

RESOLUTION NO. R2024-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, DIRECTING THE MAYOR OF THE CITY OF FRIENDSWOOD TO FILE WITH HARRIS AND GALVESTON COUNTIES (I) A CERTIFICATION THAT CERTAIN PRECINCTS QUALIFY FOR AN EXEMPTION FROM THE BILINGUAL REQUIREMENTS OF THE VOTING RIGHTS ACT AS WELL AS THE TEXAS ELECTION CODE, (II) A WRITTEN SUMMARY OF THE OFFICIAL CENSUS INFORMATION UPON WHICH THE CITY COUNCIL RELIED TO DETERMINE ITS EXEMPTION, (III) A MAP OF THE PRECINCT BOUNDARIES OF THE CENSUS ENUMERATED AREAS, AND (IV) A CERTIFIED COPY OF THIS RESOLUTION; MAKING OTHER FINDINGS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE.

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WHEREAS, the Voting Rights Act (the "Act") provides that a political subdivision is subject to certain bilingual requirements if (i) more than five percent (5%) of its voting age citizens are members of a single language minority group and are limited-English proficient<sup>1</sup> and (ii) the illiteracy<sup>2</sup> rate of such language minority citizens in the political subdivision is higher than the national illiteracy rate; and

WHEREAS, the Voting Rights Act (the "Act") also provides that a political subdivision is subject to certain bilingual requirements if (i) more than 10,000 of its voting age citizens are members of a single language minority group and are limited-English proficient and (ii) the illiteracy rate of such language minority citizens in the political subdivision is higher than the national illiteracy rate; and

WHEREAS, the Director for the Bureau of the Census has determined that Harris County is subject to such bilingual requirements of the Act for persons of Vietnamese and Chinese (including Taiwanese) origin or descent (collectively the "Language Minority Group"); and

WHEREAS, being a political subdivision that holds elections within a portion of Harris County, the City of Friendswood, therefore, is subject to the same requirements as Harris County for portions of the City that lie within Harris County pursuant to 28 CFR §55.9; and

WHEREAS, the City of Friendswood (the "City") was comprised of four (4) Harris County Precincts in 2020, and is now comprised of five (5) Harris County Precincts as further depicted on the maps, which are attached hereto as Exhibits "A" and "B" and incorporated herein for all intents and purposes; and

WHEREAS, the updated Census data reveals the following Language Minority Group information in the precincts located within the City of Friendswood and Harris County, Texas:

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<sup>1</sup> "Limited-English proficient" means unable to speak or understand English adequately enough to participate in the electoral process.

<sup>2</sup> "Illiteracy" means the failure to complete the fifth primary grade.

Precinct No.	Number of Voting Age Persons in the Precinct	Vietnamese Voting Age Persons		Chinese/Taiwanese Voting Age Persons	
	#	#	%	#	%
0378	1,961	77	3.93%	90	4.59%
0655	0	0	0.00%	0	0.00%
0742	0	0	0.00%	0	0.00%
1043	2,647	7	0.26%	9	0.34%
1110	3,254	5	0.15%	5	0.15%

and

Precinct No.	Number of Voting Age Persons in the Precinct	Vietnamese VAP with limited English proficiency		Chinese/Taiwanese VAP with limited English proficiency	
	#	#	%	#	%
0378	1,961	0	0.00%	0	0.00%
0655	0	0	0.00%	0	0.00%
0742	0	0	0.00%	0	0.00%
1043	2,647	0	0.00%	0	0.00%
1110	3,254	0	0.00%	0	0.00%

; and

WHEREAS, the updated Census data also reveals that the illiteracy rate of such Language Minority Group members in the City of Friendswood is lower than the national illiteracy rate, which is twenty-one percent (21%), based upon the following:

Precinct No.	Number of Voting Age Persons in the Precinct	Vietnamese Voting Age Persons, who are Illiterate		Chinese/Taiwanese Voting Age Persons, who are Illiterate	
	#	#	%	#	%
0378	1,961	0	0.00%	0	0.00%
0655	0	0	0.00%	0	0.00%
0742	0	0	0.00%	0	0.00%
1043	2,647	0	0.00%	0	0.00%
1110	3,254	0	0.00%	0	0.00%

; and

WHEREAS, based upon the updated Census data and the independent research conducted by the City, the City Council hereby finds that there are few, if any, persons in the City, whose participation in the electoral process would be made more effective by the provision of written materials or oral assistance or publicity in the Vietnamese or Chinese (including Taiwanese) language (collectively the "Affected Language"), because:

- (a) Minority Language Group members in the Harris County portion of the City are well below the national illiteracy rate;
- (b) Minority Language Group members in the Harris County portion of the City are proficient in the English language;
- (c) Minority Language Group members are not concentrated in particular area of the City; and
- (d) No individuals of Affected Language interest groups inside or outside the City have requested assistance; and

WHEREAS, the City Council, nonetheless, desires to establish a "targeting system" as expressed in 28 C.F.R. §§ 55.17 – 55.20, through its compliance with certain precinct exemption requirements of Section 272.006 of the Texas Election Code (the "Code") as detailed herein; and

WHEREAS, the City's "targeting system" shall be designed and modified, as necessary, to ensure that Affected Language materials and assistance are provided to Language Minority Group members who need them using the system established in Section 272.006 of the Code; and

WHEREAS, Section 272.003 of the Code provides an election precinct may be exempted from the bilingual requirements of the Code if (i) the official census information or other information indicates that Language Minority Group members comprise less than five percent (5%) of the precinct's inhabitants; and

WHEREAS, based upon the updated census information and other information, the City Council hereby finds that persons in each such Language Minority Group comprise less than five percent (5%) of each precinct's inhabitants based upon the following:

Precinct No.	Inhabitants		Vietnamese Inhabitants		Chinese/Taiwanese Inhabitants	
	#		#	%	#	%
0378	3,036		119	3.92%	139	4.58%
0655	0		0	0.00%	0	0.00%
0742	0		0	0.00%	0	0.00%
1043	3,548		10	0.28%	11	0.31%
1110	6,134		9	0.15%	10	0.16%

; and

WHEREAS, based upon the voter registration rolls, the City Council hereby finds that persons in each such Language Minority Group comprise less than five percent (5%) of each precinct's registered voters based upon the following:

Precinct No.	Registered Voters	Vietnamese Registered Voters		Chinese/Taiwanese Registered Voters	Registered Voters
	#	#	%	#	%
0378	2,386	20	0.84%	12	0.50%
0655	0	0	0.00%	0	0.00%
0742	0	0	0.00%	0	0.00%
1043	2,163	13	0.60%	2	0.09%
1110	2,251	99	4.40 %	54	2.40 %

; and

WHEREAS, this resolution (i) records the City Council's approval of the Mayor's certification that the City of Friendswood election precincts located in Harris County are exempt from the bilingual language requirements of the Code; (ii) authorizes the Mayor to make the requisite filings pursuant to Section 272.003 of the Code; and (iii) establishes a targeting system in compliance with the Act; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, STATE OF TEXAS:

Section 1. That the findings set forth in the recitals of this resolution are found to be true and correct and are incorporated herein for all purposes.

Section 2. That the City Council hereby approves the Mayor's submission of the following to Harris and Galveston Counties:

- (a) a written certification by the presiding officer that the precinct qualifies for the exemption;
- (b) a written summary of the official census information or other information relied upon to support the exemption;
- (c) a map or maps indicating the precinct's boundary and the boundaries of the census enumeration areas referred to in the summary; and
- (d) an authenticated copy of the resolution or other official action showing the governing body's approval of the exemption.

Section 3. While the City is exempt from the bilingual requirements of the Act and Code, the City is committed to provide assistance to Language Minority Groups and hereby establishes the following targeting system, one or more of which may be used to concentrate its efforts of providing Language Minority Group members assistance:

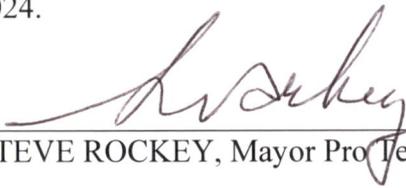
- (a) in City elections that are not conducted pursuant to a joint election/election services agreement with Harris County, the City shall post, or cause to have posted, its ballot in each voting station;

- (b) in City elections that are not conducted pursuant to a joint election/election services agreement with Harris County, the City shall place, or cause to have placed, a statement at each polling location informing the voter that the translation is posted in the station;
- (c) the City shall furnish, or cause to be furnished, a separate translation of the ballot to each voter to whom an early voting ballot to be voted by mail is provided;
- (d) for Election Materials, as hereinafter defined, a statement in the Affected Language shall be included on the item to inform voters of the availability of the translation, and a separate translation of the item shall be made available on request; and/or
- (e) for Election Materials used in connection with early voting by mail, a separate translation of the item is furnished with the item to the voter.

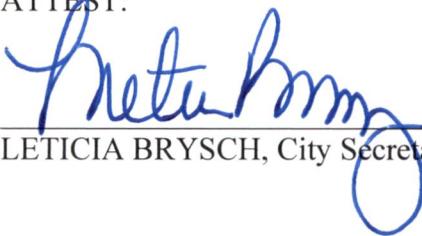
As used in this Section, "Election Materials" includes (i) the official affidavit forms and other official forms that voters are required to sign in connection with voting; (ii) the official application forms for early voting ballots; (iii) written instructions furnished to early voting voters; and (iv) the balloting materials furnished to voters in connection with early voting by mail.

Section 4. That this resolution shall take effect immediately from and after its passage by the City Council of the City of Friendswood.

INTRODUCED, READ and PASSED by the affirmative vote of the City Council of the City of Friendswood this the 8<sup>th</sup> day of January, 2024.

  
 STEVE ROCKEY, Mayor Pro Tem

ATTEST:

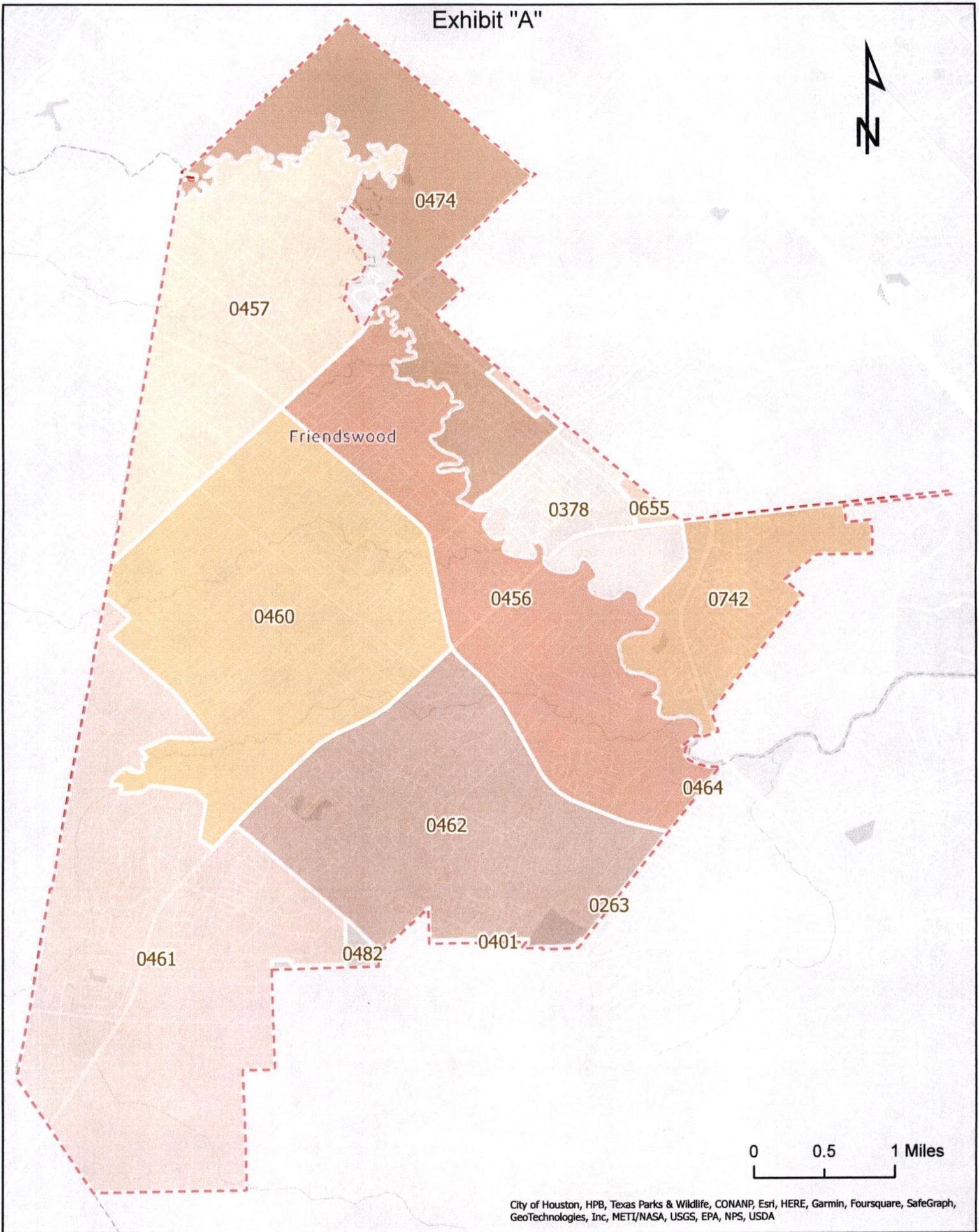
  
 LETICIA BRYSCH, City Secretary

APPROVED AS TO FORM:

  
 KAREN L. HORNER, City Attorney



Exhibit "A"

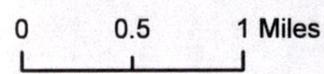
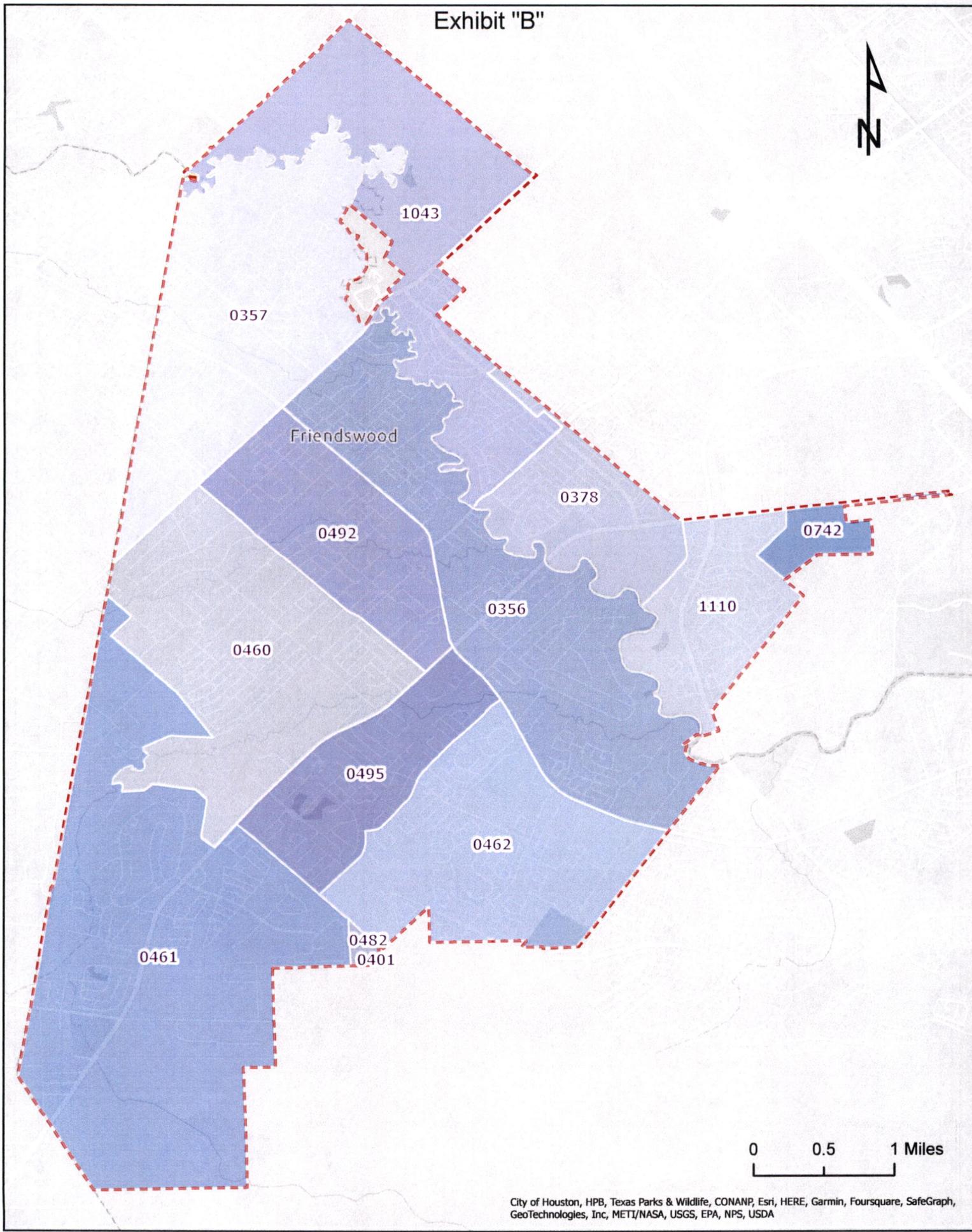


City of Houston, HPB, Texas Parks & Wildlife, CONANP, Esri, HERE, Garmin, Foursquare, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA



City of Friendswood - Election Precincts 2020

Exhibit "B"



City of Houston, HPB, Texas Parks & Wildlife, CONANP, Esri, HERE, Garmin, Foursquare, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA



City of Friendswood - Election Precincts 2022



## CITY OF FRIENDSWOOD

### Bilingual Exemption Certification

Pursuant to Section 272.003 of the Texas Election Code (the "Code"), I hereby certify and confirm that the information provided hereinbelow is true and correct:

On January 8, 2024, by official action of the City Council of the City of Friendswood, Texas (the "City"), the City Council determined that the following precincts located in Friendswood, Harris County, Texas, qualify for an exemption from the bilingual requirement of the Voting Rights Act of 1965, as amended (the "Act"), as well as Section 272.002 of the Code for Chinese (including Taiwanese) and Vietnamese language minority groups:

Precinct No.
0378
0655
0742
1043
1110

A summary of the official census information and other information relied on to support this exemption is contained in the certified copy of the resolution, which is attached hereto as Exhibit "A" and incorporated herein for all intents and purposes (the "Resolution").

Maps indicating the precincts boundaries/boundaries of the census enumeration areas referred to in the Resolution are attached as exhibits to the Resolution.

Based upon the official census information and other information relied on to support this exemption, the City is not required to have election materials, documents, notices and postings in the Chinese (including Taiwanese) and Vietnamese language minority groups. Nonetheless, the City will utilize a targeting system to provide minority language materials or assistance as the City deems appropriate to ensure that language minority group members who need minority language materials and assistance receive them.

IN WITNESS WHEREOF, this Bilingual Exemption Certification is executed on the 9<sup>th</sup> day of January, 2024.

  
MIKE FOREMAN, Mayor

ATTEST:

  
LETICIA BRYSCH, City Secretary

