

Executive Summary

Language Provisions Under the Voting Rights Act: Effectiveness and Implementation

Michael Jones-Correa
Cornell University

September 4, 2013

- **Sections 4(f) and 203 of the Voting Rights Act**
 - In 1975 Congress extended the protections of the Voting Rights Act (VRA) to three linguistic minority groups—Asian-Americans, Hispanics and Native Americans.
 - The VRA’s amendments in sections 4(f) and 203 require that all election materials and services be available in translation in localities where linguistic minorities made up more than 10,000 or over 5 percent of the total voting age citizens in a single political subdivision, as determined by the Census Bureau.
 - In June of 2013 the Supreme Court’s *Shelby v Holder* decision struck down Section 4(b) of the VRA, which defined the coverage formula for implementation of the act under Section 5.
 - Sections 4(f) and 203, which utilize a distinct coverage formula, survived intact.

- **Variation in Section 203 Implementation**
 - One in seven of the individually covered jurisdictions surveyed in the study could not offer, upon request, registration materials in languages other than English, as required under the law.
 - One in four of the individually covered jurisdictions in the study indicated they did not have personnel present who could offer aid in the languages indicated under the Voting Rights Act.
 - One third of the individually covered jurisdictions in the study failed to provide *either* the translated materials or assistance by bilingual personnel required by law.

- **Does Variation in Implementation Have Consequences?**
 - *Implications of Coverage for Voter Registration*
 - All other things equal, a county covered under Section 203 has Latino voter turnout that is 15 percent higher than non-covered counties.
 - Counties providing Spanish-language staffing see Latino registration that is 6 percent higher than those without Spanish-conversant staff.

- Counties providing Spanish-language materials have Latino registration that is about 4 percent higher than in counties that do not provide these materials.
- Everything else equal, every ten years a county is covered by Section 203 increases Latino registration rates by 2 percent.
- ***Implications of Coverage for Voter Turnout***
- All other things equal, a county covered under Section 203 has Latino voter turnout that is 11 percent higher than non-covered counties.
- The availability of Spanish-language staffing is associated with a 4 point increase in Latino turnout.
- The provision of Spanish-language registration materials is correlated with a 6 point increase in Latino voter turnout.
- Every ten years covered by Section 203 is correlated with a 2 percent increase in Latino voter turnout.
- **Explanations for the Variation in Section 203 Implementation**
 - There are four possible explanations for differences in implementation across covered jurisdictions: 1) cost of enforcement, 2) host jurisdictions' political ideology (e.g. Republican vs. Democratic local or state majorities), 3) oversight by local actors (e.g. Latino elected officials), and 4) ex post sanctions (DOJ enforcement against non-compliant counties).
 - Findings suggest that host jurisdictions' political ideology has the greatest effect on implementation. States whose voters support the Republican Party in presidential elections more than one standard deviation from the mean are 19 percentage points less likely to provide bilingual personnel in registrars' offices, all other factors held equal.
 - States with Republican governors are 27 percentage points less likely to provide bilingual personnel at registrars' offices than states with Democratic governors, all else held equal.
 - These findings suggest that it is the executive branch, and its enforcement of electoral law, that matters more in determining non-enforcement of provisions of the Voting Rights Act.
- **The Need for More Effective Oversight**
 - Implementation of the VRA, not only coverage under the VRA, matters.
 - Local shirking of responsibilities under the VRA requires better monitoring and oversight by the Department of Justice.

Language Provisions Under the Voting Rights Act: Effectiveness and Implementation

Michael Jones-Correa
Cornell University

Israel Waismel-Manor
Haifa University

In 2006 Congress re-authorized the Voting Rights Act, a central piece of civil rights legislation, despite contentious debates about the act's provisions. At the center of these debates were Sections 203 and 4(f)(4) of the act, which require localities covered under these provisions to provide registration and voting materials in languages other than English for non-English language dominant citizens. In the discussion around these provisions, however, there was little discussion of how these provisions had been implemented, whether they worked as intended, and what effect they had, if any at all, on voter registration and turnout. Nor were these controversies resolved by the Supreme Court's decision in *Shelby v Holder* in 2013, which struck down Section 4(b) of the act, but left the language rights provisions of the act in Section 203 largely intact.

This paper proceeds where Congress and the Supreme Court have left off: it explores the effectiveness and implementation of the language provisions of the Voting Rights Act (VRA). In doing so it addresses the imperfect implementation of Section 203; the correlation of registration and turnout to Section 203 implementation; the political implications of variation in policy implementation in a key policy domain; and suggests approaches to a still largely unexplored area of bureaucratic politics: understanding why and when policy implementation varies.

Uneven Policy Implementation and Its Consequences

That the Voting Rights Act might not be implemented as intended comes as no surprise to students of bureaucratic implementation. Two related strands of literature—on policy implementation and principal-agent theory—suggest that lawmakers' assumption in the 2006 reauthorization debates that counties covered under the VRA would faithfully implement Section 203 was a problematic one. Pressman and Wildavsky's work on

implementation suggests that differences between policy outcomes and initial policy intent are likely because participants in the policy process, each with their own set of interests or desired outcomes, can distort or delay implementation (Pressman and Wildavsky 1984; Kettl 1990). The principal-agent approach to the quandaries around implementation suggests, for its part, that the central problems in principal-agent relationships are goal conflicts and information asymmetries: agents in charge of implementing policy have both different interests and more information than the principals designing the original policy. The differing interests of agents encourage them to seek other policy solutions, and their advantages in information allow them leeway to implement these policies on their own (Waterman and Meier 1998; Bendor, Taylor and Van Gaalen 1985). In the case of Section 203 of the Voting Rights Act, in which implementation is left to local registrars in covered counties, both the policy implementation and principal-agent literatures suggest that local variation in Section 203 coverage is to be expected for various reasons, such as insufficient funds and personnel, poor supervision by the federal government, misinformation, lack of awareness and even an unwillingness to uphold the law due to ideological reservations. In fact an earlier GAO study (GAO 1997) found evidence of significant non-compliance with the provisions of the Voting Rights Act: in response to a letter from the GAO on their implementation of Section 203, a large number of covered counties indicated they were not implementing any language requirements under the VRA.

What is less clear is whether the uneven implementation and enforcement of the Voting Rights Act have real consequences for voter engagement. There is a substantial body of literature indicating that institutional arrangements can both enable and constrain electoral participation (Leighly 1995; King 1994; Rosenstone and Hansen 2003; Timpone 1988; Wolfinger and Rosenstone 1980; Rosenstone and Wolfinger 1978; Kim, Petrocik and Erikson 1975). For example, Rosenstone and Hansen's work on electoral participation notes that differing 'rules of the game' across states—particularly with regard to registration and voting, such as voter registration cut off dates, or allowing no-excuse absentee balloting—result in significant variation in voter participation, disproportionately affecting those with fewer resources and skills. Those unwilling or

unable to pay the price in time and/or money to overcome these additional costs to electoral politics have lower participation rates (Rosenstone and Hansen 2003). Section 203 of the Voting Rights Act was enacted precisely to lower the barriers to participation for non-English dominant citizens. The participation literature suggests that Section 203 of the Voting Rights Act should lead to observable variation in registration and voting for linguistic minorities, with higher rates of voter registration and turnout in counties in which Section 203 is implemented, and lower rates in non-covered counties.

There have been few direct studies of the Voting Rights Act's impact on Latino registration and voting, the largest ethnic group covered under Section 203 of the Act (see Figure 1 for a map of counties which are required to provide Spanish-language materials under Section 203 of the VRA), and what there are have sometimes been skeptical of Section 203's impact (Thernstrom 1987; de la Garza and DeSipio 1997; de la Garza 2004; but see Pantoja et al. 2001, de la Garza and DeSipio 2006).

[insert Figure 1 about here]

The impact of Section 203 on voter registration and turnout has only recently begun to be tested empirically. Ramakrishnan's analysis of the language provisions of the Voting Rights Act concludes that they have significant and positive effects, but only for *native-born* Latinos, not newly naturalized Latino or Asian citizens (Ramakrishnan 2002). Jones-Correa (2005) and Jones-Correa and Ramakrishnan (2004), using Census Current Population data and proprietary voting data examine the overall impact of Section 203 on the registration and voting rates of covered language minorities at the individual, municipal, and county levels, finding significant, positive effects of Section 203 coverage for all Latino citizens, native and foreign-born.¹ However, these studies begin with the assumption that counties covered under the VRA are in fact faithful to the letter and spirit

¹ Ramakrishnan's study, which relies the Census' Current Population Survey to analyze the effects of Voting Rights Act's language provision, uses a combined sample drawn from congressional and presidential elections (elections which have very different dynamics) and adds county-level demographic data as contextual variables, reducing his sample by at least a third (due to Census restrictions on county identifiers). The combination of these differences in approach leads to quite different results from those presented in the Jones-Correa and Jones-Correa and Ramakrishnan pieces.

of the law, an assumption which evidence indicates cannot be taken for granted (GAO 1997).

Even less clear is that even if the Voting Rights Act is unevenly implemented, and variations in implementation have consequences for voter engagement, is how to explain and understand why this variation occurs. Why would counties depart from federal guidelines? One explanation is a lapse in monitoring by the Department of Justice. Constant monitoring is expensive; alternatives are reliance on third parties to report infractions (McCubbins and Schwartz 1984) and/or *ex post* sanctions (Weingast and Moran 1983). The Department of Justice relies on both when enforcing the Voting Rights Act. It might be that minority elected officials in covered counties might be more likely to monitor compliance, so counties with minority elected officials may be more likely to comply with Section 203 than those without minority representation. Counties that have been targeted for *ex post* sanctions—litigation, in the case of Section 203—might also be more compliant. However, monitoring and enforcement assume that there is already goal displacement occurring among local bureaucrats, that is, that their interests and goals depart from those of federal officials. So why might goal displacement occur? One possibility arises from the requirement in Section 203 of the VRA that localities have to assume the costs of providing translated materials and hiring bilingual staff. Counties less able to shoulder the additional burdens of Section 203 enforcement—perhaps less populated, more rural counties with fewer overall resources to draw on—might opt out of implementation. Another possibility is that goal displacement occurs as the result of ideological differences between local election officials and the Department of Justice. Perhaps local bureaucrats do not in fact believe that Section 203 should be, or is worth implementing; this might be difficult to test directly, but might be possible to test indirectly, through measurement of partisan differences at the county and/or state level. These explanations—compliance monitoring and *ex post* sanctions, goal displacement as the result of costs or ideology—might give us some leverage in understanding the causes of variation in policy implementation, and when variation might be more or less likely to take place.

This discussion leads us to a set of testable hypotheses:

- H1: There will be significant variation in compliance with Section 203 of the Voting Rights Act across counties, but also particularly across states.
- H2: Compliance will be significantly correlated with higher voter registration and turnout of linguistic minorities covered under Section 203.

Explanations for differences in implementation may hinge on one or more of four possible explanations:

- H3: Differences in implementation might reflect variation in:
- a) monitoring (i.e. the presence of minority elected officials),
 - b) *ex post* enforcement (i.e. law suits brought about by the Department of Justice),
 - c) differences in the capacity to absorb costs (e.g. urban vs. rural counties), or
 - d) geographically specific differences in ideology or partisanship.

These hypotheses are explored in the following sections. We proceed first by detailing Section 203 of the Voting Rights Act, and the data we have to test our hypotheses, before addressing each set of hypotheses in turn.

The Voting Rights Act

The VRA was originally passed with its primary focus on African-Americans in the South. Initially, the act was designed to dismantle barriers to participation and to facilitate voter enfranchisement, including registration and voting. Within a decade however, enforcement of the act shifted to mechanisms of representation (drawing districts to ensure the descriptive representation of racial and ethnic minorities, for example) under Sections 2 and 5 of the Act. Hispanic, Asian and Native Americans were not covered under the original Voting Rights Act in 1965, but the act was extended to

include these groups in 1975 under Sections 4(f) and 203.² Coverage under the act for individuals in these groups was not based on their falling under specific racial/ethnic categories, but rather on their being 'linguistic minorities.' The justification for coverage was that language restrictions in voter materials and ballots operated in much the same way as poll taxes or literacy tests as a selective mechanism that keeps linguistic minorities from the polls.

Section 203 of the Voting Rights Act, its primary language-coverage provision, was implemented because Congress believed that “through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process.”³ To end these practices, Section 203 indicates that, “[w]henver any State or political subdivision [covered by the section] provides registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language.”⁴ All information that is provided in English at registrars and polling places must be provided in the minority language as well. This covers all election information, including voter registration, candidate qualifying, polling place notices, sample ballots, instructional forms, voter information pamphlets, and absentee and regular ballots - from details about voter registration through the actual casting of the ballot and questions that regularly come up in the polling place. In addition, oral assistance must be available in person by staff speaking the covered languages to facilitate registration and make it accessible to non-English speaking citizens.

Covered areas under Section 203 were initially states or political sub-jurisdictions, mostly counties, in which 5 percent of the 1970 citizen population was a “linguistic minority” and in which fewer than 50 percent of registered citizens turned out to vote in the 1972 presidential elections. The definition of covered areas was broadened in 1982 and then again in 1990 to include counties where the citizen population of “linguistic minorities”

² For an account of the historical context within which Section 203 was drafted, see Davidson 1992.

³ 42 U.S.C. § 1973aa-1a.

⁴ Ibid. at 4c.

was 10,000 people or more. Section 4(f)(4) of the Voting Rights Act brought linguistic minorities under the umbrella of Section 5 coverage, a portion of the act that relates in part to concerns about the mechanisms of representation. As a result, Latinos, Asian Pacific Americans and American Indians have been included in discussions about “majority-minority” districts. Coverage under this portion of the act is frozen; that is, coverage reflects the electoral participation of these linguistic minority groups in 1972 and has not been changed since. One critical difference of Section 203, particularly as amended, is that unlike other parts of the VRA (like Section 5), *coverage has been amended* every ten years to reflect updated counts from the decennial census (see Figure 2, for a map of Section 203 coverage following the last set of amendments made in 2002). Following the 2006 reauthorization of the act, Section 203 coverage determinations are to be updated every five years using American Community Survey Census data. Thus, coverage under this section of the act, unlike other parts of the VRA, is automatically modified to reflect changing demographic realities and has continually expanded since 1975 largely as the result of the increase and dispersal of immigration. Because of its distinct formula for coverage, Section 203 was not affected by the Supreme Court’s decision in *Shelby v Holder*.

Data

The analysis presented here builds three distinct sets of original data. The first is drawn from in-person site visits to county registrars resulting in a targeted convenience sample of 94 local jurisdictions required to provide Spanish language materials and Spanish-speaking personnel under Section 203 of the VRA: 66 jurisdictions across 15 states covered under Section 203 of the Voting Rights Act, and 29 jurisdictions in three states covered by Section 203 at the state level, but not individually covered at the county level (see Figure 3 for a map of sites visited by the research team). Note that although in 2005 California, New Mexico and Texas were covered at the state level under Title II of Section 203 of the Voting Rights Act, many counties in those states were not individually covered under Title III of Section 203, including 23 of the counties visited in Texas and 3 in New Mexico. VRA coverage in these states, as well as Colorado, is supplemented by

requirements under state law applying to the registration and voting of linguistic minorities. While the act makes no clear distinction between Section 203 coverage under Title II or Title III, in practice the VRA has been applied differently in the two cases, based on an understanding of Congressional intent (Hunter 1976: 265). Based on this distinction counties covered state-wide and counties covered individually are treated as analytically distinct in the pages that follow.

[insert Figure 3 about here]

Our research team conducted on-site checks in each of the jurisdictions in the sample (highlighted in Figure 3).⁵ While the Department of Justice's evaluations of the implementation of the VRA relies on self-reporting of Section 203 compliance by local personnel, during site visits members of our research team were instructed to ask staff at county clerks' and/or registrars' offices, in Spanish, if a staff member spoke Spanish. In locations where the researcher was told such a person existed but was not currently in, they asked for this person's given name and when he or she would be in to take their call. In such cases where the researchers were able make contact with that person (up to a few days later), that jurisdiction was still coded as being in compliance with Section 203, even though technically the jurisdiction was not in compliance with the requirement under Section 203 of the Voting Rights Act that each registrar's office have a person present who could speak the jurisdiction's covered language at all times.⁶ Members of the research team also asked for registration forms in Spanish and other covered language(s), and for any additional voting or election related materials in these covered languages.

⁵ To conduct the field research the recruited a team of research assistants from all fifteen states that required at least some counties to provide materials for Spanish language minorities under Section 203 to guarantee a broad range of covered counties. Each researcher conducted an on-site check of registration and voting materials and assistance provided by county registrars and clerks' offices in their assigned counties. Thirty-five researchers participated in the study, conducting site visits in one to six jurisdictions each.

⁶ Since approximately one in five field researchers were uncomfortable speaking in Spanish, their protocol indicated they were to ask in English if there was a Spanish-speaking staff member, and if this person was present, to verify that he or she was there to serve those requiring Spanish-language assistance. If told that this individual was sick or out for the day, the field researcher asked for the person's name and phone number for later contact (researchers were not required to call the individual to verify that he or she was indeed fluent in Spanish).

A targeted convenience sampling design ensured that at least one county in each of the 15 states covering Spanish language minorities was included in the study, allowing for an examination of variance of compliance with Section 203 across states. This approach, which presents findings based on direct observation of implementation practice, is a significant improvement over previous studies of VRA implementation, which rely on self-reported data (Tucker and Espino 2007; GAO 1997; GAO 1986). This said, targeted convenience sampling introduces the possibility of sampling bias (Cochran 1977; Rosenthal and Rosnow 1975; Trochim 2009). To test for this we conducted randomization tests comparing the Section 203 covered counties visited as part of the study, and those covered by Section 203 but not visited. The results of these tests comparing the two groups of counties are presented in Table 1.

[insert Table 1 about here]

Table 1 presents the p-values—the probability of observing a t-statistic as large in absolute value as the observed value if the two groups of counties have equal means—for a set of demographic characteristics across the two groups including total population, percent Latino population, percent population change, percent of the Latino population with less than a high school education, percent of households speaking a language other than English in the home and the median Latino household income. The table also includes measures for several political variables included as possible predictors in the models that follow: the number of years the county had been covered by Section 203, whether a county had a Latino representative in Congress in 2004, the margin of difference in party vote in the 2004 presidential elections, whether the state had a Republican governor in 2004, and whether the state legislature was controlled by the Republican party (for a description of the variables and their coding, see Table A in the Appendix).

The results indicate there are significant differences between the counties in which site visits were conducted and the remaining counties covered by Section 203 (the direction of the difference is indicated by the shading in Table 1). Counties with site visits were on

the whole larger (as indicated by the county's Latino population, closely correlated with total population) and more urban (indicated by both population and median household income). These more urban counties were also less likely to vote Republican, and to be situated in states with Republican governors or Republican-controlled legislatures. We can account for some of these differences with the inclusion of these variables as controls in the models.

The second set of data assembled for the study is 2004 demographic data by county from the US Census, specifically on characteristics of the Latino population. The alternative would have been to use Current Population Survey (CPS) data from the Census, which includes geo-coded individual level data and, in its November supplement, voter registration and turnout data. However, the identifying markers for two-thirds of counties in the CPS are elided due to concerns about respondent confidentiality, making the use of these data problematic in analyzing county-level political phenomena. For this reason, we turn to a third dataset, purchased from Voter Contact Services (VCS),⁷ a private, for-profit vendor of electoral data, which is based on voter registration and turnout information provided by county clerks and registrars. The VCS data provide registration and voting breakdowns for Latinos at the county level based on surname matches with dictionaries of Latino surnames.

I. Implementing Section 203 of the Voting Rights Act

Does coverage under Section 203 ensure compliance? Table 2 provides an initial summary of the fieldwork findings. Except for California, Massachusetts, New Mexico and Texas, the number of 'Visited Jurisdictions' the number of counties visited in each state, serves as a good indicator for 'Covered Jurisdictions'. The columns 'materials' and 'personnel' indicate the percentage of jurisdictions satisfying the VRA's Section 203 requirements. For instance, in Arizona, all five counties visited offered translated materials in Spanish, and indicated visitors had access to personnel able to speak Spanish. Eighty-six percent of jurisdictions visited had materials on hand in Spanish; eighty

⁷ See: Voter Contact Services at <http://www.vcsnet.com/>

percent claimed to have staff conversant in Spanish. To be compliant with the VRA, the registrars and clerks' offices in these counties needed to have *both* registration materials and staff available to Spanish-speaking registrants: only 68 percent of the jurisdictions visited did so.

Nine out of fifteen states have jurisdictions with compliance issues: the counties visited in Arizona, Florida, Illinois, New Jersey, Nevada and Washington were fully in compliance, while jurisdictions in California, Connecticut, New York and Texas were largely in compliance. However, the picture that emerges, overall, is one of problematic compliance across the covered jurisdictions—particularly in states like Colorado, Kansas, Massachusetts, and Rhode Island (the limited number of cases in Massachusetts and Rhode Island suggest some caution in interpreting these results). The findings for Colorado and Kansas seem more robust, drawing as they do on the evaluation of a greater number of covered jurisdictions in these states.

[insert Table 2 about here]

The research team visited an additional 28 registrar or clerk's offices in jurisdictions or counties in Colorado, New Mexico and Texas not individually covered under Section 203 of the Voting Rights Act. As noted above, California, Texas and New Mexico were covered statewide by Title II of section 203 of the VRA as of 2002, but their counties are not all *individually* covered under Title III of section 203. Colorado, New Mexico and Texas also all have state legislation requiring aid to Spanish language dominant citizens for jurisdictions meeting certain thresholds in their Latino populations. These additional counties, then, allow comparison of individual county coverage under Section 203 of the VRA with guarantees for voter access for linguistic minorities offered by statewide coverage under Section 203 of the VRA together with state law.

The initial findings suggest the provision of materials and personnel for linguistic minorities in the sample of counties not individually covered under Section 203 is considerable (see Table 3). Nonetheless, the overall picture for the provision of

translated registration materials is less than sanguine: just under half of the jurisdictions not individually covered under the VRA visited by the research team offered translated registration materials. New Mexico's counties are required by state law as well as statewide Section 203 coverage to provide bilingual materials and assistance,⁸ and two of the three counties visited did. Under state law, all Texas counties are required to provide voting materials in Spanish if 5 percent of their population is of Spanish origin or descent; Section 203 also applies statewide in Texas. All but one of these non-individually covered counties visited for this study met this 5 percent population threshold, yet slightly under half had registration forms in Spanish as required under state law, despite these forms being easily available from the state of Texas.⁹

[insert Table 3 about here]

The majority of non-individually covered jurisdictions visited in these three states claimed to have Spanish-speaking personnel in their registrar's or clerks' offices, but this varied significantly, with all the New Mexico counties visited for the study having bilingual Spanish-speaking personnel, but almost half of Texas and Colorado counties having none. In Texas the determination of 'adequate' staffing of bilingual personnel is left to the county clerks; this may account for the relatively low percentage of counties with bilingual personnel. Colorado state law is more strongly worded, requiring county clerks or registrars in all counties where 3 percent or more of eligible voters are non-English speaking to hire full- or part-time personnel to assist those voters.¹⁰ Nonetheless, in Colorado, as in Texas, half of the counties visited for the study had no bilingual personnel present in county clerk or registrar's offices.

Despite state-level coverage under Section 203 of the VRA for Texas and New Mexico, and state laws addressing access to registration and voting by non-English speakers in all three states, the rate of provision of translated registration materials and oral language assistance in these non-individually covered counties is substantially less than that of

⁸ New Mexico, General Government Administration, Title 1, Chapter 10, Part 8.

⁹ TEX. ELEC. CODE ANN., §§ 272.002, 272.010, "Voter Registration Application Form"

¹⁰ COLO. REV. STAT. § 1-2-202, "Registration by County Clerk or Recorder"

covered counties. Only 36 percent of non-covered jurisdictions provided both voter registration materials and assistance by bilingual personnel, as required by Section 203; about half the percentage in the Section 203 covered counties. The data from Colorado, New Mexico and Texas suggest that state level and statewide Section 203 regulation of registration and voting for language minorities is significantly less effective than individual, county-level federal coverage under Section 203 of the Voting Rights Act.

The overall preliminary fieldwork findings suggest there is significant variation in compliance across counties covered by Section 203 provisions, both in the provision of written materials for linguistic minorities as well as the availability of staff assistance in languages other than English. To sum up, one in seven of the 66 individually covered jurisdictions surveyed in the study could not offer, upon request, registration materials in languages other than English, as required under the law. One in four of the 66 individually covered jurisdictions in the study indicated they did not have personnel present who could offer aid in the languages indicated under the Voting Rights Act. One third of the individually covered jurisdictions in the study failed to provide either the translated materials or assistance by bilingual personnel required by law. These results on Section 203 echo findings regarding the “compromised implementation” of Section 5 of the Voting Rights Act, given limited monitoring and enforcement by the U.S. Department of Justice (Ball, Crane and Lauth 1982; Fraga and Ocampo 2007).

II. Does Non-Compliance Have Consequences?

The fieldwork findings suggest variation in the implementation of the VRA Section 203 provisions among covered counties, and presumably even greater differences between covered and non-covered counties. But are these differences significant? Do they matter for Latino voter registration and turnout? To answer this question we examine the data from the field visits to county clerk and registrar’s offices in combination with the Census and electoral data described earlier to test the effect of Section 203 coverage on Latino voter registration and turnout. A quick glance at the data (see Figure 4) seems to indicate

a positive relationship between Section 203 coverage and Latino electoral participation, but we turn to OLS modeling for a more complete answer.

The OLS models below compare variation in levels of registration and voter turnout between Section 203-covered counties for which we have information and non-covered counties. The Voting Rights Act largely specifies covered jurisdictions at the state or county level (though some states are covered at the state level); Census and voting data are also available at this level, so the unit of analysis for analysis is the county. The site visits collected data from 94 jurisdictions. Because some of the sites were located within the same county (in Connecticut, for instance, jurisdictions are covered at the township rather than county level), for the purposes of the multivariate analysis we examine 89 counties across 15 states. These fifteen states—Arizona, California, Colorado, Connecticut, Florida, Illinois, Kansas, Massachusetts, Nevada, New Jersey, New Mexico, New York, Rhode Island, Texas and Washington—have a total of 863 counties (out of the total of 3141 counties and county equivalents in the United States). Of these, 718 are included in the models, having either had a site visit, or not being covered under Section 203 of the VRA. Counties covered under Section 203 where the fieldwork teams did not conduct site visits are left out of the model.

The dependent variables in the model are Latino voter registration and turnout. The registration measure is the percentage of Spanish-surnamed voters registered for the 2004 elections by October 10, 2004 (or anyone who voted in 2004 who might appear to have re-registered at a later date) divided by the percentage of all voters registered for those elections¹¹. The turnout variable is the proportion of the percentage of Spanish-surnamed voters in the 2004 general elections to the percentage of total voters in those elections.

The models include two additional sets of variables (previewed above; see Table 1, Appendix). The first is a set of demographic variables, including Census figures for the Latino population at the county level in 2004, percent population change from 2000-

¹¹ Spanish surnames are obviously an imperfect measure of who is of Latin American origin, as there is significant exogamy among Latinos, with Hispanic women in particular likely to adopt their spouses' last names. Nevertheless, no better alternative measure is available.

2004, the percent of households speaking a language other than English at home, and the percent of Latino residents with less than a high school education. The Latino population is included both as check on whether the absolute number of Hispanics in the county has an effect on electoral participation, and also as an indicator of total population (the two are correlated at .86). Percent population change is a gauge of the tenure of the population, since transiency is often correlated with non-participation (Highton 2000; Johnson et al. 2003). Variables for percent of non-English speaking households and percent of Latino residents with less than high school education are both controls for socio-economic characteristics that might also depress voting. A greater percentage of households not speaking English (the very group of citizens that Section 203 of the VRA is addressed to) has been found to depress voting rates (MacManus and Cassell 1982, Calvo and Rosenstone 1989; DeSipio 1996). Levels of education are, of course, commonly found to be correlated with participation (Verba et al. 1995).

The second set of variables includes the number of years a county has been covered under Section 203, a measure of co-ethnic representation and a cluster of measures of partisan difference. Years covered under Section 203 is included as a control for possible lags in implementation; more recently covered counties (counties included in 2002 for instance) might be less likely to offer full implementation than counties included in 1975.¹² The models control for Latino representation in Congress because co-ethnic representation has been found to have positive effects on Latino turnout (Segura et al. 2004; Segura and Pantoja 2003). The models also include three geographically-specific measures of partisanship and partisan control of state institutions. These variables—the margin of difference between the percentage of votes cast for the Republican presidential nominee and the Democratic nominee in the 2004 elections, whether the state has a Republican governor (coded 1= Republican governor, 0= Democratic governor), and whether the state’s legislature is controlled by the Republican Party (coded 0-2, with 0 indicating neither house controlled by Republicans, and 2 indicating both houses under Republican majorities) serve as indicators of political context for voters and potential voters.

¹² This variable was constructed by referring to the *Federal Register’s* list of jurisdictions covered under the VRA (Federal Register 1976; 1988; 1993; 2002).

The purpose of these models is to test whether Section 203 coverage in general, and the availability of Spanish language registration materials and personnel in particular, have significant effects on Latino voter registration and turnout in covered counties, controlling for the demographics of those counties. Again, the comparison here is between the 89 counties visited and the additional 624 counties that are not covered for Spanish-language minorities under the VRA in the same 15 states. Given the literature on structural barriers to participation, we expect that Section 203 coverage will be significantly and positively correlated with Latino voter registration and turnout. We also expect, given the fieldwork findings presented above, that provision of voting materials in Spanish and the availability of Spanish-conversant personnel at county clerk or registrar's offices will also be positively correlated with Latino registration, and possibly with turnout as well.

Effects on Registration

Model 1 in Table 4 (see Table 4 below) presents the results of the OLS models with Latino-surnamed registration for the 2004 general elections as the dependent variable. In this version of the model we include whether the county is covered under Section 203 of the VRA, as well as if it offers staffing and registration materials in Spanish. As we can see in Model 1, the coefficient for the variable for Section 203 coverage is positive and significant at $p < .001$. Latino registration in counties covered under Section 203 is almost 15 percentage points higher than in non-covered counties.

[insert Table 4 about here]

The demographic controls have varying effects: an increase in a county's Latino population is negative and significant at $p < .01$, every 10,000 Latinos in the county translates into a 1 percent decrease in the proportion of Latinos registered. Recall that Latino population is highly correlated with total population: Latinos participate less in larger counties than they do in smaller ones. On the other hand, the variable measuring change in county population is both negative and significant at $p < .05$, but the impact of

change in county population is tiny, a fraction of a percent. Neither the percent of households speaking a language other than English at home, nor the percentage of Latinos with less than a high school degree is significant.

Three of the political context variables are significant. The number of years a county has been covered under Section 203 is significant at $p < .001$, suggesting that implementation increases over time, and consequently Latino voter registration increases the longer a county has been covered under the VRA. Everything else equal, every ten years a county is covered by Section 203 increases Latino registration rates by 2 percent. Co-ethnic representation and registration are also positively correlated at $p < .001$; Latinos living in counties with an Hispanic representative in Congress have registration rates 8 percentage points higher than those that do not. Finally, registration rates in a county in a state in which the state legislature is controlled by the Republican Party are 1 percent lower than their counterparts in states with Democratic majority legislatures.

Model 2 in Table 4 presents the results of the linear regression model for Latino-surnamed registration for the 2004 general elections, as above, but leaving out the variable for Section 203 coverage, which obscures the separate effects of the actual provisions under Section 203. The model tests the effects of providing materials in Spanish and Spanish-speaking personnel in county clerk and registrar's offices regardless of Section 203 coverage (though it should be noted that some counties that were not visited may also have provided Spanish-language materials and bilingual personnel. In this respect the model underestimates the effect of both materials and personnel on the participation of Spanish-language dominant citizens). Without controlling for Section 203 coverage, the variables for the provision of Spanish-language materials and staffing are both positive and significant (at $p < .05$ and $.01$ respectively). Counties providing Spanish-language staffing see Latino registration that is six percent higher than those without Spanish-conversant staff. The provision of Spanish-language materials is correlated with Latino registration that is about 4 percent higher than in counties that do not provide these materials.

In this model, among the demographic control variables, only percent change in population is significant, at $p < .05$, and negative: counties with greater population change have lower Latino registration, however, the marginal effect of the variable is small. As we would expect, the results for the political context variables look similar to those in the previous model, with roughly equal effects: all things equal, the number of years covered by Section 203 is correlated with higher registration rates for Latinos, as is having a Latino representative in Congress. Living in state with a Republican controlled state legislature is correlated with lower registration rates for Latinos.

Effects on Turnout

Models 3 and 4 in Table 4 evaluate the effects of Section 203 coverage, and the provision of language materials and Spanish-speaking staff at clerk and registrar's offices, on Latino turnout. Though the research teams' site visits were only to voter registration sites, the expectation is either that increased voter registration is associated with higher turnout, and/or that counties that implement Section 203 in their clerk or registrar's offices are also likely to provide translated materials and Spanish-speaking personnel at other steps of the voting process, which are also likely to have a positive effect on Latino voter turnout.

Model 3 has as its dependent variable the percent of Spanish-surnamed registered voters turning out to vote in the 2004 general elections. Results from this OLS model are presented in Table 4. The results for this model indicate that Section 203 coverage is significant at $p < .001$ and positive. All other things equal, a county covered under Section 203 has Latino voter turnout that is 11 percent higher than non-covered counties. The size of a county's Latino (and total) population is positively correlated with voter turnout at $p < .01$: every 10,000 additional Latinos increases turnout by .1 percent. The results for the political context variables in this model are similar to those for the voter registration models: years covered under Section 203, having a Latino representative in Congress, and having a Republican-controlled state legislature are all significant in the model. The direction and scale of the effects of these variables on the dependent variable are also comparable to those in the voter registration models.

Our second Latino turnout model again has as its dependent variable Latino voter turnout in the 2004 elections, but leaves aside the variable for Section 203 coverage, which, as we argue earlier, obscures the distinct effects of Spanish-language staffing and materials. Once again, because the model contrasts counties visited as part of the study that provided bilingual staffing and materials with non-covered counties (some of which may provide materials even if not covered) the model essentially underestimates the effects of the variables for Spanish-language staffing and voter registration materials.

The results of the model (see Table 4, Model 4) indicate that Spanish-conversant staff is positive and significant in the model at $p < .05$. Provision of translated materials is positive and significant at $p < .01$. The availability of Spanish-language staffing is associated with a 4 point increase in Latino turnout, while the provision of Spanish-language registration materials is correlated with a 6 point increase in Latino voter turnout. As with some of other models the size of a county's Latino population is negatively correlated with Hispanic voter turnout at $p < .05$, though the effects are small: for every additional 10,000 Latinos in a county, turnout declines by .1 percent. As with the other models, the variable indicating how many years the county has been covered by Section 203 is significant at $p < .001$; every ten years covered by Section 203 is correlated with a 2 percent increase in Latino voter turnout. Latino voter turnout in a county with an Hispanic representative in Congress is 7 percent higher than in a corresponding county without co-ethnic representation. Finally, as in the other models, Republican control of the state legislature is significantly correlated with a decline in Latino voter turnout of approximately 2 percent compared to similar counties in states with Democratic control of the legislature.

As hypothesized, counties that offer appropriate assistance to non-English dominant citizens giving them greater access to voter registration and the ballot, and lowering the costs of participation, see an increase in voter participation. Section 203 coverage itself is correlated with increases in Latino registration and turnout at the county level of 15 percent and 11 percent, respectively. Provision of registration materials may have indirect

effects on voter turnout (those receiving positive signals to register may also be more likely to vote), or the measure of materials provided during registration may be serving as a proxy measure for materials provided at the polls as well. Either way, Section 203 coverage has sizeable effects on Latino electoral participation. Looking at the more specific requirements under Section 203, having bilingual staff and the provision of Spanish-language registration materials at the county registrar is correlated with an increase of 6 percent and 4 percent (respectively) in Latino voter registration, and of 4 percent and 6 percent (respectively) in Latino voter turnout. These figures are in line with the effects found in Rosenstone and Hansen (2003), among others, in similar circumstances in which restrictions on voter registration and ballot access are eased.

III: What Explains Non-Implementation of Section 203?

Our findings indicate that implementation of Section 203 of the VRA varies across covered counties and that this variation matters because Section 203 coverage has significant effects on voter registration and turnout. But we return to the question of *why* counties depart from VRA guidelines. Why is there goal displacement between principals (the Department of Justice) and the agents (county agencies)? We posited several possible explanations: 1) Costs of enforcement, which are borne by agents, not the federal government, might result in counties that are less able to shoulder the costs associated with Section 203 (hiring staff, translating materials) to be more likely to shirk these costs (Niskanen 1971; Miller and Moe 1983). Smaller counties, for instance, with fewer resources, might be less likely to implement Section 203. 2) Counties with political cultures/ideologies at odds with Section 203 implementation, as indicated by Republican vote margins, or 3) states in which control of the state house and/or state legislature reside with the Republican Party might likewise reduce their emphasis on ballot access measures for minority voters and be less likely to implement Section 203. 4) There might be greater enforcement when there are other local actors with an interest in monitoring agents' implementation of the VRA. Latino elected officials, for instance, might well have a greater interest, both for their own sake as well as that of their constituents, in seeing Section 203 properly implemented. 5) *Ex post* sanctions

(Weingast and Moran 1983), such as litigation brought about by the U.S. Department of Justice against non-compliant counties, might be non-existent or ineffective.

Evidence exists that some of these possible explanations of variation in county level implementation of Section 203 are unlikely to play a major role. A number of studies, for instance, suggest that while implementation costs are borne by counties, that these costs are a small fraction of total election costs, which are unlikely to pose a significant fiscal burden on counties, whatever their available resources (Tucker and Espino 2007; GAO 1997; GAO 1986). *Ex post* sanctions seem a weak explanation for implementation as well, at least for the results presented in this study: in 2005 the Civil Rights Division in the U.S. Department of Justice had entered into litigation for a total of 27 cases raising claims under Section 203 or 4(f)(4) of the VRA.¹³ Fourteen of these were initiated after 2001, and five in 2004 alone (the fieldwork for our study was conducted in 2005). Our data show no evidence (as of 2005) that in states in which there was litigation for non-compliance by the Justice Department in the past there was any higher rate of compliance than in non-litigated states. States that have been sued repeatedly, like New Mexico, continue to demonstrate issues with compliance. In 2004 the Department of Justice sent out its *first* blanket mailing to jurisdictions covered under the minority language provisions of the VRA since Section 203 was passed in 1975, “reminding them of their obligations to provide minority language assistance in the November 2004 general election, and offering them guidance on how to achieve compliance” (Schlozman 2005). In short, enforcement by the Department of Justice has historically been weak.

Leaving *ex post* sanctions aside, which the evidence suggests have been rather weak, we construct two models that test four of the explanations offered above. In these logit models, our dependent variables are the provision of Spanish-speaking personnel and of Spanish-language voter registration materials in county registrar or clerk’s offices. With the county as the unit of analysis, the key independent variables are 1) Latino population as a proxy for total population size (the two variables are correlated at .86), and hence of county resources; 2) Latino representation in Congress in 2004, as an indicator of the

¹³ <http://www.justice.gov/crt/voting/litigation/caselist.php#sec203cases> (See also GAO 2007).

presence of a local actor with an interest in monitoring implementation of Section 203; 3) the margin of difference in the presidential vote (Republican minus Democratic votes) as a proxy for intensity of ideological differences in the county; 4) Republican control of the statehouse and 5) Republican control of the state legislature, as which presumably might result in less emphasis on ballot access measures for minority voters like Section 203, and therefore might lead county registrars de-emphasize implementation of Section 203.

[insert Table 5 about here]

The results for these models are presented in Table 5. The results here provide evidence for the hypotheses that ideological differences, both at the county level and the state level, have significant effects on implementation of Section 203 of the VRA. In Model 1, testing explanations for the hiring of bilingual personnel, the margin of difference in the presidential vote between the two parties at the county level vote the 2004 election is negative and significant at $p < .001$. The change in predicted probability with a one standard deviation shift, holding other variables at their means, is 19 percentage points.

In model 2, in which the dependent variable is the provision of Spanish-language registration materials, the margin of difference for the vote in 2004 and having a Republican governor are both significant at $p < .001$: more conservative counties, in which the state governorship is controlled by the more conservative political party, are significantly less likely to implement the language provisions of the Voting Rights Act (the change in predicted probability for the margin of difference variable with a one standard deviation shift, holding other variables at their means, is 27 percentage points; for a change in state governorship from Democratic to Republican, the change in predicted probabilities is 36 percentage points). Note, however, that in Model 2 having a Republican-controlled legislature is also significant ($p < .001$), but the direction of the coefficient points in the opposite direction: counties in states with Republican-controlled legislatures are *more* likely to implement Section 203 provisions. Model 2 has another counterintuitive finding: counties with Latino representatives are significantly *less* likely (at $p < .01$) to provide Spanish-language registration materials.

These results suggest first, that the argument that non-enforcement reflects a lack of resources (if we assume that resources are correlated with county population) is probably incorrect, a conclusion that is supported by the literature (Tucker and Espino 2007; GAO 1997; GAO 1986); second, Latino representation in Congress is actually insignificant or negatively correlated with enforcement. This finding indicates that implementation is not simply the result of effective local monitoring; third, more conservative counties (counties in which the vote difference between Republicans and Democrats is greater, in the Republicans' favor) are less likely to implement the requirements of Section 203. In short, ideology matters for implementation. Fourth, Republican control of state governorships is significant and negatively correlated with implementation, but GOP control of state legislatures is significant and positive. These findings suggest that it is the executive branch, and its enforcement of electoral law, that matters more in determining non-enforcement of provisions of the Voting Rights Act.

Discussion and Conclusion

Our study of the implementation of section 203 of the VRA makes three contributions: First, it solidifies findings on the extent of variation in the implementation of Section 203 of the VRA which have relied on self-reported data (Tucker and Espino 2007; GAO 1997; GAO 1986), by presenting findings based on direct observations across a wide selection of counties. These observations provide concrete evidence for arguments that differences between policy outcomes and policy intent are probable because of differences in the interests of the varied participants in the policy process, which can distort or delay implementation (Pressman and Wildavsky 1984; Kettl 1990), and the capacities of local agents to subvert the intentions of their principals (Waterman and Meier 1998; Bendor, Taylor and Van Gaalen 1985).

Second, this paper finds significant effects of Section 203 implementation on both voter registration and voter turnout among Latinos, effects that fit well with the findings of the broader literature on the impact of institutional rules on political participation

(Rosenstone and Hansen 2003; Leighly 1995; King 1994; Timpone 1988; Wolfinger and Rosenstone 1980; Rosenstone and Wolfinger 1978; Kim, Petrocik and Erikson 1975). The findings presented here support the proposition that implementation of the law, not only coverage under the law, matters.

Section 203 coverage at the county level has a significant impact not only on Latino registration but on turnout as well. Effects of Section 203 coverage are significant and positive for the models (see Table 4) in which it is tested; counties with Section 203 coverage see an increase of fifteen percentage points in Latino registration, and an eleven point increase in Latino voter turnout. Note that in the models in Table 4 including a variable for Section 203 coverage, the independent variables detailing the provision of Spanish-language staff and bilingual voter registration materials at registrar or clerks' offices is not significant. We attribute this to the effects of the Section 203 coverage variable, which overlaps with the language materials and staffing variables. What these results imply however is that the provision of Spanish-competent staffing and bilingual registration materials in non-VRA covered counties has either no effect or a negative effect on registration and voting. These counties in Colorado, New Mexico and Texas are required to provide some of these materials under their respective state laws. What these findings suggest, as already indicated in the data presented on variation on implementation, in the first section of the article, is that state laws facilitating access for language minorities are not as effective as county level coverage under the Voting Rights Act. State laws may be interpreted differently by counties, enforced differently by states, or simply taken less seriously. In any case, the effects of state and federal coverage seem quite distinct.

When included in the registration and voting models without a control for Section 203 coverage, the language materials and staffing variables are significant and positive. In the registration model, as indicated above, counties with Spanish-conversant staff have registration rates six percentage points higher than that in counties without Spanish-speaking staff, while in counties with an availability of translated materials Latino registration is four points higher than in counties not offering these materials. In the

voting turnout model the effects of these variables is that in counties offering language materials Latino turnout rates are four percentage points higher than in those without, and in counties with bilingual staffing have turnout rates six percentage points higher.

Third, and finally, this article suggests that variation in implementation – why local officials shirk compliance with the VRA—is not explained by three accounts which have been cited as possible explanations: 1) the imposition of costs on localities (GAO 1997; GAO 1986), 2) third party reporting (McCubbins and Schwartz); and 3) *ex post* sanctions (Weingast and Moran 1983). On the first, the evidence suggests that resource constraints, reflected in the population size of counties, are not a significant factor in localities' decisions to enforce the VRA or not. On the second, contrary to our expectations, Latino elected officials do not appear to act as effective monitors of Section 203 implementation: in fact, the data indicate a significant negative correlation the presence of Latino elected officials and the provision of bilingual registration materials. On the third, *ex post* sanctions, the available evidence suggests that there was little enforcement of Section 203 by the Civil Rights Division of the Department of Justice, with little in the way of litigation or even oversight prior to 2004. Litigation increased after 2004 (after the period of this study); to what effect is unknown and is a question for further research.

What our research *does* find is that the partisan context at the county and state levels has significant effects on the implementation of the language materials and bilingual staffing provisions of Section 203. As noted above, the results indicate that more conservative counties covered by Section 203 are less likely to fully implement these provisions. At the state level, Republican control of the statehouse is negatively correlated with implementation as well (if anything, these results are likely muted because the study's targeted convenience sample is less Republican-leaning than Section 203 covered counties as a whole). Partisan ideology is a powerful explanation for the goal displacement driving local officials to ignore federal electoral law. The role local ideological contexts play in policy implementation and how each state's application and enforcement of federal electoral legislation is filtered through partisanship are clearly worth further study. In the end, decisions about implementation may depend less about

the costs of carrying out, or failing to carry out, policy, and more on ideological congruence. Local agents may be *capable* of subverting the intentions of their principals, as some scholars suggest (Waterman and Meier 1998; Bendor, Taylor and Van Gaalen 1985) but they have to *want* to as well (Pressman and Wildavsky 1984; Kettl 1990). Both must be present for imperfect policy implementation to occur.

Partisan ideology may also help explain the flip side of the puzzle of implementation, that is, not only why agents sometimes shirk their responsibilities, but also why agents with little oversight to constrain their actions act responsibly at all. One way of reading the data presented above is that given the relative costs, slight monitoring by the Department of Justice and little *ex post* sanctioning, implementation rates for Section 203 are actually *higher* than we might expect. The findings on partisan ideology and implementation help explain not only when we can expect agents will shirk their responsibilities, but also when agents might comply with their principals, despite competing interests.

What this should suggest to policymakers is the need for greater oversight and monitoring of local agents in charge of implementation of the various provisions of the Voting Rights Act, particularly when these agents' local political interests might appear to run counter to the goals of the VRA. In particular, rather than allowing counties to self-report implementation of Section 203 guidelines, the Department of Justice should consider directly monitoring compliance or utilizing in-person checks like those utilized in the study above.

Bibliography

- Ball, Howard Dale Krane, and Thomas P. Lauth. 1982. *Compromised Compliance : Implementation of the 1965 Voting Rights Act*. Contributions in political science, no. 66. Westport, CT: Greenwood Press.
- Bendor, Jonathan Taylor, Serge and Van Gaalen, Roland 1985 “Bureaucratic Expertise vs Legislative Authority.” *American Political Science Review*. 79 pp. 1041-60.
- Calvo, Maria Antonia and Steven J. Rosenstone. 1989. *Hispanic Political Participation*. San Antonio, TX: Southwest Voter Research Institute.
- Canon, David. 1999. *Race, Redistricting and Representation: The Unintended Consequences of Black Majority Districts*. Chicago: University of Chicago Press.
- Cochran, William G. 1977. *Sampling Techniques*, third edition. New York: John Wiley and Sons.
- Davidson, Chandler. 1992. “The Voting Rights Act: A Brief History,” in Bernard Grofman and Chandler Davidson eds. *Controversies in Minority Voting: The Voting Rights Act in Perspective*. Washington D.C.: Brookings Institution.
- de la Garza, Rodolfo. 2004. “Latino Politics.” *Annual Review of Political Science* 7: 91-123.
- de la Garza, Rodolfo and Louis DeSipio. 1997. “Save the Baby, Change the Bathwater, and Scrub the Tub: Latino Electoral Participation after Twenty Years of Voting Rights Act Coverage” in F. Chris Garcia *Pursuing Power: Latinos and the Political System*. Notre Dame: University of Notre Dame Press: 72-126.
- DeSipio, Louis. 1996. *Counting on the Latino Vote: Latinos as a New Electorate*. Charlottesville, VA: University of Virginia Press.
- Federal Register*. 1976. “Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups” 41: 29997
- Federal Register*. 1988. “Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups.” 53: 735.
- Federal Register*. 1993. “Amendment to the Attorney General’s Minority Language Guidelines; New Coverage Determinations Under the Voting Rights Language Assistance Act of 1992.” 58: 35371.
- Federal Register*. 2002. “Voting Rights Act Amendments of 1992, Determinations Under Section 203.” 67: 144.
- Fraga, Luis Ricardo and Maria Lizet Ocampo. 2007. “More Information Requests and the Deterrent Effect of Section 5 of the Voting Rights Act,” in Ana Henderson, ed. *Voting Rights Act Reauthorization of 2006: Perspectives on Democracy, Participation and Power*. Berkeley, CA: Berkeley Public Policy Press.
- GAO. 2007. *Information on Employment Litigation, Housing and Civil Enforcement, Voting and Special Litigation Sections’ Enforcement Efforts from Fiscal Years 2001 though 2007*. GAO-10-75 Washington D.C.: October.
- _____. 1997. *Bilingual Voting Assistance: Assistance Provided and Costs*. [GAO/GGD-97-81](http://www.gao.gov/cgi-bin/getrpt?GAO/GGD-97-81). Washington, D.C.: May 9. <http://www.gao.gov/cgi-bin/getrpt?GAO/GGD-97-81> (accessed December 9, 2009)
- _____. 1986. *Bilingual Voting Assistance: Costs of and Use during the November 1984 General Election*. GGD-86-134BR. Washington, D.C.: September 15. <http://www.gao.gov/cgi-bin/getrpt?GGD-86-134BR> (accessed December 9, 2009).

- Grebler, Leo Joan Moore and Ralph Guzman. 1970. *The Mexican American People: the Nation's Second Largest Minority*. New York: The Free Press.
- Grofman, Bernard and Chandler Davidson eds. 1992. *Controversies in Minority Voting: The Voting Rights Act in Perspective*. Washington, D.C.: Brookings Institution.
- Highton, Benjamin. 2000. "Residential Mobility, Community Mobility and Electoral Participation." *Political Behavior* 22 pp. 109-120.
- Hunter, David. 1976. "Commentary: The 1975 Voting Rights Act and Language Minorities," *Catholic University Law Review* 25: 250-270.
- Jamieson, Amie, Hyon B. Shin, and Jennifer Day. 2001. U.S. Census Bureau, Current Population Reports, Series PPL-152, *Voting and Registration in the Election of November 2000*. Washington, DC: U.S. Government Printing Office.
- Johnson, Martin Robert M. Stein and Robert Wrinkle. 2003. "Language Choice, Residential Stability and Voting among Latino Americans." *Social Science Quarterly*. 84 pp. 412-424.
- Jones-Correa, Michael. 2005. "Language Provisions Under the Voting Rights Act: How Effective Are They?" *Social Science Quarterly* 86:3 September 2005 pp. 549-564.
- Jones-Correa, Michael and Karthick Ramakrishnan. 2004. "Studying the Effects of Language Provisions Under the Voting Rights Act," with Karthick Ramakrishnan. Western Political Science Association Meeting; Portland, Oregon; March 11-13.
- Kim, Wan J. 2007. "Statement of Wan J. Kim, Assistant Attorney General, Civil Rights Division, Department of Justice, before the Committee of the Judiciary, United States Senate, Concerning 'Civil Rights Division Oversight.'" Presented June 21.
- Kim, Jae-On, John R. Petrocik and Stephen N. Erikson. 1975. "Voter Turnout Among the American States: Systemic and Individual Components." *American Political Science Review*. 69:1 pp. 107-123.
- King, James. 1994. "Political Culture, Registration Laws and Voter Turnout among American States." *Publius* 24:4 (Autumn) pp. 115-127.
- Leighly, Jan. 1995. "Attitudes, Opportunities and Incentives: A Review Essay on Political Participation." *Political Research Quarterly* 48 (March) pp. 181-209.
- Lublin, David. 1997. *The Paradox of Representation: Racial Gerrymandering and Minority Interests in Congress*. Princeton: Princeton University Press.
- McCleskey, Clifton and Bruce Merrill. 1973. "Mexican American Political Behavior in Texas." *Social Science Quarterly* v. 53 (March): 785-798.
- McCubbins, Matthew and Thomas Schwartz. 1984. "Congressional Oversight Overlooked: Police Patrols versus Fire Alarms." *American Journal of Political Science*, 28:1 pp. 165-179.
- MacManus, Susan A. and Carol A. Cassell. 1982. "Mexican-Americans in City Politics: Participation, Representation and Policy Preferences." *The Urban Interest*. 4: pp. 57-69.
- Miller, Gary and Terry Moe. 1983. "Bureaucrats, Legislators and Size of Government." *American Political Science Review*. 77 pp. 297-322.
- Niskanen, William. 1971. *Bureaucracy and Representative Government*. Chicago: Aldine.
- Pantoja, Adrian D., Ricardo Ramirez, Gary M. Segura. 2001. "Citizens by Choice, Voters by Necessity: Patterns in Political Mobilization by Naturalized Latinos." *Political Research Quarterly*, 54(4): 729-750.

- MALDEF: Perales, Nina, Luis Figueroa, and Criselda G. Rivas. 2006. *Voting rights in Texas 1982-2006*. Mexican American Legal Defense and Educational Fund, maldef.org (accessed June 10, 2010).
- Pressman, Jeffrey and Aaron Wildavsky. 1984. *Implementation: How Great Expectations in Washington are Dashed in Oakland; Or, Why It's Amazing that Federal Programs Work at All*. Berkeley: University of California Press.
- Ramakrishnan, S. Karthick. 2002. "Voters From Different Shores: Electoral Participation in Immigrant America," Ph.D. dissertation, Princeton University.
- Rosenstone, Steven and Mark Hansen. 2003. *Mobilization, Participation and Democracy in America*. NY: Longman.
- Rosenthal, Robert, and Rosnow, Ralph L. 1975. *The Volunteer Subject*. New York: John Wiley & Sons, Inc.
- Schlozman, Bradley. 2005. "Statement of Bradley J. Schlozman, Acting Assistant Attorney General, Civil Rights Division, Department of Justice, before the Subcommittee on the Constitution, Committee on the Judiciary, United States House of Representatives, Concerning the Voting Rights Act: Provisions on Language Minorities." Presented November 8.
- Segura, Gary Matt Barreto and Nathan D. Woods. 2004. "The Mobilizing Effect of Majority-Minority Districts on Latino Turnout." *American Political Science Review*, 98(1): 65-76.
- Segura, Gary and Adrian D. Pantoja. 2003. "Does Ethnicity Matter? Descriptive Representation in the Statehouse and Political Alienation Among Latinos." *Social Science Quarterly*, 84(2): 441-460. 2003.
- Swain, Carol. 1993. *Black Faces, Black Interests: The Representation of African Americans in Congress*. Cambridge: Harvard University Press.
- Thernstrom, Abigail. 1987. *Whose Votes Count? Affirmative Action and Minority Voting Rights* (Cambridge: Harvard University Press).
- Timpone, Richard J. 1998. Structure, Behavior, and Voter Turnout in the United States. *American Political Science Review*. 92:1 pp. 145-158.
- Tolbert, Caroline J. and Rodney E. Hero. 2001. "Dealing with Diversity: Racial/Ethnic Context and Policy Change." *Political Research Quarterly* 54:3 (September): 571-604.
- Trochim, William M. 2009. <http://trochim.human.cornell.edu/kb/sampron.htm> Bill Trochim's Center for Social Research Methods, Cornell University. Accessed December 7, 2009.
- Tucker, James Thomas and Rodolfo Espino. 2007. "Government Effectiveness and Efficiency? The Minority Language Assistance Provisions of the VRA." *Texas Journal on Civil Liberties and Civil Rights*. 12:2 188 pp. 163-232.
- Verba, Sidney Kay Schlozman and David Brady. 1995. *Voice and Equality: Civic Voluntarism in American Politics*. Cambridge: Harvard University Press.
- Weeks, O. Douglas. 1930. "The Texas-Mexican and the Politics of South Texas." *American Political Science Review* v. 24 (August): 606-627.
- Waterman, Richard and Kenneth Meier. 1998. "Principal Agent Models: An Expansion?" *Journal of Public Administration Research and Theory*. 8:2 pp. 173-202.

- Weingast, Barry and Mark Moran. 1983. "Bureaucratic Discretion or Congressional Control? Regulatory Policymaking by the Federal Trade Commission." *Journal of Political Economy*. 91:5 pp. 765-800.
- Wolfinger, Raymond and Stephen Rosenstone. 1978. "The Effect of Registration Laws on Voter Turnout." *American Political Science Review* 72:1 pp. 22-45.
- _____. 1980. *Who Votes?* New Haven, CT: Yale University Press.

Figure 1: All Counties Covering Spanish Language Minorities Under Section 203

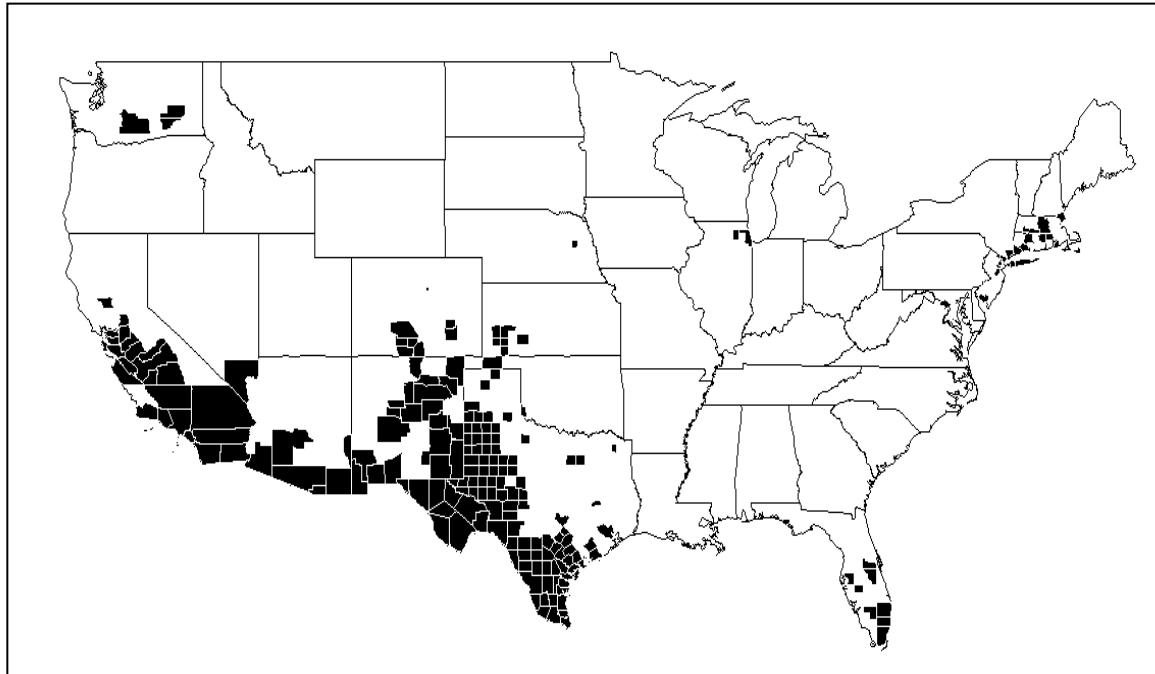


Figure 2: All Counties Covered Under Section 203

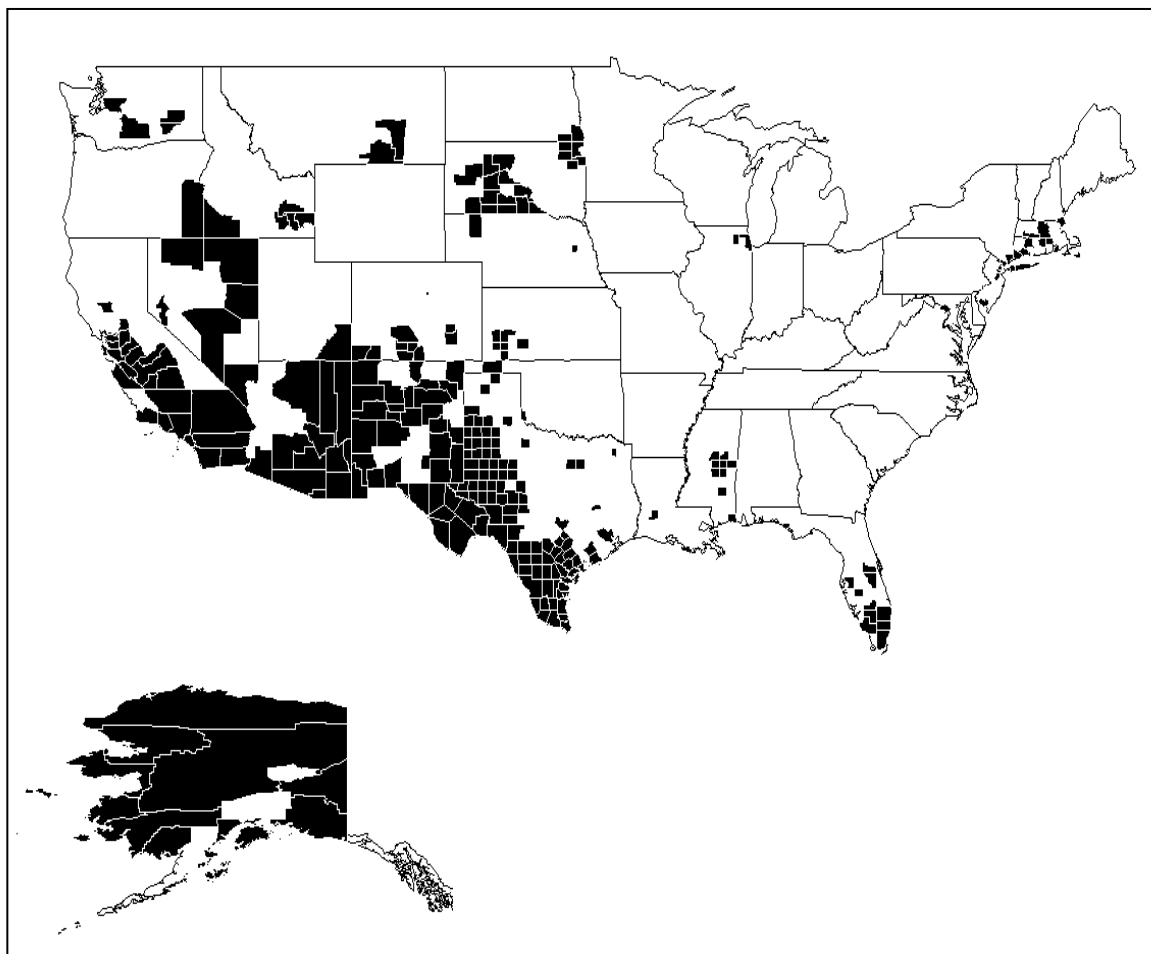
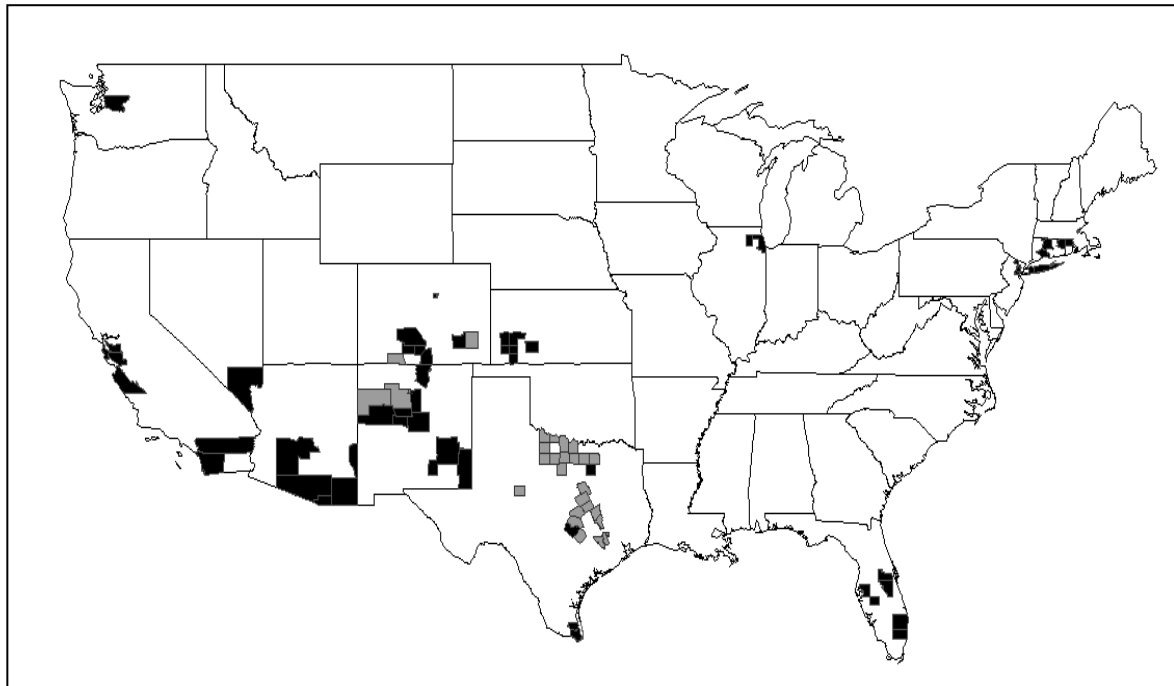


Figure 3: All Counties Included in the Study



(Counties in *black* –counties covered by Section 203 at the county level; counties in *gray* – counties covered by Section 203 only at the state level (Arizona and Texas), or, in the case of Colorado, by state legislation.)

Table 1: Randomization Tests, Section 203 Covered Counties, Visited and Non-Visited

	Section 203 Visited Counties (A)	Section 203 Non- Visited Counties (B)	Difference of Means (A-B)	p-value (two- sided)
Hispanic population (standard error)	174919 (28882)	104612 (33010)	70307 (43861)	0.11
Percent Hispanic (standard error)	31.13 (2.34)	46.76 (1.68)	15.63 (2.88)	0.000
Percent population change (standard error)	68.71 (7.55)	26.34 (2.49)	38.73 (3.12)	0.000
Percent less than high school (standard error)	20.98 (1.02)	14 (.63)	6.98 (1.2)	0.000
Non English household (standard error)	79.00 (1.37)	80.25 (.70)	1.25 (1.54)	0.4195
Median Latino household income (standard error)	33390 (1160.95)	25584 (552.36)	7806 (1286)	0.000
Years covered by Section 203 (standard error)	15.1 (1.38)	22.22 (.95)	7.12 (1.67)	0.000
Hispanic representative 2004 (standard error)	.28 (.06)	.42 (.04)	.14 (.07)	0.06
Margin of Difference in Presidential Vote (R-D) (standard error)	-.02 (.02)	.12 (.01)	.14 (.02)	0.000
GOP governor (standard error)	.6 (.06)	.84 (.03)	.24 (.06)	0.000
GOP controlled legislature (standard error)	.82 (.12)	1.4 (.08)	.58 (.14)	0.000

Unit of analysis is the county. Data are from 2004; population data are from the 2004 American Community Survey, Bureau of the Census. P-values give the probability of observing a t-statistic as large in absolute value as the observed value, if Group A and Group B have equal means.

Table 2: Spanish Provision of Voter Registration Materials and Personnel in Registrar or County Clerk's Offices, in Section 203 Covered Jurisdictions, by State

State	Covered Jurisdictions	Visited Jurisdictions	Materials %	Personnel %	Materials and Personnel %
Arizona	6	5	100	100	100
California	26	7	100	100	100
Colorado	8	7	29	29	29
Connecticut	7	7	100	100	100
Florida	8	6	100	100	100
Illinois	2	2	100	100	100
Kansas	7	6	100	33	33
Massachusetts	7	1	100	0	0
Nevada	1	1	0	100	0
New Jersey	7	3	100	100	100
New Mexico	22	8	88	63	50
New York	7	6	100	83	83
Rhode Island	2	2	50	50	50
Texas	105	4	75	100	75
Washington	3	1	100	100	100
<i>Total/Average</i>	218	66	86%	80%	68%

Table 3: Provision of *both* Voter Registration Materials and Personnel in County Registrars' and Clerks' Offices, in Non-Covered Jurisdictions, by State

State	Number of Jurisdictions	Provision of Materials and Personnel (%)
Colorado	2	0
New Mexico	3	67
Texas	23	35
<i>Average Non-Covered</i>	28	36%

Figure 4: Latino Voter Registration and Latino Voter Turnout for Covered and Non-Covered Counties in the Sample States

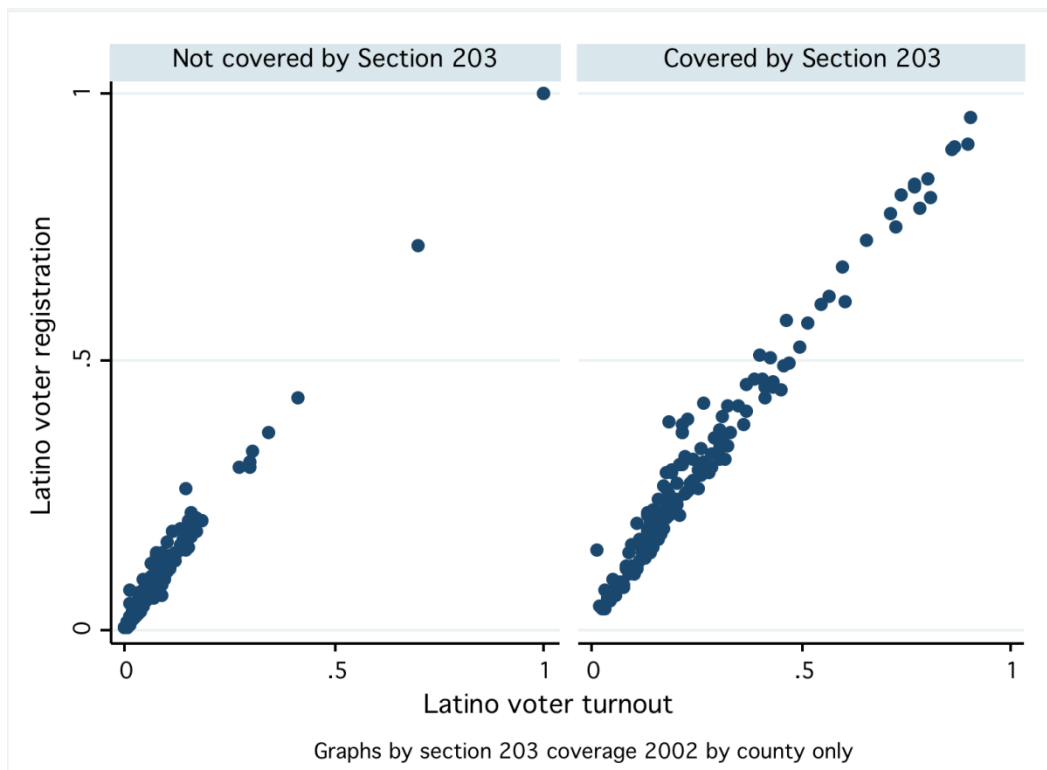


Table 4: OLS Models for Latino Registration and Turnout

Dependent Variable	Latino Voter Registration	Latino Voter Registration (2)	Latino Voter Turnout	Latino Voter Turnout (2)
Covered by Section 203 VRA	0.1466 *** (.0233)		.1125 *** (.0258)	
Registrar has Spanish-speaking staff	.0120 (.0209)	.0619 ** (.01997)	.00215 (.0238)	.0425 * (.0223)
Registrar provides Spanish-language registration materials	-.0223 (.0211)	.0381 * (.0194)	.0031 (.2476)	.0593 ** (.0216)
Hispanic population	-.0000014 ** (.0000)	-.00000008 (.00000)	.0000001 ** (.0000)	-.0000001* (.0000)
Percent population change	-.00008 * (.000037)	-.00008 * (.00004)	-.000064 (.000036)	-.00007 (.000038)
Non English speaking household	.00016 (.00026)	.00037 (.00027)	-.00009 (.0026)	.00005 (.00026)
Percent less than high school	.00031 (.00026)	.00029 (.00027)	.00047 (.0003)	.0005 (.00026)
Years covered by Section 203	.00172 *** (.0087)	.0018 *** (.0004)	.00176 *** (.00041)	.0019 *** (.0004)
Hispanic representative 2004	.0756 *** (.01496)	.0867 *** (.0153)	.0659 *** (.0151)	.0716 *** (.0153)
Margin of Difference in Presidential Vote (R-D)	.0280 (.0356)	.00935 (.0367)	.01123 (.0352)	.0019 (.0358)
GOP governor	-.0015 (.00867)	-.0029 (.0089)	.0022 (.0089)	.00042 (.0087)
GOP controlled state legislature	-.0139 * (.0057)	-.0155 ** (.0059)	-.1423 * (.00567)	-.0156 ** (.0058)
Constant	.0440 ** (.0158)	.0360 * (.0163)	.0488 ** (.0159)	.0427 ** (.0161)
N	592	592	530	530

* p < 0.05, ** p < 0.01, *** p < 0.001

Spanish-Speaking Personnel and Spanish Language Materials

Dependent Variable	Spanish-speaking personnel	Spanish-language registration materials
Hispanic population	.0000006 (.0000)	.0000007 (.0000)
Percent population change	.0073 (.0000)	.00059 (.00613)
Non English speaking household	-.0456 (.0241)	-.0796 ** (.0311)
Percent less than high school	.06223 * (.0297)	.0696 * (.03327)
Years covered by Section 203	.0043 (.0221)	-.0490 (.0265)
Hispanic representative 2004	-.3500 (.4299)	-1.5009 ** (.5565)
Margin of Difference in Presidential Vote (R-D)	-8.2853 *** (2.2267)	-14.3978 *** (3.074)
GOP governor	-.7567 (.4373)	-2.212 *** (.5445)
GOP controlled state legislature	.6725 (.3860)	2.1596 *** (.5570)
Constant	1.1522 (1.9689)	5.0769 * (.5436)
N	201	201

* p < 0.05, ** p < 0.01, *** p < 0.001

Appendix

Table A: Dependent and Independent Variable Definitions and Means

<u>Dependent Variables</u>		
Name	Definition	Mean (Standard Error)
Latino registration	Latino voter registration	.116 (.006)
Latino voting	Latino voter turnout	.088 (.005)
Section 203 coverage	County covered by Section 203 of the Voting Rights Act	.238 (.014)
Spanish language staff	County registrar provides Spanish-speaking staff	.075 (.009)
Spanish language materials	County registrar provides Spanish-language registration materials	.075 (.009)
<u>Independent Variables</u>		
Hispanic population	Total Latino population in 2004	35335 (6163)
Percent Hispanic	Percent Latino population in 2004	16.124 (.647)
Percent population change	Percent population change 1990-2000	82.08 (3.4)
Percent less than high school	Percent population with less than high school education	18.96 (.514)
Non English household	Percent population living in non-English speaking households	68.10 (.608)
Years covered by Section 203	Number of years covered by Section 203 of the Voting Rights Act	11.54 (.479)
Hispanic representative 2004	1=County has Latino representative 0=County has no Latino representative	.137 (.012)
Margin of Difference in Presidential Vote (R-D)	Percent Republican Party vote in 2004 presidential election - Percent Democratic Party vote	.041 (.006)
GOP governor	1=Republican governor, 0=Democratic governor	.635 (.016)
GOP controlled legislature	0= GOP controls neither upper nor lower house, 1= GOP controls one, 2= GOP controls both	1.11 (.032)

N

734

Appendix 1:

Department of Justice

Section 203 of the Voting Rights Act

http://www.justice.gov/crt/about/vot/sec_203/203_brochure.php

The United States is a diverse land with a government selected by the votes of its citizens. Federal law recognizes that many Americans rely heavily on languages other than English, and that they require information in minority languages in order to be informed voters and participate effectively in our representative democracy. Many provisions of federal law protect the voting rights of minority language Americans. Section 203 of the Voting Rights Act is the keystone. Congress has mandated minority language ballots in some jurisdictions since 1975, with the most recent changes in the method of determining which jurisdictions must provide minority language materials and information becoming law in 1992

Section 203 of the Voting Rights Act

When Congress amended the Voting Rights Act in 1975 by adding Section 203, it found that "through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process....The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting these practices."

Section 203 provides: "Whenever any State or political subdivision [covered by the section] provides registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language."

What jurisdictions are covered under Section 203?

The law covers those localities where there are more than 10,000 or over 5 percent of the total voting age citizens in a single political subdivision (usually a county, but a township or municipality in some states) who are members of a single minority language group, have depressed literacy rates, and do not speak English very well. Political subdivisions also may be covered through a separate determination for Indian Reservations.

Determinations are based on data from the most recent Census, and the determinations are made by the Director of the Census. The [list](#) of jurisdictions covered under Section 203 can be found at the web site of the Voting Section of the Justice Department's Civil Rights Division.

What languages are covered under Section 203?

Section 203 targets those language minorities that have suffered a history of exclusion from the political process: Spanish, Asian, Native American, and Alaskan Native. The Census Bureau identifies specific language groups for specific jurisdictions. In some jurisdictions, two or more language minority groups are present in numbers sufficient to trigger the Section 203 requirements.

What elections are covered?

Section 203 requirements apply to all elections conducted within the bounds of the jurisdiction identified as covered by Section 203 by the Census Bureau. The law applies to primary and general elections, bond elections and referenda, and to elections of each municipality, school district or special purpose district within the designated jurisdiction.

What information must be provided in the minority language?

All information that is provided in English also must be provided in the minority language as well. This covers not only the ballot, but all election information - voter registration, candidate qualifying, polling place notices, sample ballots, instructional forms, voter information pamphlets, and absentee and regular ballots - from details about voter registration through the actual casting of the ballot, and the questions that regularly come up in the polling place. Written materials must be translated accurately, of course. Assistance also must be provided orally. Most Native American languages historically are unwritten, so that all information must be transmitted orally. Oral communications are especially important in any situation where literacy is depressed. Bilingual poll workers will be essential in at least some precincts on election day, and there should be trained personnel in the courthouse or city hall who can answer questions in the minority language, just as they do for English-speaking voters.

What are the keys to a successful program?

1. Outreach

The cornerstone of every successful program is a vigorous outreach program to identify the needs and communication channels of the minority community. Citizens who do not speak English very well, often rely on communication channels that differ from those used by English-speakers. Each community is different. The best-informed sources of information are people who are in the minority community and those who work with it regularly. Election officials should talk to them. Minority leaders are an important starting point, but election officials should not stop there. By talking to a broad range of people in the minority community - educators, business groups, labor groups, ESL programs, parent-teacher organizations, senior citizen groups, church groups, social and fraternal organizations, veterans groups, and the like - election officials will be able to identify the most effective and most efficient program possible: where to post notices, what media to use, where to have bilingual poll officials. These same persons can help identify and recruit bilingual poll officials and some of them may be able to provide important feedback on proposed translations.

Minority community members and those who work with them can play a significant role in developing and maintaining an effective bilingual election program and need not wait to be contacted by election officials. Minority language citizens should promptly respond to requests for advice and feedback from local election officials, who often are faced with severe time constraints. They also should reach out to city and county election officials to make suggestions on the program, offer to serve as poll officials, and otherwise participate actively in the minority language program that is adopted. They should report any compliance problems to local election officials and, should those officials fail to adequately address the problems, they should notify the Justice Department. Contact information is included at the end of this brochure.

2. Bilingual election personnel

Voters ask questions at the polls on election day. They have trouble with the voting machines. They are not sure of their precinct. They may not be able to read the ballot. Failure to employ bilingual poll officials at all precincts where they are needed can deprive citizens of their right to vote.

New poll workers - and indeed many veteran poll officials - need effective training in matters beyond the operation of the polls, including the broader election process so that they can answer questions accurately. Experienced poll officials at times need training on the rights of minority language voters.

3. Accurately Translated and Effectively Distributed Materials

Materials for all stages of the election process must be translated. Care should be taken to provide an accurate translation that meets the needs of the minority community. Poor translations can be misleading for voters and embarrassing for local officials. Beyond quality control, there can be significant differences in dialect within a given language group, and it is the responsibility of local officials to provide a translation that local voters actually can use. Local officials should reach out to the local minority community to help produce or check translations.

4. Timing

Time before the next election is limited - extremely limited for some jurisdictions - and there is much to do to adjust something as complex as an election process. Outreach to the minority community should begin immediately to help establish an effective and efficient minority language election program, so that priorities can be set for the many tasks that must be completed.

5. Contingency Planning

Things go wrong. Poll officials get sick and don't show up. Materials wind up at the wrong place, or get lost completely. Minority language voters appear in unexpected polling places. An effective minority language program includes plans for addressing

problems, such as training for poll officials in how to deal with surprise situations, back-up communication between the polling places and the central election office, and extra material and bilingual personnel to plug gaps.

Again, close communication with the minority community will help minimize the fallout from those inevitable problems that will occur.

6. Assess, Analyze and Improve

An effective minority language program is an ongoing exercise. Minority language citizens will move into some new areas and create a need for new communications and new bilingual poll officials. The need in other areas may disappear with time. Such changes are reflected in a number of ways, such as changes in school enrollment. Like a business enterprise, an elections office must meet the needs of a changing clientele. Continuing consultation with minority leaders and groups will remain a part of an effective program.

It also can help to make a record of consultations and other outreach activities. This helps identify both successes and gaps, and builds institutional memory.

Appendix 2:

Voting Rights Act

Section 4(f)

http://www.justice.gov/crt/about/vot/42usc/subch_ia.php#anchor_1973bf

Section 4(f) Congressional findings of voting discrimination against language minorities; prohibition of English-only elections; other remedial measures

- (1) The Congress finds that voting discrimination against citizens of language minorities is pervasive and national in scope. Such minority citizens are from environments in which the dominant language is other than English. In addition they have been denied equal educational opportunities by State and local governments, resulting in severe disabilities and continuing illiteracy in the English language. The Congress further finds that, where State and local officials conduct elections only in English, language minority citizens are excluded from participating in the electoral process. In many areas of the country, this exclusion is aggravated by acts of physical, economic, and political intimidation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting English-only elections, and by prescribing other remedial devices.
- (2) No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote because he is a member of a language minority group.
- (3) In addition to the meaning given the term under subsection (c) of this section, the term "test or device" shall also mean any practice or requirement by which any State or political subdivision provided any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language, where the Director of the Census determines that more than five per centum of the citizens of voting age residing in such State or political subdivision are members of a single language minority. With respect to subsection (b) of this section, the term "test or device", as defined in this subsection, shall be employed only in making the determinations under the third sentence of that subsection.
- (4) Whenever any State or political subdivision subject to the prohibitions of the second sentence of subsection (a) of this section provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable language minority group as well as in the English language: Provided, That where the language of the applicable minority group is oral or unwritten or in the case of Alaskan Natives and American Indians, if the predominate language is historically unwritten, the State or political subdivision is

only required to furnish oral instructions, assistance, or other information relating to registration and voting.

(Pub. L. 89-110, title I, Sec. 4, Aug. 6, 1965, 79 Stat. 438; renumbered title I and amended Pub. L. 91-285, Sec. 2-4, June 22, 1970, 84 Stat. 314, 315; Pub. L. 94-73, title I, Sec. 101, title II, Sec. 201-203, 206, Aug. 6, 1975, 89 Stat. 400-402; Pub. L. 97-205, Sec. 2(a)-(c), June 29, 1982, 96 Stat. 131-133.)