Somali Speakers in San Diego**

There are significant barriers to voting for the Somali-speaking population in San Diego. For example, many Somali people do not understand the voter registration process, or the importance of filling out a voter registration form.<sup>13</sup> As a result, when voting-related materials arrive in the mail, many throw out these forms because they do not understand the language or the significance.<sup>14</sup> Translated materials are essential to rectify this. One eligible voter, who does not speak English, stated in an interview: “I know of people who wanted to vote but couldn’t because they did not know the language. They did not know how to vote. They had to go and seek help, because they were motivated in voting. But it was difficult, and it shouldn’t be.”<sup>15</sup>

Several other Somali voters have reported struggling to cast a ballot and outright disenfranchisement. Because of unfamiliarity with Somali names, there have been instances of poll workers who were unable to locate Somali voters on the registration lists, and have refused to provide Somali voters with a ballot.<sup>16</sup> Having poll workers who can speak the Somali language is particularly important because the Somali community is “a very oral community.”<sup>17</sup> Many eligible voters haven’t learned how to read and write even in Somali, so having bilingual poll workers is one of the most crucial language services that can be offered to the community.<sup>18</sup>

Even when Somali voters are able to access a ballot and vote, many do not understand the issues they are voting on.<sup>19</sup> Because the ballot presents a language barrier, Somali-speakers are unfamiliar with many of the names and terms on the ballot. The impact of this is that many LEP Somali voters end up only voting for a name they recognize.<sup>20</sup> Moreover, because Somali voters do not receive information in Somali beforehand, they lack the ability to read and understand the issues, differences between candidates, and other ballot measures.<sup>21</sup> Consequently, during presential elections many voters mark the box for president and then walk away without voting for down ballot candidates and other issues.<sup>22</sup> The Executive Director of PANA, Ramla Sahid, reiterated this point in a recent interview, stating that “[e]very election, I go line by line with folks [to] help[] explain the issues to everyone. Sometimes it is easy, but sometimes it’s difficult because they

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<sup>12</sup> Miriam Raftery, “Little Mogadishu: From East Africa to East San Diego,” *East County Magazine* (April 2011), available at: <https://www.eastcountymagazine.org/little-mogadishu-east-africa-east-san-diego>.

<sup>13</sup> Interview with Hamadi Jumale, Executive Director of Somali Bantu Community of San Diego, April 7, 2020. In the interview, Mr. Jumale stated that several of his family members do not speak English and will trash voting information received in the mail because they do not understand it: “If it would be in Somali language, people would know what is going on and what to do with the form. When it comes to voting, people don’t know the importance of what they receive in the mail because they aren’t familiar with it because it is in English.”

<sup>14</sup> *Id.*

<sup>15</sup> Interview with Ubah, a Somali speaker in San Diego, April 2020 [translated].

<sup>16</sup> Interview with Ramla Sahid, Executive Director of PANA, April 9, 2020.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

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

<sup>20</sup> *Id.*

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

<sup>22</sup> *Id.*

haven't been engaged and haven't been given information in their language. So it takes a really long time to vote, and when it takes that long to vote, people don't want to vote, and just don't vote. We've had people stop voting because of lack of time.”<sup>23</sup> These voters are effectively precluded from participating in other races on the ballot. Yet, all voters, regardless of how well they speak English, deserve equal access to all aspects of the ballot.

Nearly every person interviewed noted that Somali voter participation is low and that expanded language services would significantly increase Somali voter participation. Many also stated that if there was even just a facsimile ballot with Somali translation, “more Somali [people] would vote.”<sup>24</sup>

Fuad, a 35 year-old born in Somalia, and now living in San Diego, expressed that the lack of language access impacted her mother's ability to vote. During a recent election, Fuad's mother was unsure whom or what to vote for because she does not understand English. This ultimately left her unable to vote. Fuad argued it was important for her mother to be involved in the November 2020 election, particularly understanding how to vote for the next president: “We live in the U.S. Our votes matter too. The Somalis here have come a long way and have a long way to go.”<sup>25</sup>

## V. Importance of Voting to the Community

Every individual interviewed for this request spoke enthusiastically about the importance of voting for them and the Somali community. There are a number of issues that directly impact the Somali community that are decided upon at the ballot box, and Somali voters care deeply about having their voice heard on these issues including: healthcare access,<sup>26</sup> policing and law enforcement,<sup>27</sup> immigrant rights,<sup>28</sup> affordable housing,<sup>29</sup> and land use policy.<sup>30</sup>

Interviewees explained that decreased voter participation resulting from the lack of language access has harmed the Somali community's ability to influence policy and form relationships with lawmakers and the police. This has been particularly detrimental to Somali people who are historically “othered” because they are Black and Muslim, and whose communities are more heavily policed. Voting allows the Somali population to “take their voice back” and speak up about these issues by casting votes on these issues.<sup>31</sup> This has become even more important in recent years as a number of issues such as housing policy have been decided at the ballot box via the initiative process, some of which were decided by just several hundred votes.<sup>32</sup>

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<sup>23</sup> *Id.*

<sup>24</sup> Interview with Hamadi Jumale, Executive Director of Somali Bantu Community of San Diego, April 7, 2020.

<sup>25</sup> Interview with Fuad, a Somali speaker in San Diego, April 2020 [translated].

<sup>26</sup> Interview with Hamadi Jumale, Executive Director of Somali Bantu Community of San Diego, April 7, 2020.

<sup>27</sup> Interview with Ramla Sahid, Executive Director of PANA, April 9, 2020.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

Many of those interviewed discussed the need for language access services in order to increase voter participation:

- When asked why voting is important to her community, Ikra Awaleh responded that, voting is important *“so the Somali community is able to achieve the kind of change they came to the United States for, and so they have the opportunity to vote for the right people to make opportunities available to them and their families.”*<sup>33</sup>
- Ramla Sahid noted that *“if we want a democracy, we need to give language access to people. Otherwise, we do not live in a fair democracy. The Somali community is being excluded from practicing their constitutional right to vote when they don’t have the language access necessary to do so.”*<sup>34</sup>
- Hamadi Jumale stated that *“we’ve been waiting for this for a long time. It will give us relief when we can vote. We are doing our best to work in our community and translate voting registration and try to encourage the community to vote. But we also need San Diego to help provide language access. It would give leaders relief because it would mean more people would be voting in the community.”*<sup>35</sup>

Further, the Somali Bantu Community of San Diego is currently executing an advocacy and organizing campaign throughout the community to spread awareness about the November election and how to vote. They have seen increased excitement to vote from this awareness campaign alone, and numerous community members have stated their intention to vote. This underscores the importance of having election materials, including those for registration, be available in Somali.

San Diego’s Somali community requires language access services in order to fully participate in our democracy and weigh in on issues that affect the community.

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

In summary, we request that language access services be provided to Somali-speaking voters in time for the November general election. Specifically, we request that Secretary Padilla require translated facsimile ballots and related instructions in Somali, with translations posted at conspicuous locations in each polling place, and further request that Registrar Vu make a reasonable effort to recruit bilingual poll workers in accordance with Sections 12303 and 14201.

The undersigned and other community organizations that formed part of this effort are eager to help expand access to the ballot for Somali-speaking voters and to partner with the San Diego Elections Office to help find bilingual poll workers, review translations, and provide other support as necessary.<sup>36</sup>

We look forward to working together to expand language access for the large Somali-speaking population of San Diego in time for the November general election.

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<sup>33</sup> Interview with Ikra Awaleh, Executive Assistant at PANA, April 6, 2020.

<sup>34</sup> Interview with Ramla Sahid, Executive Director of PANA, April 9, 2020.

<sup>35</sup> Interview with Hamadi Jumale, Executive Director of Somali Bantu Community of San Diego, April 7, 2020.

<sup>36</sup> The Somali Bantu Community of San Diego and PANA both noted that they know of individuals in the community who can serve as bilingual poll workers.

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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Legal Director  
**The Partnership for the Advancement of  
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