

By Senator Torres

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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, when
12 possible; authorizing the use of automatic translation
13 services under certain circumstances; requiring that
14 election materials prepared in a covered language be
15 made 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-

25-01887-23

20231560__

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 s.
55 203 of the Voting Rights Act of 1965, as amended, and includes a
56 group of persons whose primary language is Haitian-Creole or
57 Brazilian-Portuguese.

58 (d) "Limited English-proficient voter" means a member of a

25-01887-23

20231560__

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

25-01887-23

20231560__

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
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

25-01887-23

20231560__

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

126 3. Any change in the address or operating hours of an early
127 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 election-
131 related information which is displayed or distributed by a
132 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

25-01887-23

20231560__

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 RELIEF.—
149 A limited English-proficient voter may bring an action against a
150 supervisor of elections or a political subdivision in a court of
151 competent jurisdiction for declaratory judgment and injunctive
152 relief to enforce the requirements of this section. The court
153 shall grant the requested relief upon finding that the violation
154 of this section was unreasonable or an abuse of discretion.

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

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