

Memorandum of Understanding

The Asian American Legal Defense and Education Fund (“AALDEF”), Greater Boston Legal Services’ Asian Outreach Unit (“AOU”), Greater Malden Asian American Community Coalition (“GMAACC”), and the City of Malden (“City” or “Malden”) (“the parties”) enter this Memorandum of Understanding (“MOU”), to ensure that Malden, which is subject to the requirements of Section 203 of the Voting Rights Act, as amended,¹ provide in Chinese all of the election information it provides in English, including ballots, and Chinese language assistance.

Malden is a geographical and political subdivision of the Commonwealth of Massachusetts (“Commonwealth” or “Massachusetts”) and exists as a charter city organized pursuant to the laws of Massachusetts. The specific circumstances described below, and the terms of this MOU, apply to all elections which Malden has authority to conduct.

Malden has been subject to the requirements of Section 203 of the Voting Rights Act² since 2016 with respect to the Chinese language.³ The Director of the Census determined on December 8, 2021, that the City of Malden continued to be subject to Section 203 coverage under the Voting Rights Act for Chinese-speaking citizens, based on a determination that more than 5% of voting-age citizens in the City are members of a language minority group, specifically Chinese, who have limited English proficiency to participate effectively in an English-language election process, and the illiteracy rate of these persons as a group is higher than the national illiteracy rate.⁴ These requirements took effect immediately upon publication in the Federal Register on December 5,

¹ 52 U.S.C. § 10503(c).

² 52 U.S.C. § 10503.

³ 81 Fed. Reg. 87532 (Dec. 5, 2016).

⁴ 86 Fed. Reg. 69611 (Dec. 8, 2021).

2016,⁵ and are still in effect⁶ today.⁷ The Director’s determination that Malden is covered by Section 203 is final and “not subject to review in any court.”⁸

The MOU is based upon Community Agreements (“Community Agreements”), reached on May 25, 2022, between Malden and a coalition of community groups⁹ (“Coalition”), AOU, and GMAACC. The Community Agreements describe specific actions to which Malden already has agreed, and the Community Agreements are incorporated by reference, into this MOU.

AALDEF has monitored Malden elections since 2011 and provided Malden information regarding its Section 203 obligations in early 2017 following Malden’s December 5, 2016, initial Section 203 coverage. AOU, GMAACC, and the Coalition began meeting with Malden in January 2020 to discuss its compliance with Section 203 and Malden’s alleged ongoing violations. Since then, monthly meetings occurred from June 2020 to November 2020, and from February 2022 to the present day to provide extensive feedback on alleged voting rights violations and recommend compliance measures.

Section 203 of the Voting Rights Act requires that, whenever a covered jurisdiction “provide(s) 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 minority group as well as in the English language.”¹⁰ According to the Attorney General Guidelines interpreting Section 203, to comply with the requirements of Section 203, a covered jurisdiction must completely and accurately translate into the covered language all voting

⁵ 52 U.S.C. § 10503(b)(4).

⁶ 86 Fed. Reg. 69611.

⁷ 28 C.F.R. § 55.2(b)(2).

⁸ 52 U.S.C. § 10503(b)(4); 28 C.F.R. § 55.4(a)(2).

⁹ The community groups that are part of the coalition include: (1) Chinese Progressive Association; (2) Greater Malden Asian American Community Coalition; (3) Chinatown Community Land Trust; and (4) Massachusetts Voter Table.

¹⁰ 52 U.S.C. § 10503(c).

information and relevant materials provided in English.¹¹ Moreover, the jurisdiction's obligation is to ascertain the dialects that are commonly used by members of the applicable language minority group in the jurisdiction and to provide oral assistance in such dialects.¹² A jurisdiction is more likely to achieve compliance with these requirements if it has worked with the cooperation of and to the satisfaction of organizations representing members of the applicable language minority group.¹³ Section 203 allows LEP voters to be effectively informed of and to participate effectively in voting-connected activities.¹⁴ A covered jurisdiction should take all reasonable steps to achieve that goal.¹⁵

All parties agree that this MOU memorializes Malden's future commitment to comply with Section 203 of the Voting Rights Act.

Demographics

According to the 2015-2019 5-year American Community Survey ("ACS") estimates on which the 2021 Section 203 designations were based, Malden has a total population of 60,984,¹⁶ persons, of whom 36,249 were the total citizen voting age population. Of Malden's total citizen voting age population, 2,677 were limited English proficient ("LEP") Chinese-speaking persons, or 7.4% of the total citizen voting age population. Of those CVAP LEP persons who speak Chinese in Malden, 92% speak the Cantonese dialect and 8% speak the Mandarin dialect.

Section 203 Allegations

During the November 2021 general election, AALDEF, AOU, and GMAACC allege that Malden was in violation of Section 203 of the Voting Rights Act, despite repeated and extensive

¹¹ 28 C.F.R. § 55.19(b).

¹² 28 C.F.R. § 55.13.

¹³ 28 C.F.R. § 55.16.

¹⁴ 28 C.F.R. § 55.2(b)(1).

¹⁵ 28 C.F.R. § 55.2(b)(2).

¹⁶ According to the 2020 Census, the total population has grown to 66,263.

input from community groups to identify Malden’s alleged voting rights violations and recommend measures for compliance. Alleged violations observed during the November 2021 general election include, but are not limited to:

1. Lack of Bilingual Poll Workers and Interpreters:

Malden failed to recruit, hire, train, and assign an adequate number of interpreters and bilingual poll workers to assist voters with limited English proficiency. Out of the six polling sites visited by poll monitors, only one (the Malden Senior Center) had a Chinese-speaking poll worker. The other five observed sites, which included 89 Pearl Street and Beebe School, both of which serve large Chinese-speaking voting populations, had no Chinese-speaking poll workers or interpreters. Further, the sole bilingual poll worker at the Malden Senior Center spoke only Mandarin, and thus was unable to communicate with the vast majority of Malden’s LEP voters who are Cantonese-speaking. Cantonese-speaking voters complained about the repeated absence of Cantonese-speaking poll workers. Three Cantonese-speaking voters at the Malden Senior Center, including two elderly voters, stated that they routinely vote as a group because the sole poll worker routinely assigned at that site only speaks Mandarin and only one of the three voters speaks both Mandarin and Cantonese. As such, the group relies on that individual to ask questions in Mandarin with the poll worker and then to try to interpret the voting information into Cantonese for the other two voters.

In addition to Malden’s alleged failure to provide meaningful oral assistance, Malden also failed to adequately train the bilingual poll worker, who provided factually incorrect information to voters. The bilingual poll worker incorrectly told voters to vote for only one candidate for each office, although voters could vote for up to three at-large city council candidates.

2. Lack of Bilingual Signage

The City lacked signage and translation. For example, multiple sites lacked translated information about COVID-related safety precautions and policies that was provided in English. The polling site at 89 Pearl Street also lacked signs in both English and Chinese providing instructions for marking ballots. Furthermore, the City failed to provide adequate bilingual signage indicating where, how, and from whom language assistance was available to LEP voters. Not a single observed polling site provided information to Chinese-speaking voters that language assistance was available by phone or in person. This lack of language assistance signage is especially concerning in light of the City's widespread failure to provide an adequate number of bilingual poll workers.

3. Lack of Complete and Accurate Translations of Election Information:

Malden's election website lacked professional Chinese translations for almost all the information provided by the City in English.¹⁷ Instead, the website relied on Google Translate. Even the translation button to access the Chinese google translations appeared in English. The Chinese-language output from Google Translate also produced serious translation errors. For example, the website incorrectly translated the statement "no excuse voting by mail will be allowed in all elections" into Chinese as "voting by mail is not allowed in all elections."

¹⁷ Malden's following online pages lacked Chinese translations: (i) Early voting information; (ii) Information about 2021 Malden election dates (while there is a link to a Chinese language election calendar, the "Noteworthy Dates" section in which the calendar is housed contains text in English only); (iii) Information about precinct locations in Malden (while there are links to a PDF containing translated precinct location information, the link to this information and the supporting text is in English only); (iv) Information about sample ballots; (v) Information about election results; (vi) Information about nominating candidates; (vii) Information about absentee ballots (while there is a link to Chinese absentee ballots, the link and the supporting text is only in English). Links on Malden's website to Massachusetts' English documents include: 1) Voter Registration Information and 2) Voting for Persons with Disabilities.

The City's bilingual ballots also do not contain transliterated candidate names at this time.. One Cantonese-speaking voter at the Malden Senior Center did not know which candidate to vote for because she only remembered the candidate's Chinese name, not the candidate's English name. She attempted to ask the poll worker which candidate was surnamed "Ma," but, because the poll worker could not speak to the voter in Cantonese, the voter was unable to locate the name of the candidate of her choice. Transliteration of candidate names is crucial to ensuring full and meaningful access to the ballot for Chinese-speaking voters.¹⁸

4. Lack of Outreach to the Chinese Community

While the City did produce some Chinese-language outreach materials, the distribution of such materials was limited, and the majority of the City's social media and physical outreach materials were distributed only in English. In stark contrast to progress made ahead of the November 2020 election, the City failed to conduct sufficient Chinese-language outreach. City staff members did not conduct in-person Chinese language outreach or provide on-site Chinese language assistance with vote-by-mail procedures at locations with large numbers of Chinese-speaking voters, such as public housing buildings.

5. Ongoing Lack of Complete and Accurate Translations of Election Information

After the November 2021 election to the present, Malden's Chinese language translations of election information available on its website continues to be missing or erroneous.¹⁹ According to screenshots of the Malden elections website's front page (<https://cityofmalden.org/605/2022-Election-Information>), recorded weekly from December 13, 2021, to the present, Malden fails to

¹⁸ The City of Malden approved a city resolution and is supporting a Home Rule Petition to transliterate candidate names into Chinese in all future elections. The Home Rule Petition (H.3828), presented by Representatives Ultrino and Donato, has been pending before the Joint Committee on Election Laws since a hearing in June 2021.

¹⁹ <https://cityofmalden.org/605/2022-Election-Information> (last visited Jun. 22, 2022).

provide complete and accurate Chinese translations of the following election-related content and materials, which it provides in English, including but not limited to:

1. In the webpage's first section "Important Information on the Redistricting of Malden's Wards," the word "wards" (meaning electoral districts) is translated as the wards in hospitals;
2. In the sentence "In December 2021 the City of Malden submitted to the State their proposed map of the city ...," "the State" is supposed to be Massachusetts but is translated as the State of New York; and
3. Under the section "Absentee Voting," no Chinese version of the attachment "Absentee Ballot for Family Member (PDF)" is available.

Other examples of missing and erroneous Chinese translations include:

1. no Chinese translation for attached documents on ballot proposition that may influence the decision making of the Chinese-language voters, such as the Northeast Metropolitan Regional Vocational School (NEMT) Building Project Q&A;
2. no Chinese translation for important graphs such as the map for redistricting; and
3. translating the Massachusetts Secretary of State's Office as the U.S. Secretary of State's office

AALDEF, AOU, GMAACC, voters, and community groups have sought to work cooperatively with Malden to effectively meet the requirements of Section 203 for Malden's Chinese American citizens for each election since it was first covered, and on a consistent basis for nearly two years. Although Malden made progress toward compliance during the November 2020 election cycle, Malden regressed in the November 2021 general election, and allegedly failed to meet Section 203's requirements.

Malden is committed to ensuring that all citizens enjoy an equal opportunity to participate in the electoral process. While Malden recognizes that current electoral processes are not fully compliant with Section 203, Malden has already taken steps to ensure all future elections will provide meaningful language access and allow full participation for all citizens. For example, Malden hired a Chinese-speaking staff member in the city clerk's office who subsequently increased Chinese-language outreach by video and in person. Additionally, Malden hired its first Diversity, Equity, and Inclusion Coordinator and first Language Access Coordinator to better support Malden's diverse population. Furthermore, Malden was and continues to be diligent in working with relevant legislative offices and state representatives in pushing forward a bill to ensure transliteration of candidate names into Chinese characters on all ballots. Malden also has been open to engaging in discussions with AOU, GMAACC and community groups on how to improve its election process for voters with limited English proficiency. This MOU is a further example of Malden's ongoing commitment to access and equity, full electoral participation, and compliance with Section 203 of the Voting Rights Act.

As set forth herein, Malden hereby commits to ensure that the electoral process in the Malden will provide access to Chinese-speaking voters in all future elections, and that all electoral materials will be provided in, at least, English and Chinese, as required under Section 203. To avoid the costs associated with litigation, AALDEF, AOU, GMAACC, and Malden have conferred in good faith and have agreed to the terms of this MOU, with the Community Agreements incorporated by reference herein, as an appropriate resolution of the claims alleged.²⁰

²⁰ The parties recognize that there are 14-day and 30-day deadlines in the MOU that the City cannot meet ahead of the September 6, 2022, primary election, within the next 13 days, from the August 24, 2022 signing of the MOU. The parties agree that the City is not bound by these deadlines for the September 2022 primary election. The deadlines will be in force for the November 2022 general election, and thereafter, consistent with the terms of the MOU.

NOW THEREFORE, for full, fair, and adequate consideration given and received, it is hereby agreed as follows:

MALDEN CHINESE LANGUAGE ELECTION PROGRAM

Advisory Group

1. The City shall form an Advisory Group (“Advisory Group”) to provide the City with information and assistance about how best to provide election-related materials and assistance to the City’s Chinese-speaking community.²¹ The Advisory Group shall include and be co-chaired by the Program Coordinator. The Program Coordinator shall invite participation from any additional interested individuals and organizations who work with or serve the Chinese community to determine how most effectively to provide election materials, information, and assistance to LEP Chinese language voters. The Program Coordinator shall provide notice of all planned meetings to each member, including the date, time, location, and Advisory Group-approved meeting agenda, at least 14 days in advance, although members of the Advisory Group may agree to waive or shorten this time period as necessary. The Advisory Group shall meet at least once per month beginning six months before every election and continuing until one month after the election.

2. Within five days after each meeting, the City shall provide a written summary of the discussion and any decisions reached at the meeting to all Advisory Group members and to the City Clerk. If the City Clerk decides not to implement an Advisory Group’s suggestion or a

²¹ Advisory Group members shall include, but are not limited to, at least one but no more than four representatives of the community organizations that form the Coalition.

consensus cannot be reached respecting such suggestion concerning the City's implementation of this MOU, the City Clerk shall provide to the Advisory Group through the Program Coordinator, and maintain on file, a written statement of the reasons for rejecting such suggestion.

3. The City Clerk or Program Coordinator shall transmit to all interested members of the Advisory Group copies, in English and Chinese, of all election information, announcements, and notices that are provided or made available to the electorate and general public and request that they share such information with others.

Translation of Election Related Materials

4. All information that is disseminated by the City for distribution to the public in the City regarding "registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots,"²² shall be provided in Chinese as well as in English.²³ Such Chinese materials need not be identical in all aspects to English language materials but shall provide substantially the same information in the same form, frequency, and media to achieve notice and understanding equal to that provided to the English-speaking population. The City shall ensure that the English and Chinese language election information, materials, and announcements it provides, including its website, are made equally available to voters with limited English proficiency.

5. The City shall hire trained, professional translators to produce clear, accurate, and complete translations of English-language election-related information, including its website. The City shall consult in a timely manner with the Advisory Group, within a week of the

²² 52 U.S.C.A. § 10503

²³ An unexhaustive list of materials include the absentee ballot application, absentee ballot, sample ballot, voting procedures and ballot instructions, information sheets on the upcoming elections, details on any special elections or ballot questions, notices identifying polling locations and changes in polling locations, and notices with instructions on accessing the City's telephone hotlines and interpretation. See *Community Agreements* § I.2.

available English language version and no later than one month before the distribution of the election materials to the public,²⁴ regarding the effectiveness of the City's translation of all written and, if any, audio-recorded materials.

6. The City shall ensure the transliteration of the names of all candidates running for office, pursuant to any requirements under state law or federal law, including but not limited to those pursuant to pending House Bill 4793, An Act Relative to the Preparation of Certain Bilingual Ballots in the City of Malden, as well as any substituted or successor legislation.. The City shall include the Chinese name of each of the candidates or, if any candidate does not have a Chinese name, transliterate their name into Chinese on the official ballot, the sample ballot, any audio version of the ballot, and any other election material that the City provides that contains such name in English. The City shall prepare and review transliterations of the name of the candidates. To the extent that the following is not in conflict with the requirements of state law, the City shall adopt the following transliteration procedures:

- A. The City shall give candidates the option of supplying their names in Chinese to the City for use on the ballot or relying upon the City's transliteration of their names.
- B. Where a candidate has previously supplied their name in Chinese, the City shall use such name. Where no name has been supplied by the candidate, the City shall consult with the Advisory Group to ensure the transliteration is consistent with the Chinese community's transliteration of candidate names, including in widely circulated Chinese print media. Where no name has been previously supplied by the candidate and no community transliteration exists, the City shall use standard English-to-Chinese phonetics for transliterations of such candidate's name.

²⁴ See *Community Agreements* § III.2.

7. The City shall consult with the Advisory Group when creating such transliterations to ensure that the City's translation of candidate names is consistent with the Chinese communities' transliteration of candidate names. The City shall also publicize and make available on its website the latest list of candidate names, including transliterations, at least twenty-one (21) days prior to an election.

8. Any translated material mailed to voters must include all information provided in the corresponding English language materials, and the translated materials must be mailed out at the same time as the English language materials.

9. The City shall, in consultation with the Advisory Group, develop, and maintain a glossary of Chinese election terminology to ensure uniform use of Chinese election terminology across materials in all polling places and all forms and media. The City shall seek input from Advisory Group members and Chinese-language media representatives concerning its contents.

10. The City shall provide, upon request from any interested person or organization, including Advisory Group members, copies of bilingual election information, announcements, and notices that are provided to the general public together with the glossary of Chinese election terminology.

11. The City shall compile a checklist, which is provided to the warden of each precinct before polls open on an election day, identifying translated materials that the City makes available to the public in each precinct. The checklist shall include with respect to each item an attestation that the poll workers at the precinct posted or made available to voters these materials in Chinese, or a detailed written explanation of why individual items had not been posted or were not available. Each warden must complete and sign the checklist prior to opening the polls to promptly alert the clerk to remedy any unavailable materials early in the day. The warden must

provide the completed checklist to the City Clerk along with the other election materials returned to the City Clerk at the close of the polls on election day. The City shall maintain a record of any such failure to complete and sign the checklist.

Dissemination of Chinese-Language Information

12. The City shall ensure that all election-related information, materials, and announcements issued by the City on its website are made equally available in both Chinese and English. The City shall create Chinese-specific links, with both the links/icons and the linked documents/webpages in Chinese, to enable any viewer who reads only Chinese to access those linked election-related materials. For example, voter registration forms, absentee ballot applications, and other forms used by current or prospective registrants shall be available for download in both Chinese and English, with the link to the download clearly marked in both Chinese and English. The polling place locator and its instructions shall be adapted so as to make the polling place locator available, to the extent practicable, to any viewer who reads only Chinese.

13. Any voting system used by the City at each polling place shall be bilingual. If the City uses electronic voting machines, such machines shall offer the readily apparent option of using at least an English and Chinese ballot, and any audio version of the ballot on such machines shall be available in at least English, Cantonese, and Mandarin. Any paper ballots shall be printed in at least English and Chinese. Nothing herein prevents the dissemination of any election-related notices or materials in other languages.²⁵

14. If it is not mechanically feasible to have a Chinese bilingual ballot, the Chinese language ballots shall be clearly labeled so that poll workers can differentiate them from the

²⁵ Other non-English languages widely spoken throughout Malden include Portuguese, Haitian Creole, Vietnamese, Spanish, and Arabic. See *Community Agreements* § I.6.

English language ballots. The City shall ensure that all ballots are made visible and available on an equal basis with the principal ballots, and designated bilingual poll workers shall let each voter know the language choices of ballots available.

15. To the extent the City posts instructions on casting a ballot or other election-related information inside the voting booth, the City shall also provide and post that same information in at least Chinese in similar locations with similar visibility.

16. Written election related materials mailed to voters shall be provided in at least Chinese to at least those voters who have requested or may request materials be mailed to them in Chinese. The translated materials mailed to voters must include all of the information provided in the English language materials, and the minority language materials must be mailed out at the same time as the English language materials.

17. The City's website shall distribute bilingual materials and any videos containing election-related information ahead of each primary and general elections. The videos shall include audio tracks in at least English, Cantonese and Mandarin, as well as captions in at least English and Chinese.²⁶

18. To the extent that the City provides voter education outreach, it shall also conduct such sessions in Cantonese and Mandarin. Effective Chinese language election information outreach, on topics such as proper usage of voting machines or voter registration procedures, shall be conducted at easily accessible community locations, such as public housing buildings and

²⁶ Examples of additional websites for information dissemination include Facebook, Twitter, and WeChat at least twice a month. Information signage is effective at the Malden Senior Center, City Hall, public housing buildings, and other areas with high Chinese population, as recommended by the Advisory Group. See *Community Agreements* § I.5.

the Malden Senior Center, during at least two in-person information sessions, held at least 1 month prior to each primary and general, or as recommended by the Advisory Group.²⁷

Chinese Language Assistance

19. The City shall provide, during normal business hours, trained Chinese-speaking bilingual personnel who speak Cantonese and Mandarin for citizens who contact the City by telephone at least three weeks before, during, and ten (10) days after an election, or as recommended by the Advisory Group, with questions regarding the election process, and for the entire period between a primary and general election. The City may coordinate the provision of such services with other governmental entities that conduct elections.

20. The City shall recruit²⁸, hire,²⁹ assign, and train a sufficient number of qualified Chinese-speaking bilingual or multilingual poll workers and interpreters, who are able to understand and speak Cantonese and/or Mandarin and preferably read and write Chinese fluently, to provide assistance to Chinese-speaking voters at the polling places on election days.³⁰ Recruitment shall commence at least four (4) months prior to each election.³¹ The City's recruitment shall include identifying willing bilingual City Hall Staff will serve as poll workers.³²

21. The City and any entity conducting elections on its behalf, in addition to satisfying all requirements of Massachusetts state law and guidelines, shall meet the following

²⁷ See *Community Agreements* §I. 4

²⁸ Recruitment avenues include via WeChat, Facebook, Twitter, and Chinese Media (such as Singtao, Epoch Times, Sampan, and World Journal), qualified bilingual high school and college students, bilingual City Hall staff, and as recommended by the Advisory Group. See *Community Agreements* § II.1.

²⁹ Hiring incentives include a language bonus for bilingual poll workers and interpreters, and an increase in poll worker stipends, and as recommended by the Advisory Group. See *Community Agreements* §II.3

³⁰ The predominant dialect spoken in Malden is Cantonese, according to the latest ACS data which shows that it is spoken by 92% of the Chinese speaking LEP VAP.

³¹ See *Community Agreements* § II.2.

³² See *Community Agreements* § II.1

standards for assigning Chinese-speaking bilingual poll workers and interpreters for the elections in the City:

- A. The City shall provide at least one Cantonese-speaking interpreter or poll worker, and also where necessary as recommended by the Advisory Group, one Mandarin-speaking interpreter or poll worker for each polling place. The bilingual interpreters/pollworkers shall not be restricted to assisting voters in any specific precinct but rather shall have the authority to assist any voter within the polling place regardless of the precinct.
- B. The parties may by written agreement adjust this requirement in light of confirmed information that the actual need for language assistance in a particular precinct is less or greater than this standard.

22. To avoid last-minute gaps in Chinese language coverage at the polls on election day due to bilingual poll workers who fail to report to the polling place, the City shall retain or designate on election day Chinese-speaking bilingual personnel trained in Chinese election terminology who shall be on call and available to travel to a polling place not staffed by a Chinese-speaking bilingual poll worker to provide any necessary assistance to a limited English proficient Chinese-speaking voter

23. Where a bilingual poll worker is not present, telephonic interpretation provided by bilingual staff or live interpreters must be available. Every polling site will have large-print, clear signs indicating to voters that either live or telephone interpretation is available. Nothing herein prevents the availability of language assistance in other languages.³³

³³ Other non-English languages widely spoken throughout Malden include Portuguese, Haitian Creole, Vietnamese, Spanish, and Arabic. See *Community Agreements* § I.6

24. The City shall post signs prominently in English and Chinese stating that Cantonese and Mandarin language assistance is available. Cantonese and Mandarin-speaking interpreters and poll workers shall be identified as such by wearing prominently displayed Chinese-language badges.

Poll Worker Training

25. Prior to each election, the City shall train all poll workers and other election personnel at the polling places on the provisions of Section 203 of the Voting Rights Act, including the legal obligation to make language assistance and materials available to minority language voters and to be respectful and courteous to all voters regardless of race, color, language abilities, or national origin.

26. The City shall also train Chinese-speaking poll workers and interpreters on election terminology in Chinese and how to interpret the ballot voting instructions, and other election related information.³⁴.

27. The City shall maintain a record of which poll workers attend training sessions, including the time, location, and training personnel involved. The poll worker and interpreter training shall be compensated.³⁵

Response to Complaints about Poll Workers

28. Upon receipt of complaints, whether oral or written, the City shall investigate expeditiously any allegations of poll worker hostility toward minority language voters or poll workers in any election. The City shall summarize the report and the actions taken in each investigation to AALDEF, AOU and GMAACC in writing within thirty days of receiving the

³⁴ See *Community Agreements* § II.

³⁵ See *Community Agreements* § II.4

complaint. Where there is credible evidence that a poll worker has engaged in inappropriate treatment of minority language voters or poll workers, the City shall remove the poll worker.

Program Coordinator

29. The City shall retain or designate a Program Coordinator to coordinate the City's Chinese language election program. The Program Coordinator may speak Cantonese or Mandarin, and is responsible for ensuring close and regular coordination with the Advisory Group.

30. The Program Coordinator shall work under the supervision of the City Clerk and their responsibilities shall include coordinating and confirming that the translation of ballots and other election information are accurate and complete; developing and overseeing effective publicity in Chinese, including selecting appropriate minority language media for notices and announcements; recruiting Chinese-speaking bilingual poll workers; coordinating the assessment of the language proficiency of poll workers; and maintaining the City's records of the program, including the recommendations reached during the Advisory Group meetings and the City's responses, the training records of the poll workers, and any complaints about the Program. .

Evaluation of the Program

31. The parties recognize that regular and ongoing reassessment may be necessary in order to provide the most effective and efficient Chinese language election program. The City, Program Director, and the Advisory Group shall evaluate the Chinese language election program after each election cycle to determine which aspects of the program are functioning well, whether any aspects need improvement, and how to make any needed improvements. The program may be adjusted at any time upon written agreement of the parties.

Retention of Documents and Reporting Requirements

32. Throughout the duration of this MOU, the City shall make and maintain written records of all substantive actions taken pursuant to this MOU. Such documents, lists, and records shall be made available, upon reasonable notice, to all parties of the MOU for inspection and copying.

33. Throughout the duration of this MOU, at least twenty-one (21) days before each City-administered election, the City shall provide to AALDEF, AOU and GMAACC via email, the following information: (a) the name, address, and precinct designation of each polling place; (b) the name and title of each poll worker appointed and assigned to serve at each precinct; (c) a designation of whether each poll worker is fluent in English and any non-English language, and an indication of what languages and dialects are spoken by each poll worker; and (d) copies of any signs or other written information provided at polling places. Within thirty (30) days after each such election, the City shall provide to AALDEF, AOU and GMAACC a report that includes any changes in these items as well as information about all complaints the City received at the election regarding language issues.

Implementation

34. The City shall retain for a period of three (3) years after the expiration of this MOU all records related to its implementation.

35. Effective Date: the effective date of the MOU is the date of the last signature of this MOU.

36. Term: The duration of this MOU is four (4) years from the effective date.

37. Severability: If any term of this MOU is determined by any court to be unenforceable, the other terms of this MOU shall nonetheless remain in full force and effect.

38. Successor Liability: MOU shall be binding upon the City, its officials, agents, employees, successors, and any other person under the authority or control of the City.

39. Authority: A signatory to this document in a representative capacity for the City represents that he or she is authorized to bind the City to this MOU.

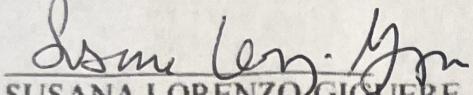
40. Entire Agreement: This MOU, which includes the Community Agreements incorporated herein by reference, constitutes the entire agreement between the AALDEF, AOU, GMAACC and the City on the matters raised herein and no other statement, promise, or agreement, either written or oral, made by any party or agents of any party, which is not contained in this MOU is enforceable.

41. Limitation: This MOU is not intended to remedy or resolve any other potential violations of the Voting Rights Act or any other law by the City that is not specifically addressed in this MOU.

42. Publicity: A copy of this MOU or any information contained herein may be made available to any person, and the parties may provide a copy of this MOU to any person upon request.

AGREED AND CONSENTED TO:

Asian American Legal Defense and Education Fund ("AALDEF")


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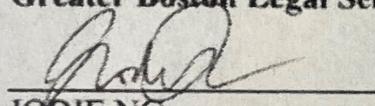
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AALDEF Attorneys for the Democracy Program

Signed 26 day of Aug, 2022

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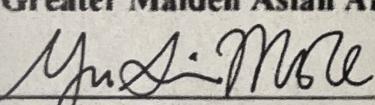
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Signed 25 day of Aug, 2022

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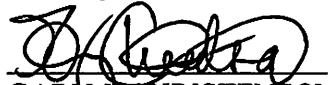
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For the City

CITY OF MALDEN



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Mayor

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Signed 24th day of August, 2022

Community Agreements on Language Access in Voting

May 25, 2022

In order to further expand election-related language access, the City of Malden has been working closely with community groups. Since the November 2021 election, community groups have identified the City's improvements and weaknesses through the APIs CAN Voting Rights Language Access report card. The document below outlines specific steps the City agrees to take to ensure equal access to voting and stronger language access in Malden for voters with limited English proficiency.

I. Outreach to Community

1. The City shall meet with community groups identified by the coalition coordinated by the Greater Malden Asian American Community Coalition during the last week of every month to evaluate Malden's progress towards compliance with the Voting Rights Act (VRA). These meetings shall also allow the language access coordinator to ensure the City's efforts to increase language access are effective.
2. The City shall produce all voting materials in both English and Chinese and begin circulating City-produced materials throughout the community no later than 3 months prior to any election. The City shall begin circulating election materials produced by the State within a reasonable time after receipt. Examples of materials include the absentee ballot application, absentee ballot, sample ballot, voting procedures and ballot instructions, information sheets on the upcoming elections, details on any special elections or ballot questions, notices identifying polling locations and changes in polling locations, and notices with instructions on accessing the City's telephone hotlines and interpretation. The City shall circulate materials on Facebook, Twitter, and WeChat at least twice a month and post in the Malden Senior Center, City Hall, and public housing buildings and other areas with high Chinese populations.
3. All materials shared with the community should include any deadlines applicable to voters as well as contact information to receive live Chinese-language assistance.
4. In addition to posted materials, the City shall conduct at least two in-person information sessions at easily accessible community locations such as public housing buildings and the Malden Senior Center at least 1 to 2 months prior to each preliminary and general election.
5. The City shall update its elections website with accurate information and translations. The Chinese language option on the website should be clearly visible and the link to switch languages should be written in Chinese.
6. The coalition strongly encourages the City to translate and distribute voting materials and online voting information into other non-English languages widely spoken throughout Malden, including Portuguese, Haitian Creole, Vietnamese, Spanish, and Arabic.

II. Bilingual Poll Workers and Trainings

Prior to the Election

1. The City shall recruit bilingual/trilingual poll workers via WeChat, Facebook, Twitter, and Chinese Media (such as Singtao, Epoch Times, Sampan, and World Journal) and through other networks with high numbers of Chinese speakers identified in collaboration with community groups. The City shall also recruit qualified bilingual/trilingual high school students to serve as poll workers.
2. The City shall consult with the community groups identified in Section I in this process. Recruitment shall begin at least 4 months ahead of every election.
3. The City shall increase poll worker stipends to encourage greater interest from potential poll workers and to attract a larger pool of bilingual poll workers. Additionally, the City shall consider a language bonus for bilingual poll workers.
4. The City shall conduct mandatory trainings for all new and returning poll workers in consultation with community groups identified in Section I. These trainings shall include but need not be limited to information about voting rights, voting procedures, responses to discrimination and complaints, the required setup of each polling station, and the City's procedures for ensuring interpretative services and language access on election day. The City shall compensate poll workers for the trainings.

During the Election

1. Bilingual poll workers should be present at every polling site. Languages should include Mandarin and Cantonese. The City should ask bilingual City Hall staff about their willingness to serve as poll workers.
2. Where a bilingual poll worker is not present, telephonic interpretation provided by bilingual staff or live interpreters must be available. The City shall establish easy-to-access, dedicated assistance lines for the most commonly spoken languages in Malden. These languages should include Portuguese, Haitian Creole, Chinese, Vietnamese, Spanish, and Arabic. Every polling site shall have large-print, clear signs indicating to voters that either live or telephone interpretation is available. Signs should include clear instructions on how to access telephone interpretation. These signs should include the commonly-spoken languages identified above.

III. Translation and Language Assistance

Translation

1. All materials shall be professionally translated. All materials include but are not limited to the list in Section I.2.
2. All translated materials must be distributed within a week of English language materials.
3. In the translation process, all materials should be: (1) professionally translated; (2) approved by at least one appropriate City department or official, such as the City Clerk's office, Language Access Coordinator, or Diversity, Equity and Inclusion Coordinator; and (3) approved by the community groups identified in Section I. The City should provide translated materials to community groups for review 1 month prior to distribution.
4. Ballots should be fully translated, including transliteration of candidate names.

5. All signage should be translated and present at every polling site. Prior to opening a polling site on election day, each warden shall return to the City Clerk a completed checklist affirming that all required signage is properly displayed in all required languages.

Language Assistance & Complaint Process

1. The City should promote existing resources, such as the general hotline of the City Clerk's office, to residents with limited English proficiency to ask questions and submit language access complaints. The City shall conduct outreach consistent with Section I to inform residents of how to use those resources.
2. The City should also accept election-related complaints submitted by community groups, including those submitted on behalf of voters wishing to remain anonymous. Overly formal or rigid complaint requirements should not be used to discourage or inhibit voters from registering complaints.
3. The City should evaluate the language accessibility of current resources. For example, the City's general phone hotlines should immediately include languages like Mandarin and Cantonese, so residents are not deterred or intimidated to call upon hearing English.
4. The City should use its internal database or directory to identify which current employees can provide interpretation in different languages and should make this database available to poll workers at all sites.
5. Any employee listed as a resource in this database should receive training equivalent to that received by poll workers regarding voting procedures, voter rights, and anti-discrimination requirements.
6. The City Clerk's office shall respond to all voting and language access complaints within 30 days of receipt.

IV. Review

1. The City shall evaluate its performance within two weeks of the election using the Review Sheet template.