

April 3, 2018

Mike Hogan
Duval County Supervisor of Elections
105 E. Monroe St.
Jacksonville, FL 32202
mhogan@coj.net

RE: **Spanish-Language Voting Rights Under Section 4(e) of the Voting Rights Act**

Dear Supervisor Hogan:

We write on behalf of the undersigned organizations as well as the many thousands of Spanish-speaking voters residing in Duval County, to ask you to bring the county into compliance with the requirements of Section 4(e) of the Voting Rights Act, under which you are obligated to provide bilingual ballots, election materials, and poll worker assistance to voters with limited English proficiency who were educated in Puerto Rican schools.

After Hurricane María devastated Puerto Rico last September, hundreds of thousands fled for safety to join family, friends and community members in Florida. The Florida Department of Emergency Management most recently reported that as of March 26, 2018, 466,926¹ persons had arrived by commercial flight from Puerto Rico to Florida. Even before these recent arrivals, Duval County was already home to over 27,100² Puerto Ricans according to the U.S. Census Bureau.

For many of these individuals, English-dominated elections like the ones held in Duval County are a barrier to exercising their fundamental right to vote. U.S. Census data shows that [over 78.5 percent](#) of Puerto Rico's 2.78 million adults are limited-English proficient. Although many persons from Puerto Rico speak English, the majority are unable to vote a complete ballot in English. In fact, because persons educated in Puerto Rico received public schooling in Spanish, [Section 4\(e\) of the Voting Rights Act](#) requires they be provided with Spanish voting materials and assistance. Specifically, Section 4(e) provides that:

(1) Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on

¹ Florida Division of Emergency Management, FLORIDA SERT-Puerto Rico Evacuation Support-SITUATION REPORT, 03/26/2018, Published at 1200 hours, Reporting Period: 03/19/2018 to 03/23/2018.

² Based on 2016 U.S. Census 1-Year American Community Survey (ACS) Population Estimates for Duval County, Florida: Subject: Hispanic or Latino and Race, Total Population, Hispanic or Latino (of any race), Puerto Rican.

ability to read, write, understand, or interpret any matter in the English language. 42 U.S.C. § 1973(b)(e).

Across the country and in Florida, federal courts have consistently interpreted Section 4(e) to require bilingual ballots, election materials and poll workers to be provided in jurisdictions which, like Duval, are home to sizable Puerto Rican populations. In Central Florida, after legal intervention, Orange³, Osceola⁴, Miami-Dade⁵, and Volusia⁶ Counties began providing bilingual access to voting for their significant Puerto Rican communities. Like these other Florida counties, Duval County has a legally significant number of Puerto Ricans yet does not seem to be providing bilingual ballots, election materials, or poll workers. For example, your website, which provides extensive voter information, including a linked to the voter registration form, is in English-only. And while Google Translate is offered for limited voter information, the translation offered by this service is inadequate to ensure voters can obtain the information they need and does not satisfy Duval County's legal obligations. Critically, the county's voter guide, sample ballots, and candidate information are not available in Spanish at all. The failure to provide bilingual access to voting makes it unduly difficult for persons with limited-English proficiency to participate and violates Section 4(e) of the Voting Rights Act.

We urge you to remedy this well before the August 28, 2018, federal primary election by immediately taking action to provide for bilingual voter information, ballots, election information, and sufficient bilingual (English and Spanish) poll workers. Many other Florida counties have taken such steps to ensure compliance with the language minority provisions of the Voting Rights Act, including Section 4(e). The experience of your fellow Supervisors of Elections demonstrates that compliance with these provisions need not be burdensome. We would be happy to discuss these issues further and to provide assistance in making elections in Duval County accessible for those with limited English proficiency.

Please contact us no later than April 14, 2018, to advise us what measures you will take to come into compliance with Section 4(e) of the Voting Rights Act, in order to provide equal

³ See Consent Decree, *United States v. Orange County*, 6:02-cv-737-ORL-22JGG (M.D. Fla., Oct. 9, 2002), available at https://www.justice.gov/sites/default/files/crt/legacy/2010/12/15/orange_cd.pdf.

⁴ See Consent Decree, *United States v. Osceola County*, 6:02-CV-738-ORL-22JGG (M.D. Fla., July 22, 2002), available at <https://www.justice.gov/crt/cases-raising-claims-under-section-2-voting-rights-act-0#osceola2>.

⁵ See Consent Order, *United States v. Miami-Dade County*, 02-21698 (S.D. Fla., June. 17, 2002), available at https://www.justice.gov/sites/default/files/crt/legacy/2010/12/15/miamidade_cd.pdf.

⁶ See Stipulated Order of Dismissal & Settlement Agreement, *Pérez-Santiago v. Volusia County*, No. 6:08-cv-1868-Orl-28KRS (M.D. Fla. Apr. 27, 2010), available at http://latinojustice.org/civil_rights/Stipulation_and_Order_of_Dismissal_w_Prejudice_-_Perez-Santiago_et_al_v_Volusia_County.pdf.

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access to the right to vote for your county's significant and growing Puerto Rican community.

Sincerely,



Kira Romero-Craft
Managing Attorney
LatinoJustice PRLDEF
523 West Colonial Drive
Orlando, FL 32804
T: 321.418.6354 T: 800.328.2322
kromero@latinojustice.org



Stuart C. Naifeh
Senior Counsel
Demos
80 Broad St, 4th Floor
New York, NY 10004
Office: 212-485-6055
snaifeh@demos.org

Nancy Batista
Florida State Director
Mi Familia Vota Education Fund

Liza McClenaghan
Board Chair
Common Cause Florida

Jared Nordlund
Senior Strategist
UnidosUS

Monica Russo
President
SEIU Florida

Denise Diaz
Executive Director
Central Florida Jobs with Justice

Tirso Moreno
General Coordinator
The Farmworker Association of Florida, Inc.

David Caicedo
State Director
Florida Student Power Network

Stephanie Porta
Executive Director
Organize Florida

Mark Ferrulo
Executive Director
Progress Florida

Wendy L. Doromal
President
Orange County Classroom Teachers Association

Andrea Mercado
Executive Director
New Florida Majority

Pamela Goodman
President
League of Women Voters of Florida

Héctor Figueroa
Steering Committee Member
VAMOS4PR

Marcia Johnson-Blanco
Co-Director, Voting Rights Project
Lawyers' Committee for Civil Rights Under Law

Geena Batista
Executive Director
Puerto Rican Alliance of Florida

Marcos Vilar
President
Vilar Strategy Group

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cc: The Honorable Ken Detzner, Secretary of State
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399-0250
SecretaryofState@DOS.MyFlorida.com

Maria Matthews, Esq.
Division of Elections, Director
Florida Department of State
500 S. Bronough Street
Tallahassee, FL 32399
Maria.matthews@dos.myflorida.com

Dana Southerland
President
Florida State Association of Supervisors of Elections, Inc.
Post Office Box 350
Tallahassee, FL 32302
taylor-elections@gtcom.net