

1                   A bill to be entitled  
2           An act relating to limited English-proficient voter  
3           assistance; creating s. 97.027, F.S.; providing  
4           definitions; requiring a supervisor of elections or a  
5           political subdivision that administers an election to  
6           provide certain language-related assistance to a  
7           limited English-proficient voter under certain  
8           circumstances; requiring such supervisor of elections  
9           or political subdivision to provide election materials  
10          of a certain quality in a covered language; requiring  
11          the manual translation of English language text;  
12          authorizing the use of automatic translation services  
13          under certain circumstances; requiring that election  
14          materials prepared in a covered language must be made  
15          available at the same time as comparable English  
16          language election materials; requiring a supervisor of  
17          elections to operate and provide public notice of a  
18          language assistance hotline; providing requirements  
19          for the hotline; requiring a supervisor of elections  
20          to provide certain notices in a covered language under  
21          certain circumstances; requiring a supervisor of  
22          elections or a political subdivision to replicate  
23          certain signs and posters in certain covered languages  
24          and display or distribute such signs and posters in  
25          the same form and manner as English language signs;

26 requiring a governmental entity responsible for  
 27 redistricting to provide certain translation services  
 28 and translations; providing requirements for such  
 29 translation services; authorizing a limited English-  
 30 proficient voter to bring certain actions against a  
 31 supervisor of elections or a political subdivision;  
 32 requiring a court to grant certain relief upon making  
 33 a certain finding; requiring certain translation  
 34 services to be in compliance with certain federal  
 35 laws; providing an effective date.

36  
 37 Be It Enacted by the Legislature of the State of Florida:

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 39 Section 1. Section 97.027, Florida Statutes, is created to  
 40 read:

41 97.027 Limited English-proficient voter assistance.-

42 (1) DEFINITIONS.-As used in this section, the term:

43 (a) "Covered language" means the language of a member of a  
 44 language minority group.

45 (b) "Election materials" means materials relating to  
 46 elections that are intended to be read by a voter and which are  
 47 provided by a supervisor of elections or political subdivision,  
 48 including, but not limited to, ballots, sample ballots, vote-by-  
 49 mail ballots, vote-by-mail ballot requests, voting guides,  
 50 voting instructions, voter registration applications and

51 materials, polling place signage, and notices, electronic  
52 communications, and websites containing election-related  
53 information.

54 (c) "Language minority group" has the same meaning as in  
55 s. 203 of the Voting Rights Act of 1965, as amended, and  
56 includes a group of persons whose primary language is Haitian-  
57 Creole or Brazilian-Portuguese.

58 (d) "Limited English-proficient voter" means a member of a  
59 language minority group who does not speak or understand English  
60 adequately to participate in the electoral process. A person who  
61 has not completed the fifth grade is presumed to not speak or  
62 understand English adequately to participate in the electoral  
63 process.

64 (e) "Political subdivision" means a county, municipality,  
65 or special district.

66 (2) ASSISTANCE FOR LIMITED ENGLISH-PROFICIENT VOTERS.—A  
67 supervisor of elections or political subdivision that  
68 administers an election must provide language-related assistance  
69 in a covered language to a limited English-proficient voter if,  
70 based on data from the American Community Survey or data of  
71 comparable quality collected by a governmental entity:

72 (a) More than 2 percent of the residents of voting age in  
73 the political subdivision in which the election is held are  
74 members of a single language minority group and limited English-  
75 proficient voters, if that percentage equals 300 or more

76 persons;

77 (b) More than 4,000 of the residents of voting age in the  
 78 political subdivision in which the election is held are members  
 79 of a single language minority group and limited English-  
 80 proficient voters; or

81 (c) For an election held in a political subdivision that  
 82 contains any part of a Native American reservation, more than 2  
 83 percent of the Native American residents of voting age in the  
 84 Native American reservation are members of a single language  
 85 minority group and limited English-proficient voters. For  
 86 purposes of this paragraph, the term "Native American" means a  
 87 person recognized by the United States Census Bureau or the  
 88 state as an American Indian.

89 (3) ELECTION MATERIALS.—

90 (a) A supervisor of elections or a political subdivision  
 91 shall provide to a limited English-proficient voter election  
 92 materials in his or her covered language that are the same  
 93 quality as comparable English language election materials.

94 (b) English language text shall be manually translated  
 95 whenever possible. Automatic translation services may only be  
 96 used when manual translation is not possible.

97 (c) Election materials prepared in a covered language must  
 98 be made available at the same time as comparable English  
 99 language election materials.

100 (4) LANGUAGE ASSISTANCE HOTLINE.—A supervisor of elections

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101 shall operate and provide public notice of a language assistance  
102 hotline that provides language assistance to limited English-  
103 proficient voters which is staffed during early voting hours,  
104 all hours during which a polling place is open on election day,  
105 and all hours of the period after election day during which a  
106 voter may cure a vote-by-mail ballot or provisional ballot  
107 deficiency. The hotline must, upon connecting with a caller,  
108 provide a prompt that allows the caller to meaningfully access  
109 language assistance in the caller's covered language.

110 (5) NOTICES.-

111 (a) A supervisor of elections who is required to provide  
112 language-related assistance in a covered language under  
113 subsection (2) must provide, in such covered language, notice  
114 of:

115 1. Election materials in covered languages for limited  
116 English-proficient voters by prominently displaying signage at  
117 the main office and branch offices of the supervisor, making  
118 printed materials available to voters, and posting information  
119 on the supervisor's public website.

120 2. The addresses and operating hours of early voting  
121 sites, secure ballot intake station locations, and polling  
122 places by prominently displaying signage at the main office and  
123 branch offices of the supervisor, making printed materials  
124 available to voters, and posting information on the supervisor's  
125 public website.

126        3. Any change in the address or operating hours of an  
 127 early voting site, a secure ballot intake station location, or a  
 128 polling place by the same means as such notice is provided to  
 129 voters in English.

130        (b) An English language sign or poster containing  
 131 election-related information which is displayed or distributed  
 132 by a supervisor of elections or a political subdivision must be  
 133 replicated in each covered language for which the supervisor or  
 134 political subdivision is required to provide language-related  
 135 assistance under subsection (2). A replicated sign or poster  
 136 must be displayed or distributed in the same form and manner as  
 137 the English language sign or poster.

138        (6) TRANSLATIONS RELATING TO REDISTRICTING.—A governmental  
 139 entity responsible for a redistricting process must provide  
 140 translation services at meetings and hearings related to  
 141 redistricting and translations of redistricting materials in  
 142 each covered language in which a supervisor of elections or  
 143 political subdivision within an affected geographical area is  
 144 required to provide election materials. The translation services  
 145 provided by the governmental entity must be sufficient to allow  
 146 a member of a language minority group who speaks such a covered  
 147 language to testify at such meeting or hearing.

148        (7) ACTION FOR DECLARATORY JUDGMENT AND INJUNCTIVE  
 149 RELIEF.—A limited English-proficient voter may bring an action  
 150 against a supervisor of elections or a political subdivision in

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151 a court of competent jurisdiction for declaratory judgment and  
152 injunctive relief to enforce the requirements of this section.  
153 The court shall grant the requested relief upon finding that the  
154 violation of this section was unreasonable or an abuse of  
155 discretion.

156 (8) COMPLIANCE WITH FEDERAL LAW.—Translation services  
157 provided under this section must be uniform, nondiscriminatory,  
158 and in compliance with the Voting Rights Act of 1965, the  
159 National Voter Registration Act of 1993, the Help America Vote  
160 Act of 2002, and the Voting Accessibility for the Elderly and  
161 Handicapped Act of 1984, as amended.

162 Section 2. This act shall take effect July 1, 2023.