**New York City Civic Engagement Commission**

**Notice of Adoption of Final Rule**

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY CIVIC ENGAGEMENT COMMISSION BY section 3202 of the City Charter that the Civic Engagement Commission has promulgated a new title 73 of the rules of the city of New York, which contains the Commission’s minimum standards for individuals who provide language assistance services under the poll site language assistance program established pursuant to paragraph 4 of subdivision a of section 3202 of the charter.

The proposed rule was published in the City Record on June 2nd, 2020, and a public hearing was held on July 2, 2020. The Civic Engagement Commission now adopts the following rule.

**Statement of Basis and Purpose**

In November 2018, New York City voters approved a ballot initiative proposed by the 2018 Charter Revision Commission that established the New York City Civic Engagement Commission. The proposal was codified as Chapter 76 of the NYC Charter. Chapter 76, in part, requires the Commission to develop a “poll site language assistance program” (“Program”) that will provide language assistance for limited English proficient voters at City poll sites. Section 3202(a)(4) sets forth the Program’s requirements and directs the Commission to promulgate rules establishing the minimum standards and training requirements for individuals who provide language assistance for voters under the Program.

This rule would establish minimum standards for individuals who provide language assistance services under the Program. The rule would require such individuals to be fluent in English and the language to be served. Such individuals would also be required to comply with all lawful orders from the staff of the New York City Board of Elections, observe the prohibition on electioneering, and ensure voter privacy. The rule requires that the Commission provide at least one training for such individuals prior to each election event and establishes minimum requirements for the content of all Commission training.

Furthermore, under section 3202(a)(5) of the Charter, the Commission is authorized to conduct programming in partnership with other city agencies to increase access to public engagement processes. In the event that the Commission engages in such programming to provide services to voters outside polling places, including but not limited to services for absentee voters, the rule requires such services to substantially comply with provisions related to services at polling places.

New material is underlined

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. The rules of the city of New York are amended by adding a new title 73 to read as follows:

Title 73. Civic Engagement Commission

Chapter 1. Poll Site Language Assistance Program

§1-01. Scope of rules. This chapter sets forth standards and procedures governing the poll site language assistance program established pursuant to section 3202 of the New York city charter.

§ 1-02. Definitions.

Board of elections. The term “board of elections” means the board of elections in the city of New York.

Chair. The term “chair” means the chair of the New York city civic engagement commission.

Charter. The term “charter” means the New York city charter.

Commission. The term “commission” means the New York city civic engagement commission or the chair acting on behalf of the commission.

Electioneering. The term “electioneering” means any words, communications, actions, or general course of conduct that seeks to further the success or failure of a particular candidate, party, ticket, or ballot question or intended to persuade or induce a voter to vote or refrain from voting for any particular candidate, party, ticket, or ballot question.

Interpreter. The term “interpreter” means any individual providing language assistance under the program for voters casting a ballot at polling places or other language assistance services pursuant to paragraph 5 of subdivision b of section 3202 of the charter.

Program. The term “program” means the poll site language assistance program established pursuant to paragraph 4 of subdivision a of section 3202 of the charter.

§1-03. Interpreters.

(a) *Standards of conduct.* Interpreters must comply with the following standards of conduct:

(1) Comply with all lawful orders from staff of the board of elections, including, but not limited to, making an oath or signing an affirmation as required by section 8-306 of the New York state election law;

(2) Do not engage in electioneering in the polling place, within one hundred feet of the polling place, or while assisting voters telephonically;

(3) Do not place a mark on any ballot, or do any other act in connection with a ballot with the intent that it may be identified as a ballot cast by a particular voter;

(4) Do not directly or indirectly reveal to any person the name of any particular candidate, party, ticket, or ballot question voted for by a voter;

(5) Do not directly or indirectly reveal to any person or make public any aggregate totals for any particular candidate, party, ticket, or ballot question voted for by a voter;

(6) Display identification provided by the Commission while performing duties under the program;

(7) Comply with all applicable laws, including articles 8 and 17 of the New York state election law; and

(8) Comply with the following ethical standards for professional interpreters adapted from the National Council on Healthcare Interpreter Certification’s code of ethics for healthcare interpreters:

(i) *Confidentiality.* The interpreter will regard all information obtained during the performance of their professional duties as confidential.

(ii) *Impartiality*. The interpreter will perform their duties in an impartial way, refraining from advising, counseling, or conveying personal biases or beliefs.

(iii) *Accuracy*. The interpreter will strive to relay all information accurately in the course of their professional duties, preserving the spirit of the original message, taking into consideration its cultural context.

(iv) *Professionalism.* The interpreter will at all times act in a professional and ethical manner, maintaining the boundaries of the professional role, and abstaining from personal involvement.

(v) *Respect.* The interpreter will at all times treat persons served with dignity, courtesy and respect.

(b) *Minimum qualifications.* The commission shall ensure all interpreters have written and spoken fluency in English and the language to be served.

(c) *Training requirements*. The commission shall ensure that all interpreters receive at least one training prior to each election event. Such training must, at a minimum, include:

 (1) Ethical guidance for interpreters that will include the standards of conduct set forth in subdivision a of this section;

 (2) A process for tracking the number of voters the interpreters served; and

 (3) A protocol for collecting and reporting public complaints regarding the program.

(d) *Additional services.* If the commission engages in partnerships with other city agencies pursuant to paragraph 5 of subdivision b of section 3202 of the charter to provide language assistance services to voters outside polling places, including but not limited to services for absentee voters, such services must substantially comply with the provisions of this chapter.