

# The U.S. Census Bureau & Section 203 Determinations

James Whitehorne  
Chief – Census Redistricting & Voting Rights Data Office

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# Section 203 of the Voting Rights Act (VRA) Background

- Section 203 language minority provisions of the VRA, requires:
  - “Determined” states and political subdivisions to provide language assistance during elections to certain language minority groups who are unable to speak or understand English adequately enough to effectively participate in the electoral process.
  - The Director of the Census Bureau to make these “Determinations”

# Covered Language Minority Groups

- The language minority groups calculated (for 2011 and 2016) include:
  - Hispanic (1)
  - American Indian and Alaska Native (51)
  - Asian (16)
- Race is used as a proxy for language. The language minority groups calculated follows the race categories used for the decennial census.
  - List will be updated for 2021 from the 2020 Census

# How Determinations are Calculated

- Characteristics used:
  - Language Minority Group
  - English Language Ability (Less than very well)
  - Educational Attainment (Less than 5<sup>th</sup> grade education)
- Areas evaluated for coverage
  - State
  - County and County Equivalent
  - County Subdivision (Connecticut, Maine, Massachusetts, Michigan, New Hampshire, Rhode Island, Vermont, Wisconsin)
  - American Indian/Alaska Native Areas (AIAN)

# Section 203 of the Voting Rights Act (VRA) Historical Background

- First language provisions were published in 1975, before language proficiency was collected on the long form.
- First listing of covered jurisdictions using the language ability question was issued after 1980 Census.
- Determinations were released again following the 1990 and 2000 Census.
- The 2006 VRA reauthorization extended the provision through 2032 and instructed the Bureau on two changes:
  - Use the American Community Survey & Other Decennial Data
  - Produce the Determinations every 5 years rather than the previous 10

# Calculating the Section 203 Determinations

**Determinations are then computed for each minority group based on the following criteria:**

If more than 5% of voting age citizens belong to the language minority group and are limited-English proficient,

**OR**

If more than 10,000 voting age citizens belong to the language minority group and are limited-English proficient,

**AND**

The rate of total voting age citizens that are limited-English proficient and have less than a 5<sup>th</sup> grade education is higher than the national rate.

**THEN:**

The state, county, or county subdivision under consideration is covered for that specific language minority group of Section 203 of the Voting Rights Act.

# Calculating the Section 203 Determinations

**There is an additional computation for American Indian or Alaska Native areas or other tribal lands:**

If more than 5% of the American Indian or Alaska Native voting age citizens belonging to an American Indian/Alaska Native tribe are limited-English proficient

**AND**

The rate of those voting age citizens who are limited-English proficient and have less than a 5th grade education is higher than the national rate

**THEN**

Any political subdivision(s) in which that AIA/ANA is located is covered under Section 203 of the Voting Rights Act.

# Calculating the Section 203 Determinations

- Calculated using the ACS 5-year estimates
  - Estimates pulled directly from the ACS are called “Direct Estimates”
- Estimates from any sample survey including the ACS have sampling error
  - Estimates for small populations in small areas and from the ACS can have substantial sampling error
- The Census Bureau used small area estimation techniques starting with the 2011 release to improve these direct estimates for more accurate determinations
  - Similar techniques have been used for decades in other programs such as the Small Area Income and Poverty Estimates (SAIPE)
  - Techniques used are developed on prior datasets
  - Different techniques used for “near” decennial (2011) and “far from” decennial (2016)



# Calculating the Section 203 Determinations

- The final estimates are a weighted combination of the direct estimates and the regression estimates
  - Final estimates for larger areas tend to rely more on (and are closer to) the direct estimates
  - Estimates for smaller areas rely more heavily on the regression estimates, resulting in more accurate determinations in these areas from the direct estimates

# How you can be involved

- Use the public use file to identify populations close to the threshold
  - <https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/voting-rights-determination-file.html>
- Review the methodology documents and provide feedback through the Census Redistricting & Voting Rights Data Office
  - [rdo@census.gov](mailto:rdo@census.gov)
- Inform communities on the importance of accurate and full participation in the American Community Survey
- Inform communities on the importance of Census Geographic programs, especially the Boundary and Annexation Survey and the Tribal Boundary and Annexation Survey

# For More Information

**Census Redistricting & Voting Rights Data Office**

**James Whitehorne, Chief**

301-763-4039

[rdo@census.gov](mailto:rdo@census.gov)

[www.census.gov/rdo](http://www.census.gov/rdo)

# Extra Background



U.S. Department of Commerce  
Economics and Statistics Administration  
U.S. CENSUS BUREAU  
[census.gov](https://www.census.gov)

# Data Items Collected in the American Community Survey

- **Age** and sex
- Disability
- **Education**
- Veterans
- Employment
- **Language**
- Income
- **Citizenship**
- Poverty
- **Race and ethnicity**
- Relationships
- Financial characteristics of housing
- Physical characteristics of housing
- ... and more

# Questions Used in the 203 Formula

- Examples of the questions used in the formula follow:

Age

**4** **What is Person 1's age and what is Person 1's date of birth?**  
*Please report babies as age 0 when the child is less than 1 year old.*  
*Print numbers in boxes.*

Age (in years)	Month	Day	Year of birth
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

# Citizenship

**8** Is this person a citizen of the United States?

**Citizens** {

- Yes, born in the United States → *SKIP to 10a*
- Yes, born in Puerto Rico, Guam, the U.S. Virgin Islands, or Northern Marianas
- Yes, born abroad of U.S. citizen parent or parents
- Yes, U.S. citizen by naturalization – *Print year of naturalization*

**Not Citizens** {

- No, not a U.S. citizen

# Educational Attainment

**11** What is the highest degree or level of school this person has **COMPLETED**? Mark (X) **ONE** box. If currently enrolled, mark the previous grade or highest degree received.

**NO SCHOOLING COMPLETED**

No schooling completed

**NURSERY OR PRESCHOOL THROUGH GRADE 12**

Nursery school

Kindergarten

Grade 1 through 11 – *Specify grade 1 – 11*

12th grade – **NO DIPLOMA**

**HIGH SCHOOL GRADUATE**

Regular high school diploma

GED or alternative credential

**COLLEGE OR SOME COLLEGE**



# Language

**14** a. Does this person speak a language other than English at home?

Yes

No → *SKIP to question 15a*

b. What is this language?

*For example: Korean, Italian, Spanish, Vietnamese*

c. How well does this person speak English?

Very well

Well

Not well

Not at all

} **Limited English proficient**

# Race and Ethnicity

→ **NOTE: Please answer BOTH Question 5 about Hispanic origin and Question 6 about race. For this survey, Hispanic origins are not races.**

**5 Is Person 1 of Hispanic, Latino, or Spanish origin?**

No, not of Hispanic, Latino, or Spanish origin  
 Yes, Mexican, Mexican Am., Chicano  
 Yes, Puerto Rican  
 Yes, Cuban  
 Yes, another Hispanic, Latino, or Spanish origin – *Print origin, for example, Argentinean, Colombian, Dominican, Nicaraguan, Salvadoran, Spaniard, and so on.* ↴

\_\_\_\_\_

**6 What is Person 1's race? Mark (X) one or more boxes.**

White  
 Black, African Am., or Negro  
 American Indian or Alaska Native – *Print name of enrolled or principal tribe.* ↴

\_\_\_\_\_

<input type="checkbox"/> Asian Indian	<input type="checkbox"/> Japanese	<input type="checkbox"/> Native Hawaiian
<input type="checkbox"/> Chinese	<input type="checkbox"/> Korean	<input type="checkbox"/> Guamanian or Chamorro
<input type="checkbox"/> Filipino	<input type="checkbox"/> Vietnamese	<input type="checkbox"/> Samoan
<input type="checkbox"/> Other Asian – <i>Print race, for example, Hmong, Laotian, Thai, Pakistani, Cambodian, and so on.</i> ↴		<input type="checkbox"/> Other Pacific Islander – <i>Print race, for example, Fijian, Tongan, and so on.</i> ↴

\_\_\_\_\_

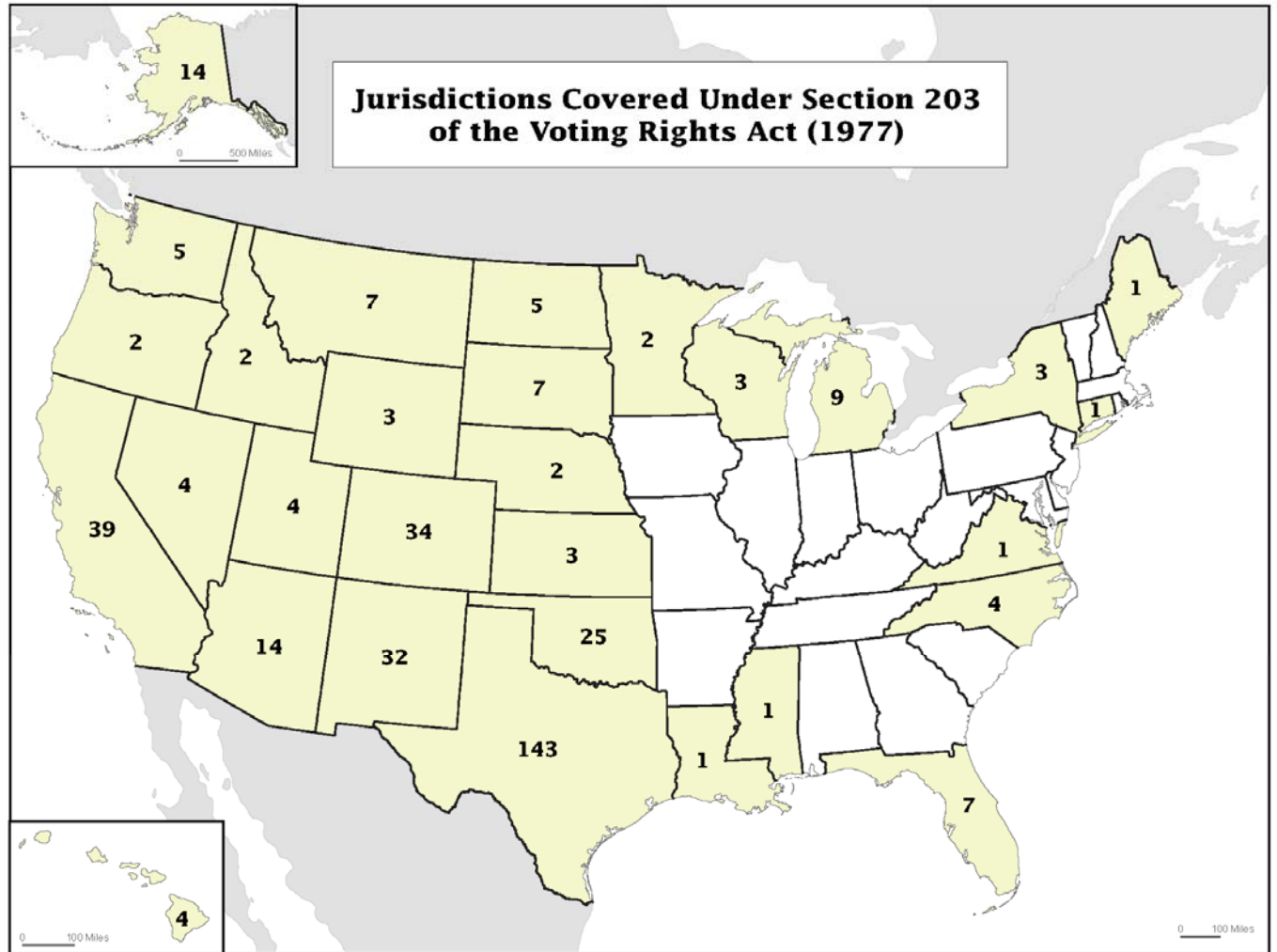
Some other race – *Print race.* ↴

\_\_\_\_\_

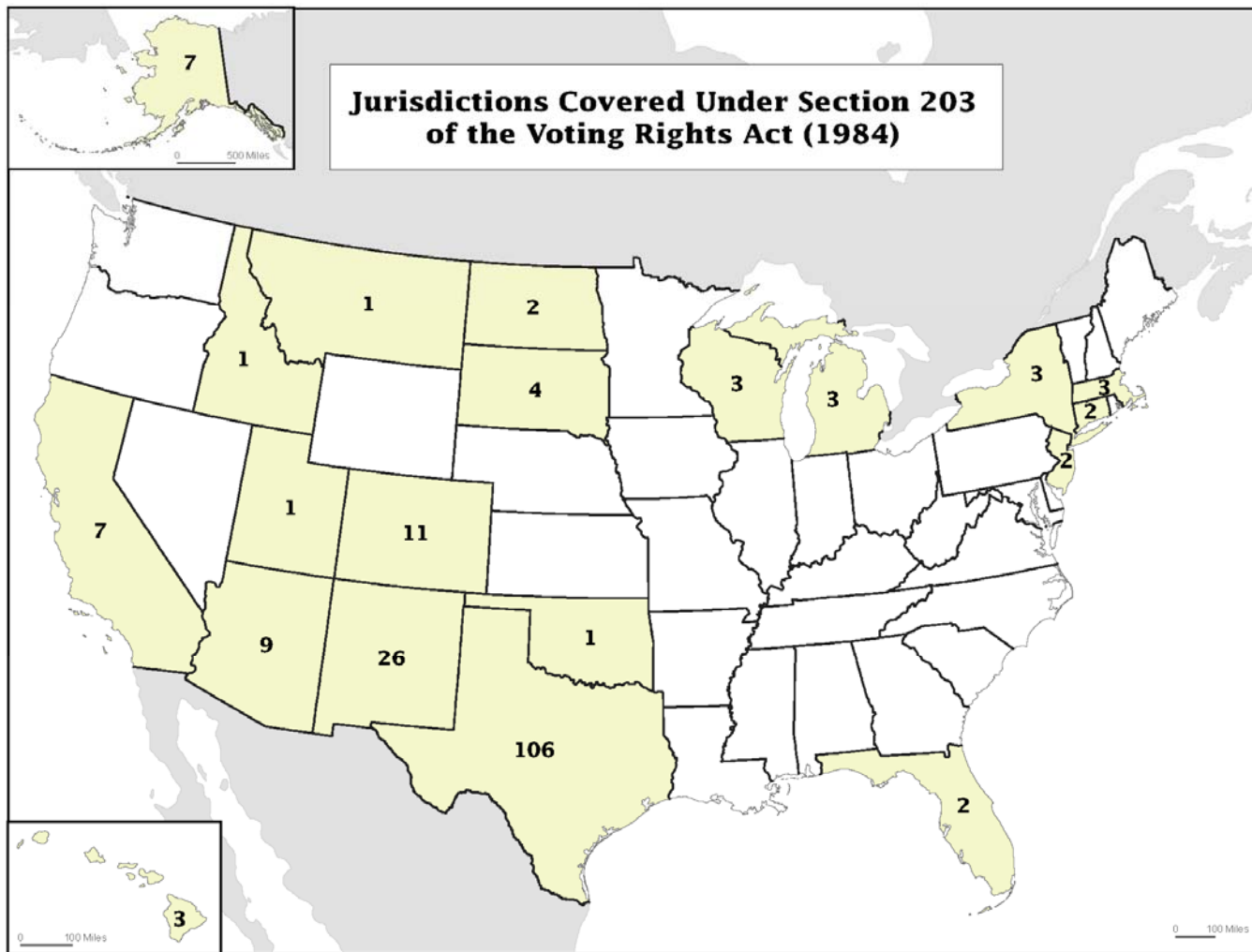
## Timing of Release

- July 13, 1977
- June 25, 1984
- September 18, 1992
- July 26, 2002
- October 13, 2011
- December 5, 2016
- TBD, 2021

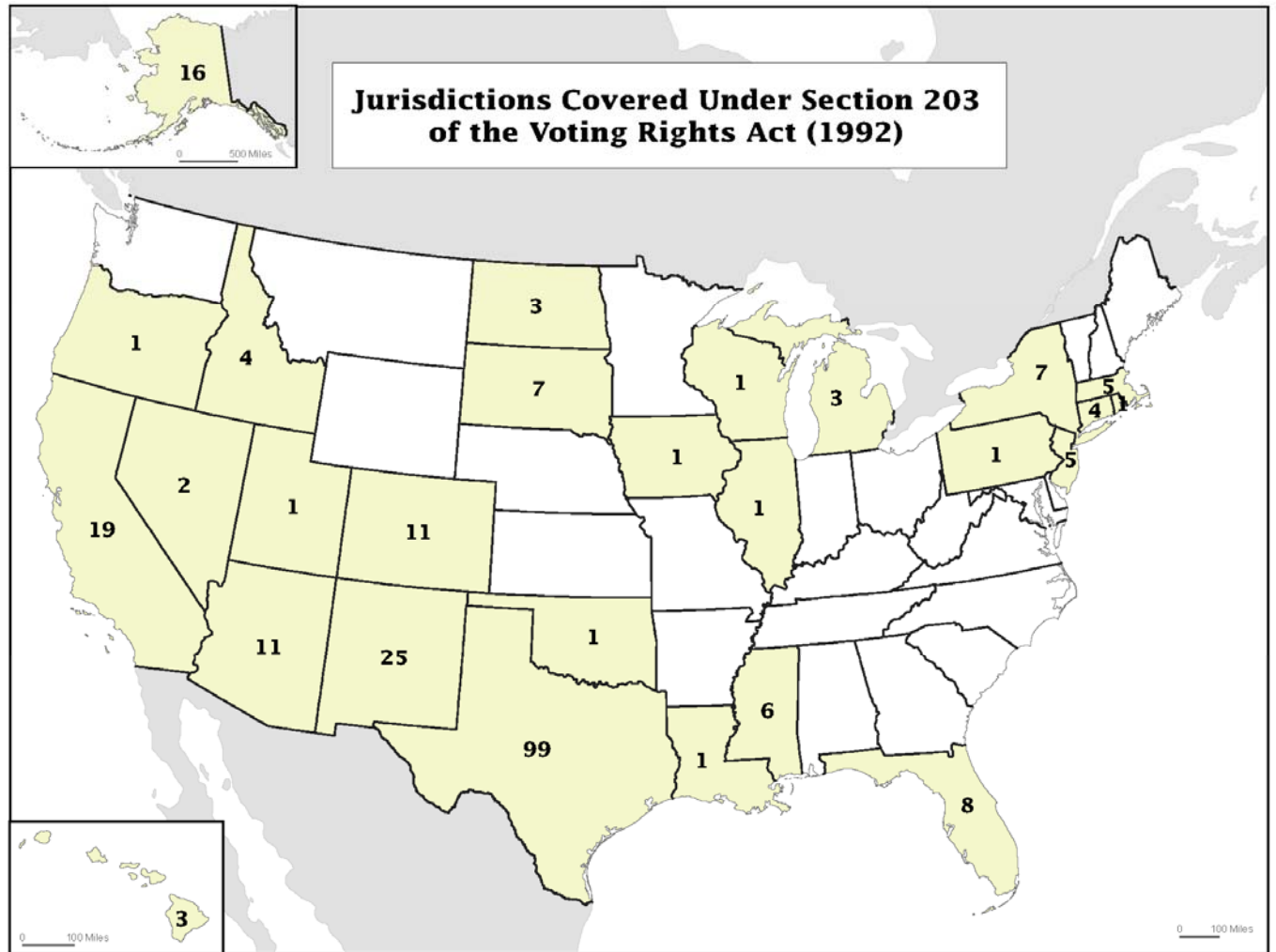
1977



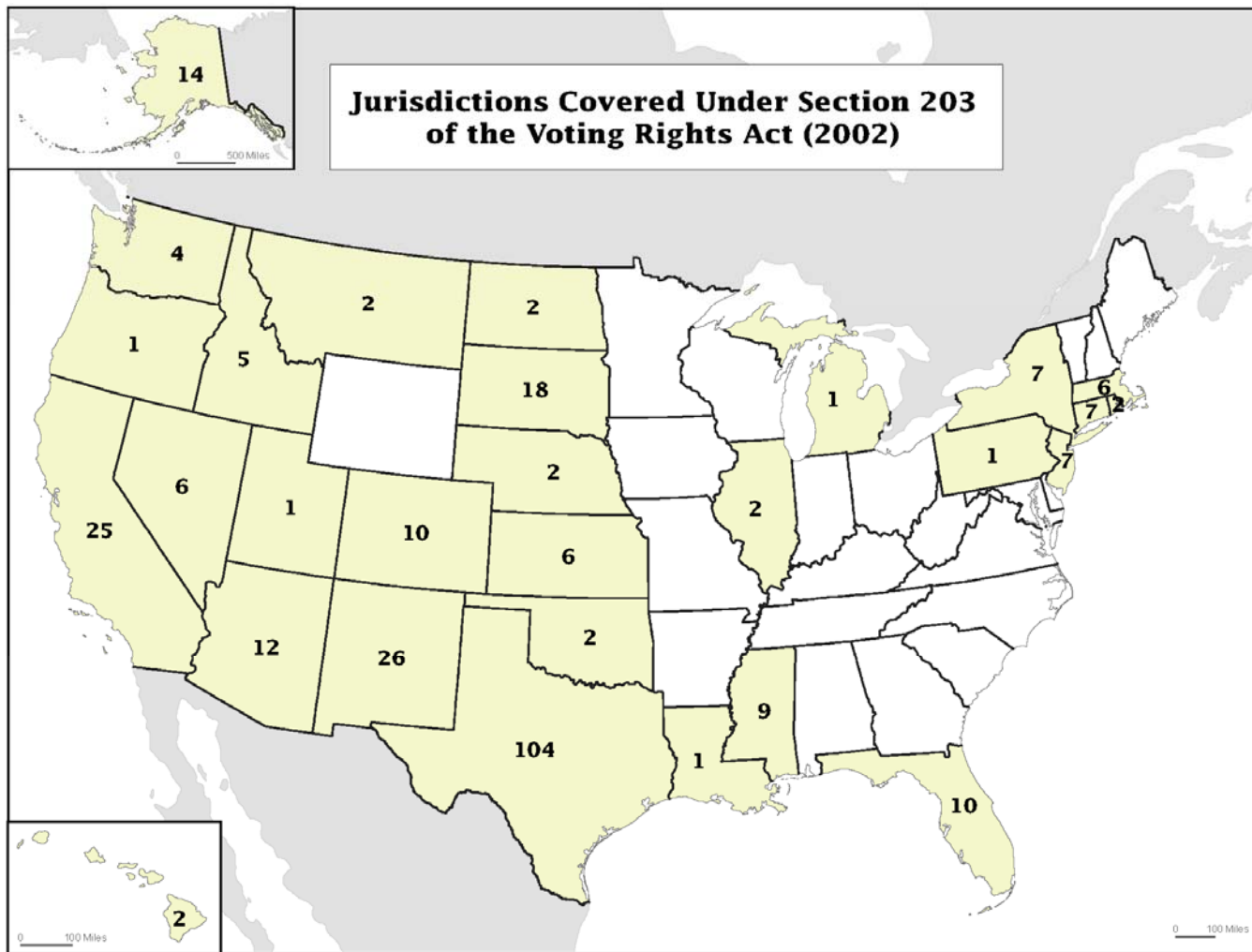
1984



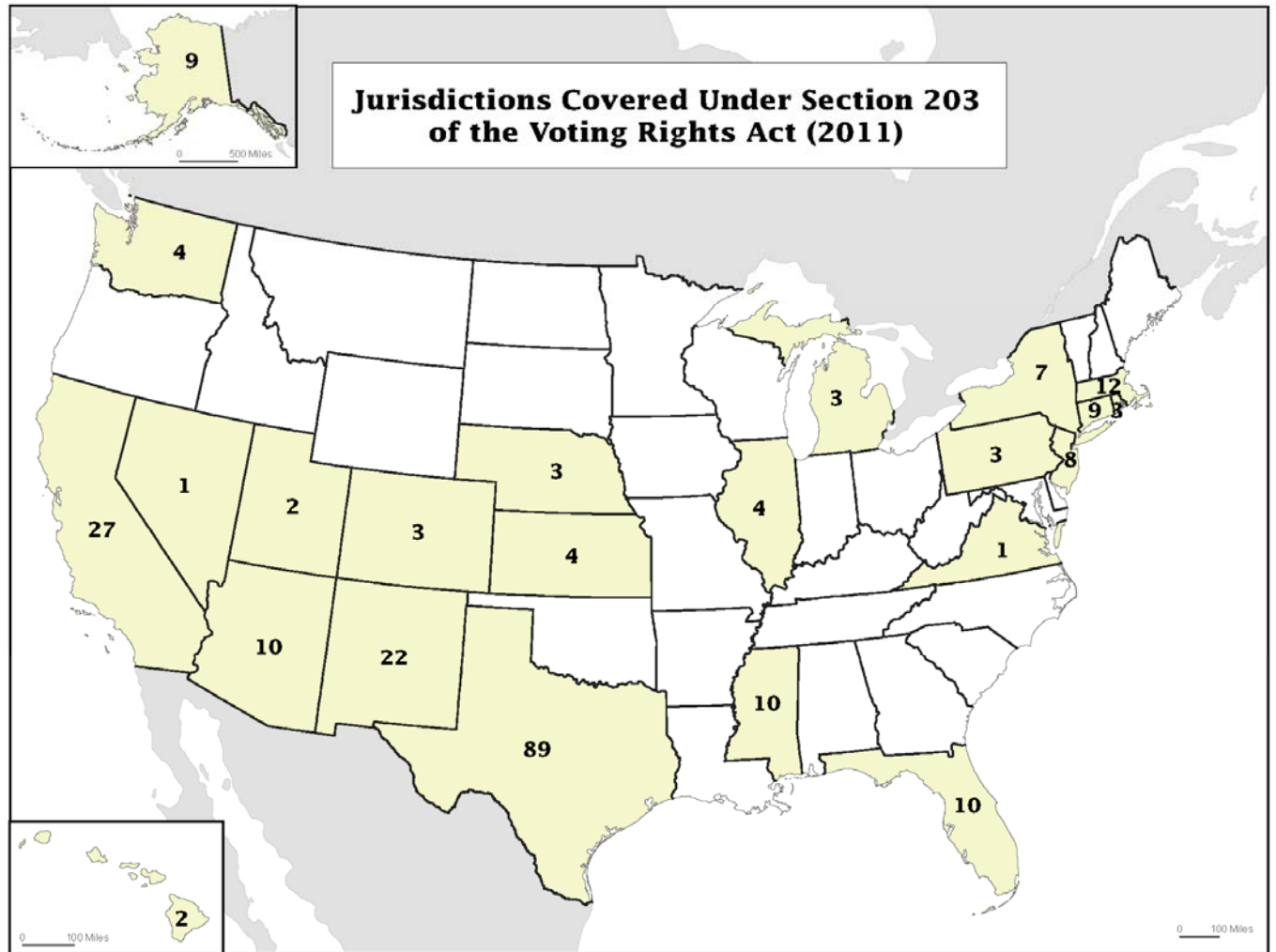
1992



2002

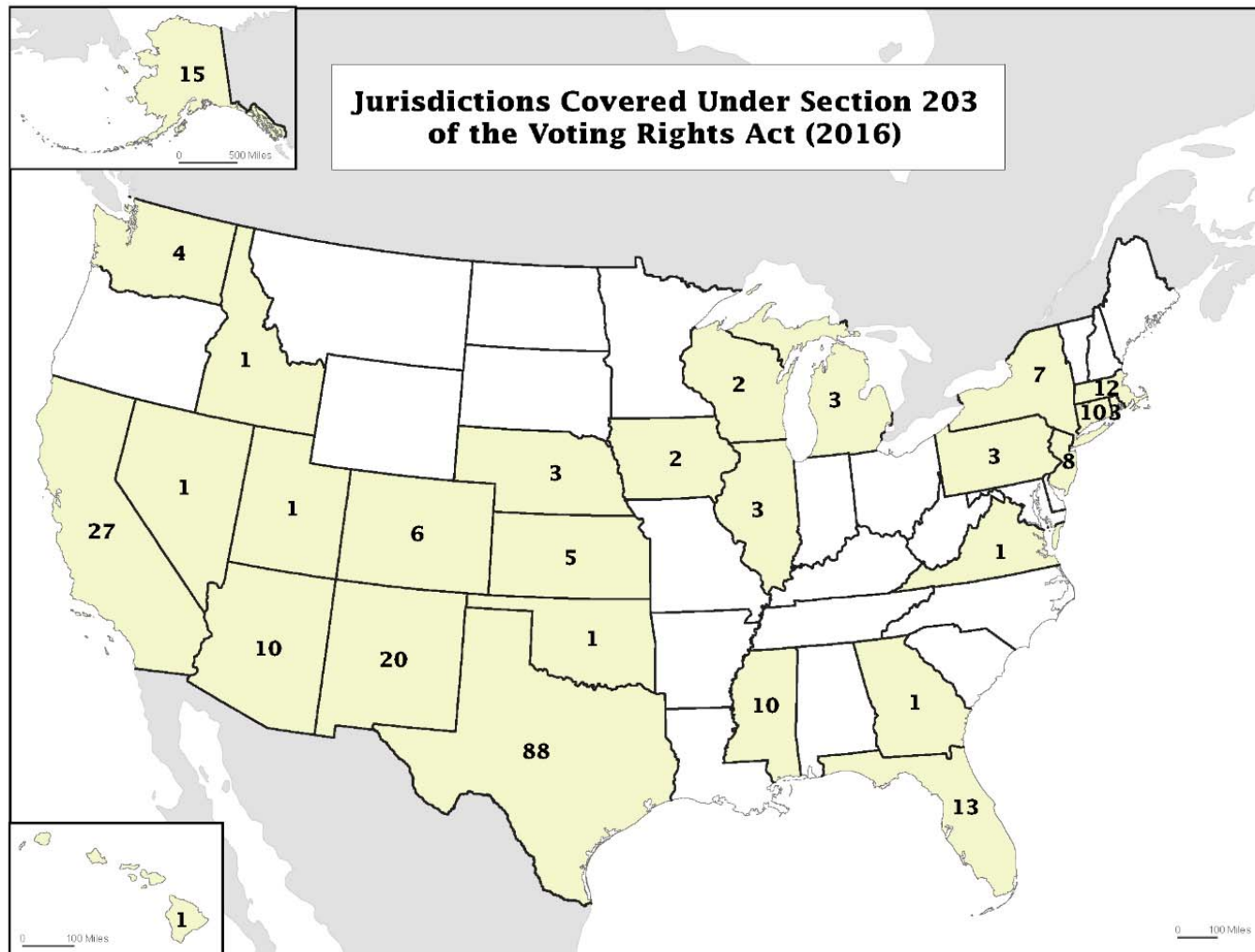


2011





2016



		Language Minority Group Citizen Voting Age Population for Areas Covered for that Language Minority											
		Hispanic (2000)	Hispanic (2010)	Hispanic (2015)	Asian (2000)	Asian (2010)	Asian (2015)	AIAN (2000)	AIAN (2010)	AIAN (2015)	Total (2000)	Total (2010)	Total (2015)
Section 203 Determined Areas in:	Alaska		281	162	995	1,194	1,356	33,600	30,696	41,975	34,595	32,171	43,493
	Arizona	445,240	625,587	767,234				166,940	206,746	120,369	612,180	832,333	887,603
	California	3,683,440	5,318,325	6,088,516	1,581,925	2,400,212	2,772,854	22,670		38,842	5,288,035	7,718,537	8,900,212
	Colorado	89,220	82,166	93,376				3,930		5,102	93,150	82,166	98,478
	Connecticut	96,860	141,443	140,928						45	96,860	141,443	140,973
	Florida	988,500	1,583,512	1,917,326				7,000			995,500	1,583,512	1,917,326
	Georgia			45,285							0	0	45,285
	Hawaii				402,970	451,186	409,202				402,970	451,186	409,202
	Idaho			459				3,815			3,815	0	459
	Illinois	411,340	614,903	646,730	130,515	184,870	202,271				541,855	799,773	849,001
	Iowa			1,461						861	0	0	2,322
	Kansas	12,035	13,933	17,173							12,035	13,933	17,173
	Louisiana							445			445	0	0
	Maryland	30,855	50,500	62,139							30,855	50,500	62,139
	Massachusetts	86,670	175,212	189,473		11,802	29,925				86,670	187,014	219,398
	Michigan	265	602	335		2,026	2,190				265	2,628	2,525
	Mississippi							3,615	6,514	6,291	3,615	6,514	6,291
	Montana							6,135			6,135	0	0
	Nebraska	570	4,497	6,121				355			925	4,497	6,121
	Nevada	97,230	193,859	235,707		114,099	127,951	4,550			101,780	307,958	363,658
	New Jersey	364,055	535,478	580,656		61,842	159,765				364,055	597,320	740,421
	New Mexico	374,330	403,172	371,521				108,080	130,267	133,048	482,410	533,439	504,569
	New York	1,130,565	1,355,650	1,486,266	314,765	498,627	550,700				1,445,330	1,854,277	2,036,966
	North Dakota							275			275	0	0
	Oklahoma	2,225		2,691							2,225	0	2,691
	Oregon							400			400	0	0
	Pennsylvania	70,980	169,255	185,988							70,980	169,255	185,988
	Rhode Island	19,310	33,447	40,419							19,310	33,447	40,419
	South Dakota							20,200			20,200	0	0
	Texas	2,520,080	3,298,891	3,584,646	80,610	139,172	203,479	4,385	5,494	6,103	2,605,075	3,443,557	3,794,228
	Utah		56,662					4,645	4,888	4,773	4,645	61,550	4,776
	Virginia		52,797	61,332			114,360				0	52,797	175,692
	Washington	31,095	47,167	52,939	105,950	165,080	186,729				137,045	212,247	239,668
Wisconsin		37,377	42,253							0	37,377	42,253	
TOTAL	10,454,865	14,794,716	16,621,136	2,617,730	4,030,110	4,760,782	391,040	384,605	357,409	13,463,635	19,209,431	21,739,327	
% Change (2000-2010)		41.51%				53.95%		-1.65%			42.68%		
% Change (2010-2015)		12.35%				18.13%		-7.07%			13.17%		



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2002				2011				2016			
Category	Subcategory	Total	Difference	Category	Subcategory	Total	Difference	Category	Subcategory	Total	
AIAN		121	-68	AIAN		53	+4	AIAN		57	
	Athabascan	5	-4		Alaska Native (Alaskan Athabascan)	1	+2		Alaskan Athabascan	3	
	Aleut	3	-3				+1		Aleut	1	
	American Indian (Apache)	6	-6				+5		American Indian (Apache)	5	
	American Indian (Central or South American)	2	-2								
	American Indian (Cheyenne)	3	-3								
	American Indian (Chickasaw)	1	-1								
	American Indian (Choctaw)	9	+1		American Indian (Choctaw)	10	No change		American Indian (Choctaw)	10	
	Eskimo	8	-8								
			+2		American Indian (Hopi)	2	-2				
			+5		Alaska Native (Inupiat)	5	+1		Inupiat	6	
			+1		American Indian (Kickapoo)	1	-1				
	American Indian (Navajo)	13	-2		American Indian (Navajo)	11	No change		American Indian (Navajo)	11	
	American Indian (Other Tribe specified)	13	-13								
	American Indian (Paiute)	1	-1								
	American Indian (Pueblo)	13	-3		American Indian (Pueblo)	10	-7		American Indian (Pueblo)	3	
	American Indian (Seminole)	3	-3								
	American Indian (Shoshone)	3	-3								
	American Indian (Sioux)	21	-21								
	American Indian (Tohono O'Odham)	3	No change		American Indian (Tohono O'Odham)	3	-3				
	American Indian (Tribe not specified)	4	-4								
	American Indian (Ute)	4	-4				+4		American Indian (Ute)	4	
	American Indian (Yaqui)	1	No change		American Indian (Yaqui)	1	-1				
	American Indian (Yuman)	2	+2		American Indian (Yuma)	4	-4				
			+4		Alaska Native (Yup'ik)	4	+5		Yup'ik	9	
	Alaska Native (Other Group specified)	1	No change		Alaska Native Tribe - Tribe not Specified	1	-1				
	Native (Other Group specified)	2	-2								
							+5		American Indian (All other American Indian Tribes)	5	
ASIAN		27	+16	ASIAN		43	+2	ASIAN		45	
			+3		Asian (Asian Indian)	3	No change		Asian Indian	3	
			+1		Asian (Bangladeshi)	1	No change		Bangladeshi	1	
							+2		Cambodian	2	
	Chinese	12	+4		Asian (Chinese)	16	+2		Chinese (including Taiwanese)	18	
	Filipino	6	+3		Asian (Filipino)	9	-1		Filipino	8	
	Japanese	2	No change		Asian (Japanese)	2	-2				
	Korean	3	+1		Asian (Korean)	4	No change		Korean	4	
			+1		Asian (Other Asian - Not specified)	1	-1				
	Vietnamese	4	+3		Asian (Vietnamese)	7	+2		Vietnamese	9	
HISPANIC	Hispanic	220	-6	HISPANIC	Hispanic	214	+3	HISPANIC	Hispanic	217	



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