



**FLORIDA**  
**DEPARTMENT**  
*of STATE*

# Language Requirements and Best Practices in Florida

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# Program Overview

- Goal:
  - Provide you with information about your obligations under current State and Federal law
- Structure:
  - Current and Future Demographics
  - Voting Rights Act
  - Best Practices

# U.S. and Florida's Present and Future Demographics

MINORITY LANGUAGE AND  
LIMITED ENGLISH PROFICIENCY

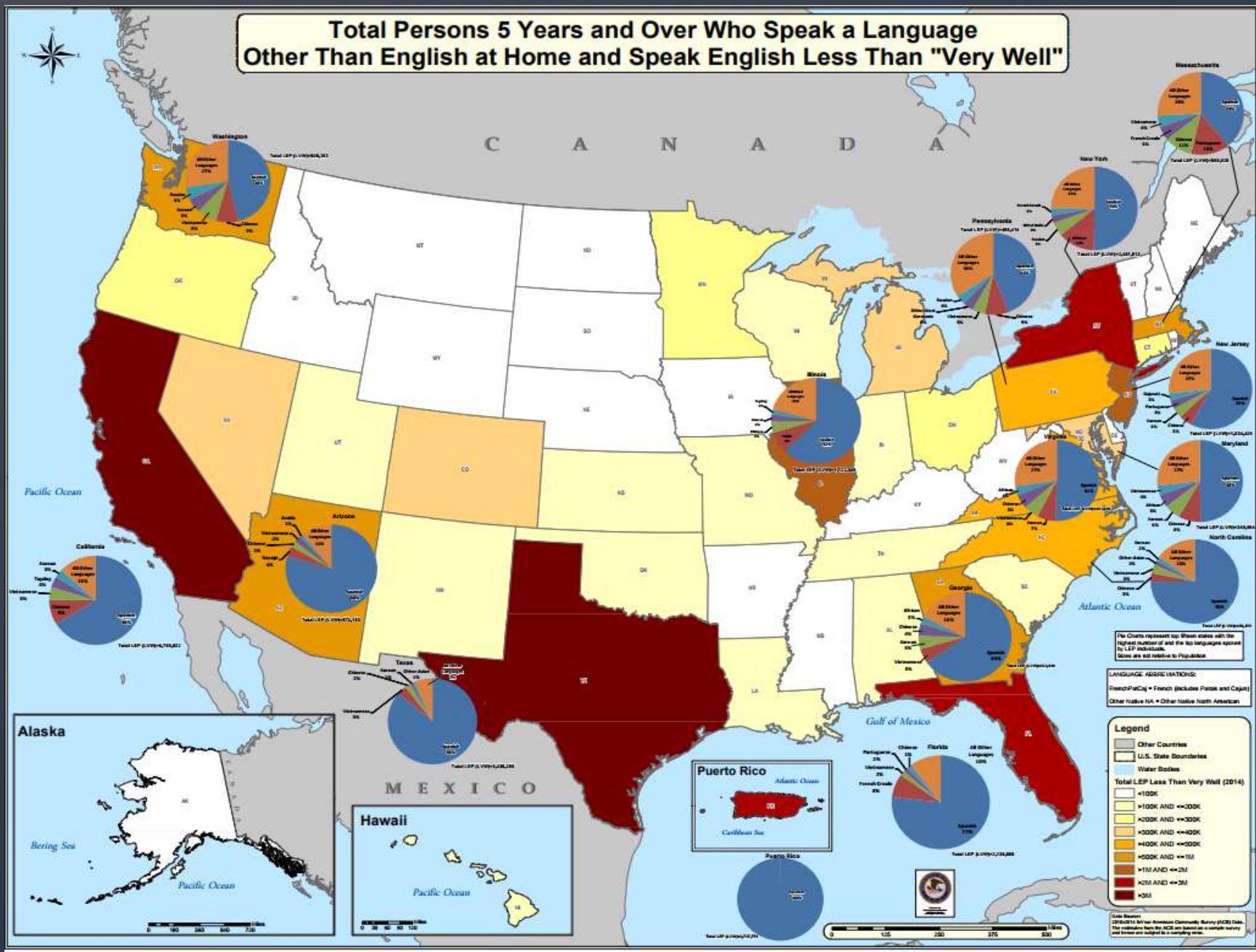
# U.S. Census Data

- 42.7% increase in voting age eligible citizens in language minority groups between 2002 and 2012:
  - **2002:** 13,463,634 in 296 covered jurisdiction
  - **2012:** 19,209,431 in 248 covered jurisdictions



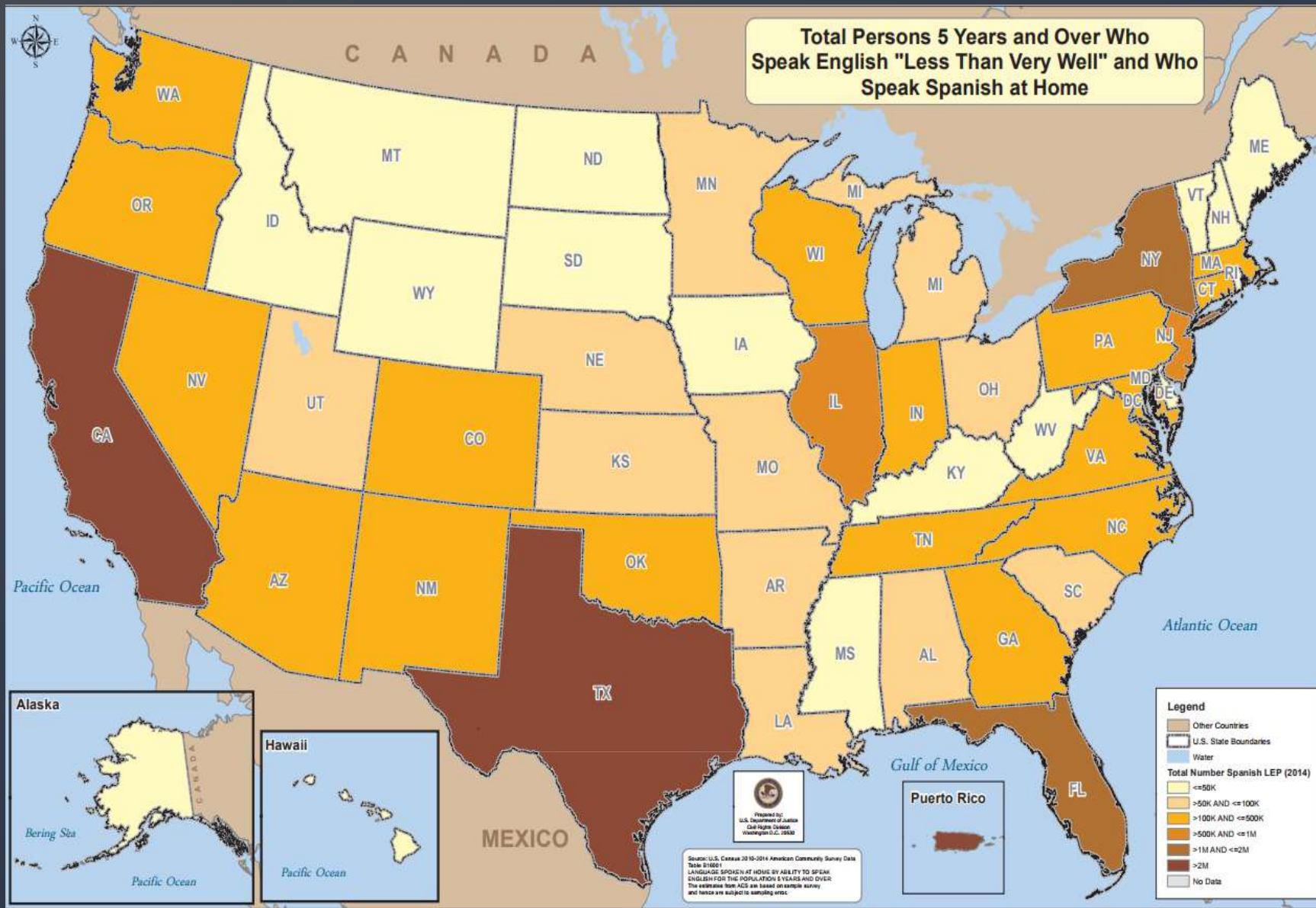
(Reference: [http://www.census.gov/newsroom/releases/archives/2010\\_census/cb11-cn189.html](http://www.census.gov/newsroom/releases/archives/2010_census/cb11-cn189.html))

**Total Persons 5 Years and Over Who Speak a Language Other Than English at Home and Speak English Less Than "Very Well"**



US Department of Justice Language MAP App (2014): Language other than English at Home and English Spoken Less than Very Well – USA Source: <https://www.lep.gov/maps/>

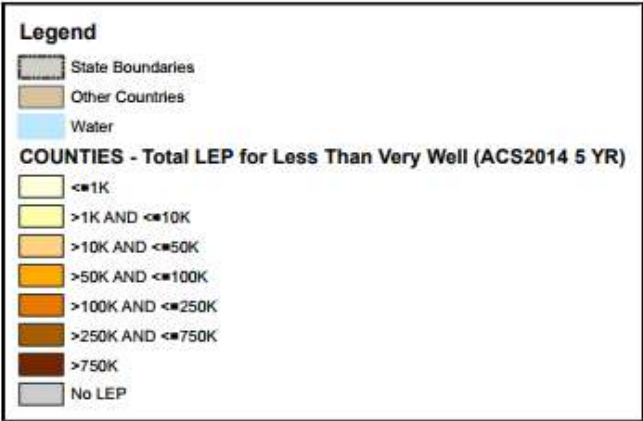
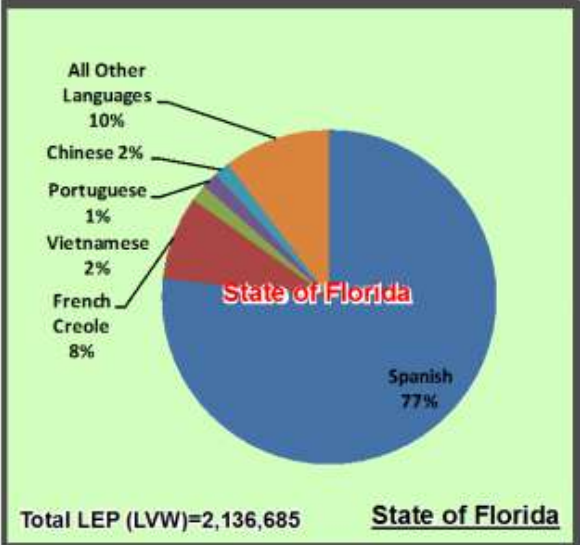
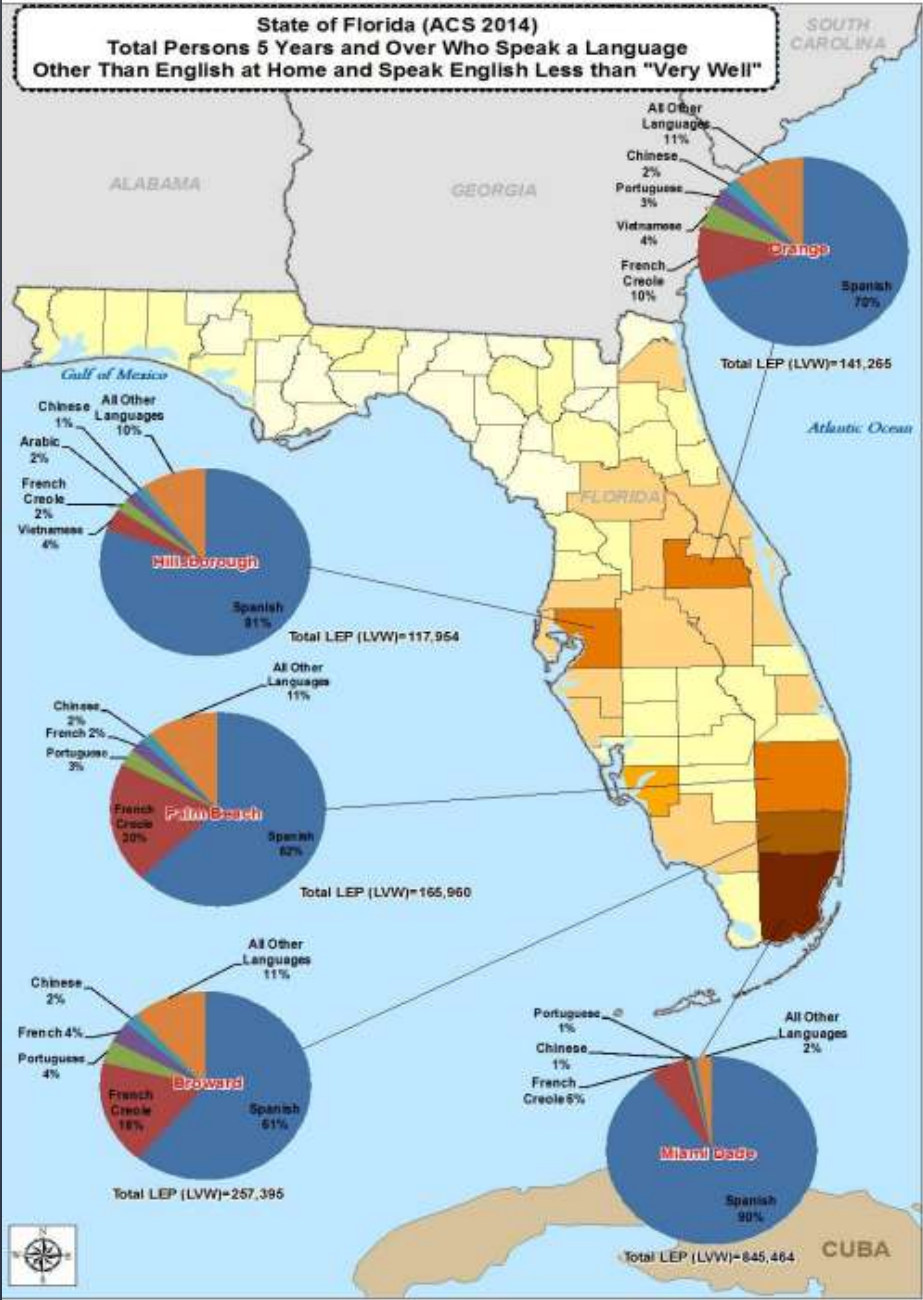




US Department of Justice Language MAP App (2014): Spanish at Home and English Spoken Less than Very Well - USA

# FLORIDA-specific

US Department of Justice Language MAP App:  
Language other than English at Home and English Spoken Less than Very Well



\*Pie Charts represent Counties with the highest percent of LEP individuals by languages spoken.



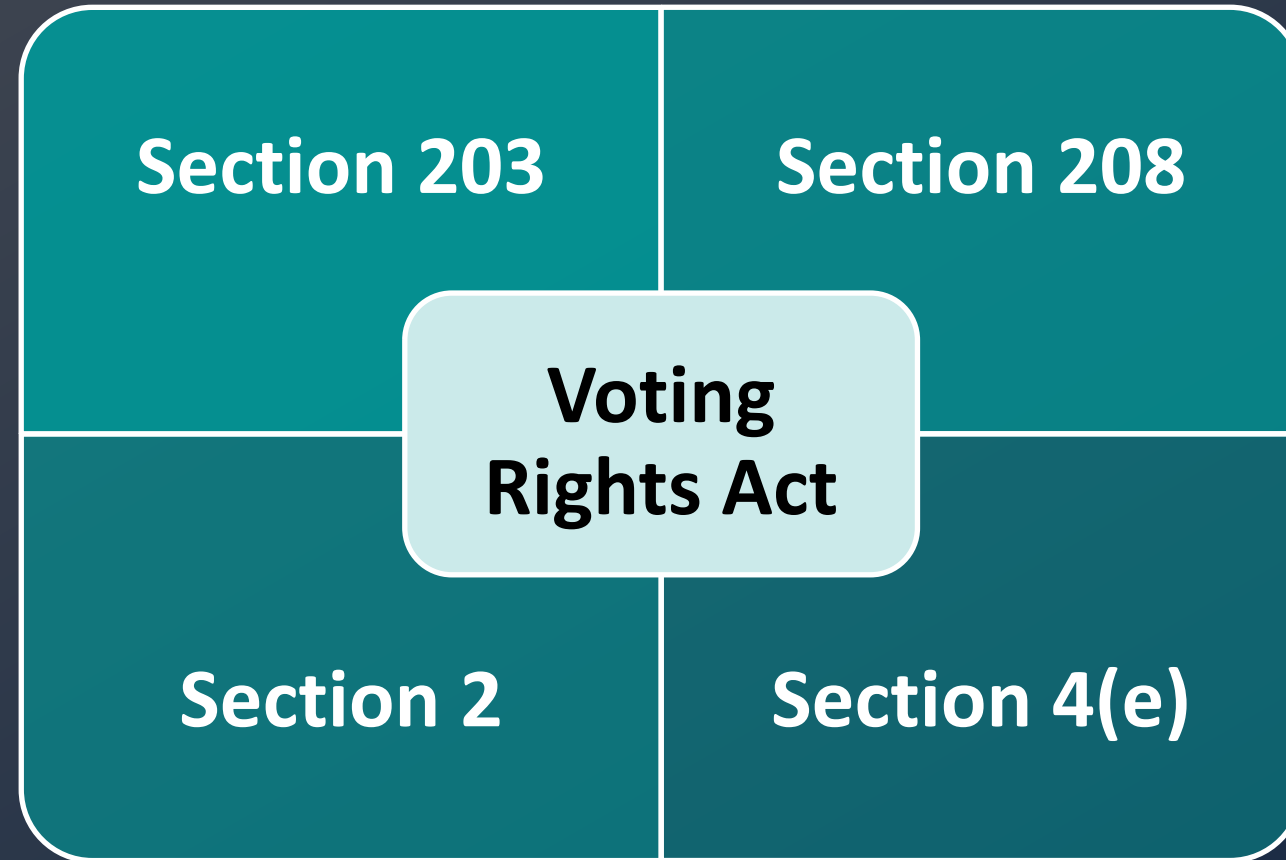
Source: U.S. Census 2010-2014 American Community Survey Data Table B16001  
LANGUAGE SPOKEN AT HOME  
BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER.  
The estimates from the ACS are based on a sample survey and hence are subject to sampling error.



# Voting Rights Act

LANGUAGE PROVISIONS





## Section 203 (52 USCA 10503) - Background

- Designated jurisdictions required to provide language assistance during elections to:
  - Certain minority language groups who are:
    - Unable to speak or understand English
    - Adequately enough to effectively participate in the electoral process.
- First listing of covered jurisdictions after 1980
- 2006 reauthorization extends Section 203 until 2032

## Section 203 - Determinations

- U.S. Census Bureau
  - Decennial data + data from the American Community Survey
  - ACS -national survey measures and detailed demographic, social, economic, and housing data annually
- Determinations every 5 years with ACS data

Reference: <http://www.census.gov/>

# Formula

Total voting age citizens in language minority group:  
limited-English proficient  
have less than a 5<sup>th</sup> grade education

> 5% of voting age citizens in language minority group, and

are limited-English proficient, and

the rate of LEP and <5<sup>th</sup> grade education in group is higher than the national rate.

>10,000 voting age citizens belong to the language minority group, and

are limited-English proficient, and

the rate of LEP and <5<sup>th</sup> grade education in group is higher than the national rate.

> 5% = American Indian or Alaska Native voting age citizens belong to such tribe limited-English proficient, and

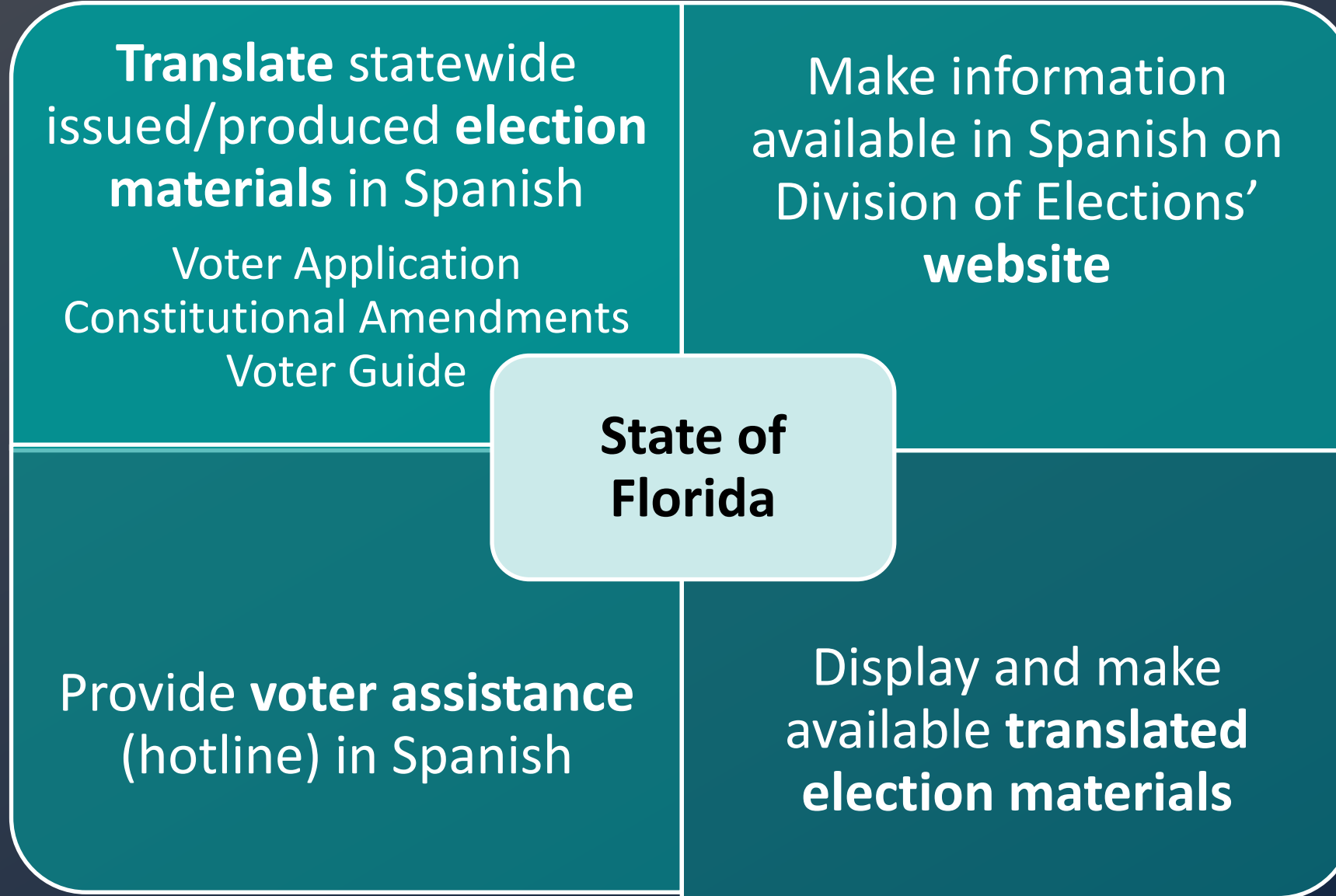
the rate of those voting age citizens who are limited-English proficient, and

< 5th grade education is higher than the national rate

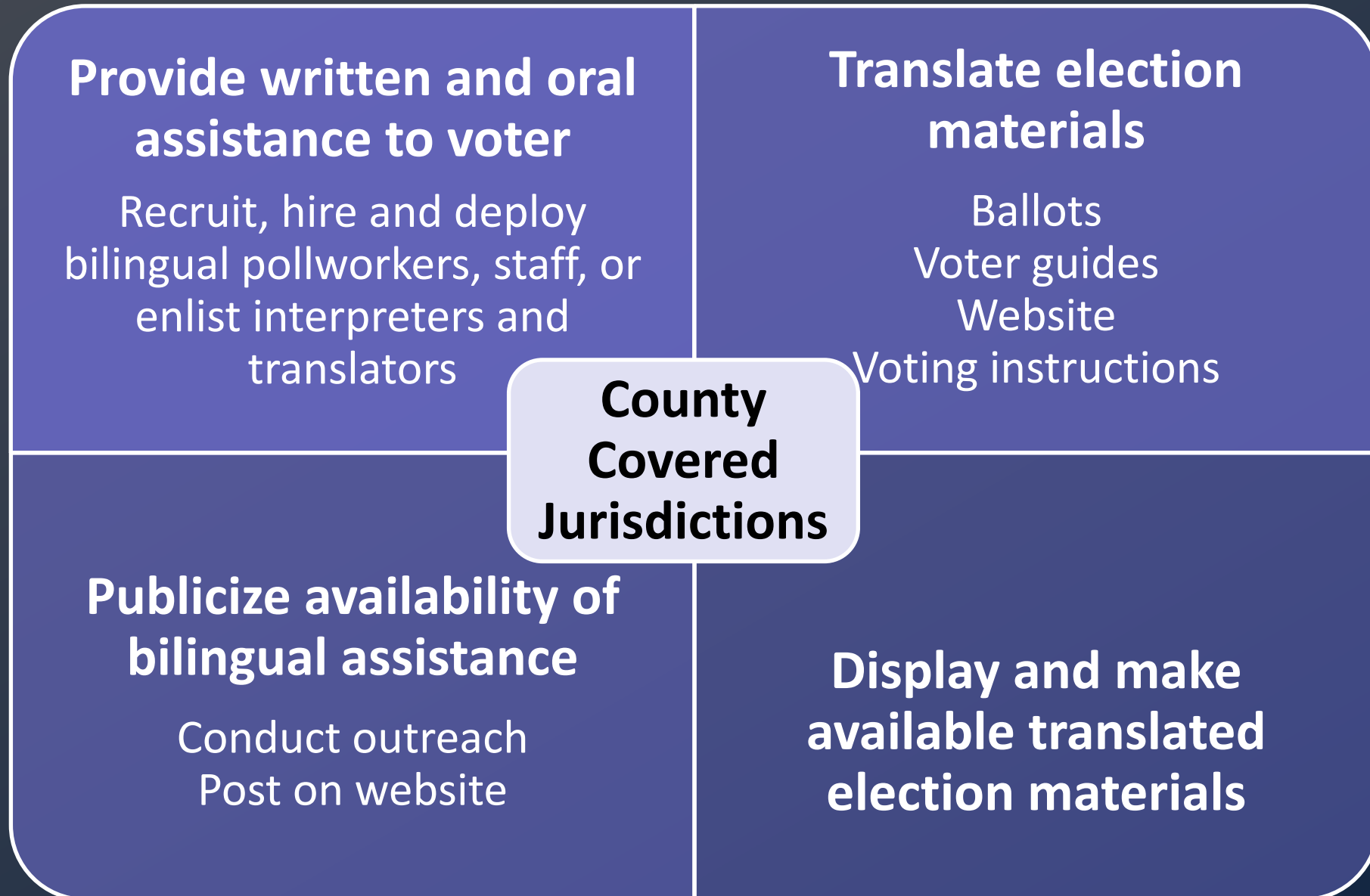




# What Does Section 203 designation mean for State of Florida?



# What Does Section 203 designation mean for covered counties?



## Section 4(E) (52 USCA 10303)

- Applicable to any U.S. citizen
  - who is unable to read, write, understand or interpret English
  - because he or she was educated in American-flag school in any state, territory , the District of Columbia and Puerto Rico where English not primary language.
- Ballot, election materials and assistance must be made available.
- Example: Volusia County
  - 2008/2009 agreed to a pre-trial court-supervised stipulation to expand on Spanish (SPN) language assistance for native-born citizens from Puerto Rico
  - 2010: Agreed to SPN translation for sample ballots and an interpreter in every precinct in which 15% of the registered voters are Hispanic
  - 2012: Bilingual ballots
  - Now under section 203 designation



## Section 208 (52 USCA 10508)

- “Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter’s choice, other than the voter’s employer or agent of that employer or officer or agent of the voter’s union.”
- Applies to a voter who is illiterate or has limited English proficiency
  - U.S. Census Bureau defines limited English proficiency, or LEP, as those who speak a language other than English at home and who speak English “less than very well.”
- Applies in an absentee or polling place/voting booth scenario
- Codified in Florida law under section 101.051, 101.655, and 101.661, Florida Statutes.

## Section 2 (52 USCA 10301)

- Prohibits voting and election-related practices and procedures that discriminate on the basis of race, color, or membership in a minority language group.
- Example: Osceola County
  - 2002 through 2005 under a federal court consent order regarding claims under sections 2 and 208
  - 2005 through 2007 under US DOJ monitor
  - Released completely August 2007
  - Now subject to Section 203 designation

# Past CLAIMS FILED with U.S. DOJ OR Federal court relating to Minority Language Access

## Section 2

- United States v. Town of Lake Park, FL, (S.D. Fla. 2009)
- United States v. The School Board of Osceola County, FL, (M.D. Fla. 2008)
- United States v. Osceola County, FL, (M.D. Fla 2005)
- United States v. Osceola County, FL, (M.D. Fl. 2002)

## Section 203

- United States v. Orange County, FL (M.D. Fla. 2002)
- United States v. Metropolitan Dade County, FL (S.D. Fla. 1993)

## SECTION 208

- UNITED STATES V. ORANGE COUNTY, FL (S.D. FLA. 2002)

## SECTION 4(E)

- LATINO JUSTICE PRLDEF/VOLUSIA COUNTY HISPANIC ASSN V. VOLUSIA COUNTY, FL(M.D. FLA. 2009)



# Best practices

ALL COUNTIES





Review US DOJ Guidelines on minority language voting rights

<http://www.justice.gov/crt/minority-language-citizens> and  
<http://www.justice.gov/crt/about-language-minority-voting-rights>

Monitor periodically demographics in county/census blocks for minority language or limited English proficiency (LEP) triggers or requirements

Refer to U.S. DOJ Civil Rights Division's Language Map ARE: LEP Demographics

[www.justice.gov/civil/language-access-plan](http://www.justice.gov/civil/language-access-plan)

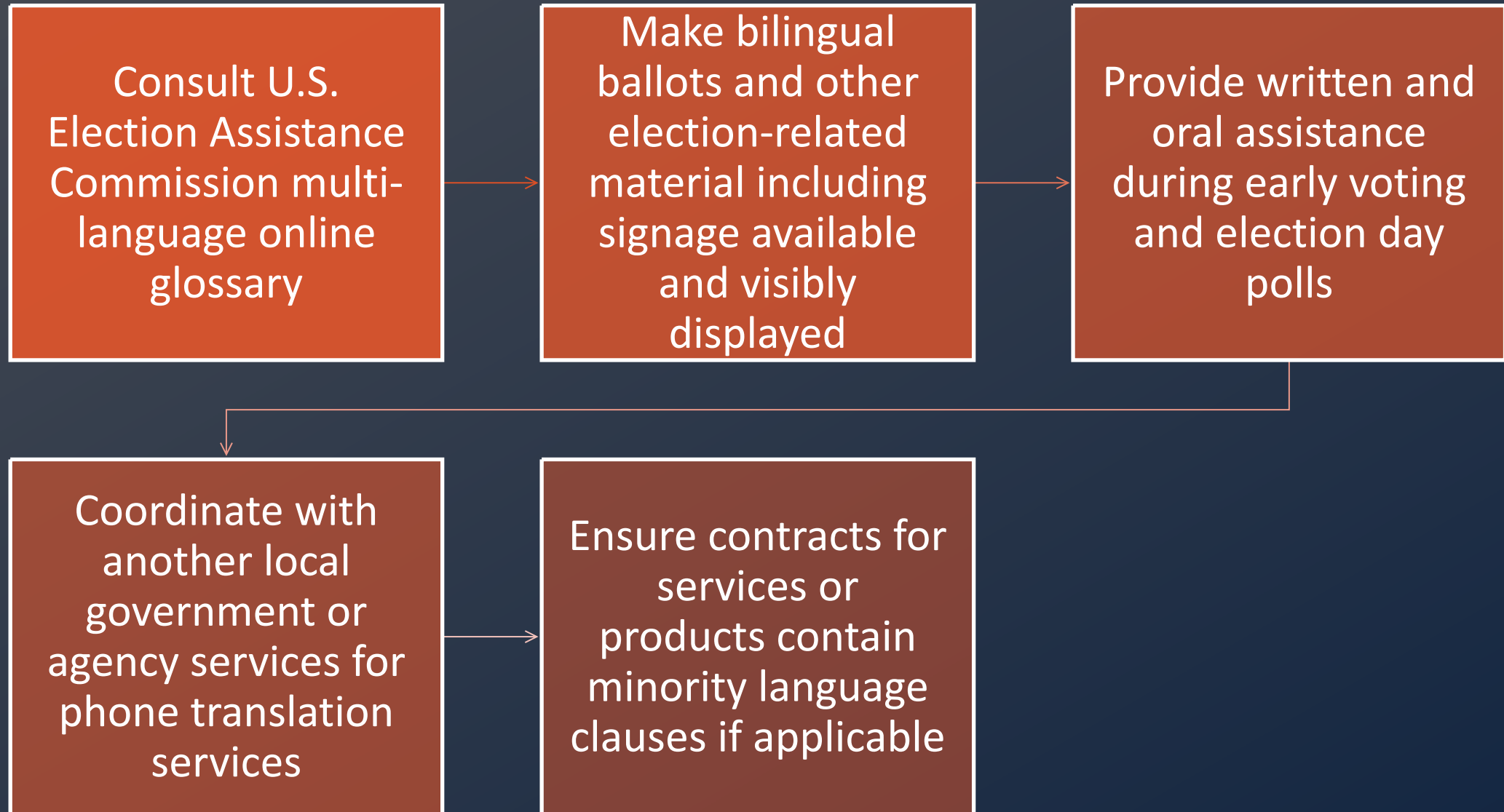
Conduct outreach to minority language community (including seeking input on translated materials or program)

Hire/recruit bilingual election personnel or contract for interpreter or translator services

Budget for or prepare for contingency of expenses annually associated with current or potential future designation

Make bilingual staff/translators available at office and at early voting and election day and clearly identify with badges

Post translated signs at early voting and on election day



Publicize that language assistance is available

Make website, documents, or information available in minority language

Continuously assess, analyze and improve minority language programs

Consult with other long-time county covered jurisdictions about successful programs and best practices (e.g., Broward, Miami-Dade, Hillsborough, Orange)

## Next section 203 determination in 2017

- ACS data 5-year Data scheduled to be released on December 2017.
  - <https://www.census.gov/programs-surveys/acs/news/data-releases/2016/release-schedule.html>
  - Covered 'minority language' jurisdiction designation will be published in federal register
- US DOJ sends notice to designated jurisdictions including guidance, assigned staff for contact, effective dates and enforcement.

Reference: <http://www.census.gov/>



# The End

ANY QUESTIONS?