



SENATE OFFICE OF RESEARCH

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U.S. Census 2020 and Language Access: Background Paper

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The census, mandated by the U.S. Constitution, has been conducted every 10 years since 1790 and seeks to provide an accurate count of the entire U.S. population. Census data is used nationally to apportion seats for the House of Representatives and to distribute billions in federal funding. Some states, including California, use the decennial census data to redraw district lines for statewide legislative district boundaries.

While census efforts strive to count all individuals in the country, some groups of individuals are considered hard to count. Hard-to-count individuals include immigrants, renters, low-income individuals, and non-English speakers, among others. California is the largest and most diverse state, which makes it the most challenging to accurately count its residents. While various factors make California's citizens hard to count, language is one of the primary difficulties. More than 40 percent of Californians speak a language other than English at home, and more than 200 languages and dialects are spoken here. Further, about 20 percent of Californians have English language limitations.¹

One way to improve California's response rate is to ensure census outreach and support are provided in multiple languages. For the first time in its history, a portion of census responses will be recorded via online submittals, which may be a more cost efficient manner to field the survey in more languages than was previously feasible. While a number of state and federal laws and guidance pertain to language and communication access, this background report seeks to identify processes and best practices that entities use for wide-scale outreach above and beyond what is generally required.

What is the U.S. Census Bureau Doing to Support Language Access for Census 2020?

The Language Services Operation within the Census Bureau is responsible for assessing and supporting the language needs of non-English-speaking populations for Census 2020.²The operation's goal is to create multiple modes of collecting information from non-English-speaking respondents that ensure the question wording and messages are consistent and culturally relevant. While questionnaires were available only in English and Spanish during Census 2010, Census 2020 online questionnaires and assistance documents will be available in the following 12 languages other than English:³

- Spanish
- Chinese (simplified)
- Vietnamese
- Korean
- Russian
- Arabic
- Tagalog
- Polish
- French
- Haitian Creole
- Portuguese
- Japanese

The languages were selected based on cumulative percent of total limited-English speaking households in the United States.⁴ In addition, the Census Bureau will publish language assistance guides, videos and glossaries designed to assist non-English-speaking respondents who speak a language not translated for the questionnaires.⁵ The guides will be available in 59 non-English languages.⁶ Bilingual mailing and field enumerations will be available only in English and Spanish.

The Census Bureau is relying on national and local partnerships for the bulk of its outreach and communication efforts. The bureau is prioritizing outreach for Census 2020, including to non-English-speaking households, which primarily will be coordinated through partners such as education, health care, and tribal organizations.⁷

Language Access Methodologies Used by State Agencies

While Census 2020 survey forms and information will be translated into more languages than in previous years, California has an incentive to ensure its residents who are less than English-proficient are included in outreach and marketing efforts. Many other state agencies and departments need to communicate with and inform wide swaths of the state population and therefore have language access methods and processes that may help to inform the California Complete Count Committee (CCCC)'s approach to language barriers for Census 2020.

Secretary of State

The California secretary of state manages elections for California. Language assistance requirements are mandated by federal regulations and the California Elections Code, both of which outline coverage formulas for non-English-speaking voters and generally require the secretary of state to identify the number of residents in each county who are in a single language minority and lack sufficient skills in English to vote without assistance. If the number equals a certain percentage of voting-age residents

(5 percent or more for federal requirements and 3 percent or more for California requirements), the secretary of state must create ballot samples and instructions in that language. To illustrate, in Alameda County, federal law requires ballot translations in Chinese, Spanish, Filipino, and Vietnamese languages. State law goes further and requires Korean, Cambodian, and Panjabi, a dialect of Punjabi.⁸

To meet these requirements, the secretary of state uses demographic data provided by the Statewide Database^a at University of California, Berkeley, which uses information from a special tabulation calculated by the Census Bureau.⁹ In January 2018, the secretary of state designated six new languages—Punjabi, Hmong, Syriac, Armenian, Persian, and Arabic—as languages covered under state law in designated counties as a result of this demographic study.¹⁰

The secretary of state additionally has a Language Accessibility Advisory Committee, which advises the secretary of state on issues related to language accessibility of elections and election materials. The committee’s responsibilities include providing expertise on language accessibility issues, promoting language accessibility initiatives, and reporting to the secretary of state on language accessibility questions. The Secretary of State’s Office also provides a tool kit for counties to establish their own advisory committees to directly serve their communities.¹¹

Covered California

Covered California is the state’s health insurance marketplace under the federal Affordable Care Act. From the beginning, Covered California established marketing plans to publicize health benefit options and encourage individuals to enroll in its health insurance options. Due to this, Covered California focused its efforts on a statewide marketing and outreach campaign that emphasized partnerships with community-based organizations and media.¹² Covered California also promoted public awareness and enrollment through an assister program in which individuals and organizations conducted outreach mainly through one-on-one, in-person assistance provided in a culturally and linguistically appropriate manner to address the needs of consumers facing barriers to enrollment.¹³ Covered California provided financial incentives for schools, tribal organizations, labor unions, faith-based organizations, and other local entities to train paid assisters who were selected to reflect the diversity and primary language of each county’s population. In addition, Covered California relied on insurance agents to provide outreach and enrollment information to those eligible. To target those most likely to enroll, Covered California used county-level demographic and linguistic data to determine those who were not enrolled in health care or were eligible for subsidized health care under the Affordable Care Act.¹⁴

Since the launch of the health exchange, Covered California annually conducts extensive marketing and outreach to encourage more people to enroll or stay enrolled. In 2018–19, Covered California planned to spend more than \$107 million on marketing

^a The Statewide Database is responsible for collecting and processing data for California’s decennial redistricting.

and outreach—\$45 million of which was spent on paid media—and while it is difficult to establish the effect of marketing on the marketplace, California’s marketplace outpaces the federal marketplace in enrollments.^{15,16} Further, Covered California consistently evaluates demographic data to address gaps in its marketing plans. For instance, according to a 2017 report, Covered California determined that 22 percent of those eligible for health care subsidies were Asian Americans. However, in 2016 Covered California found its health plan providers collectively spent 87 percent of their marketing and advertising budget on materials in English, 12 percent on materials in Spanish, and only 1 percent on materials in other languages. Based on this information, Covered California prioritized Asian-language advertising targeting Asian-language dominant populations.¹⁷

California Governor’s Office of Emergency Services (Cal OES)

Cal OES administers numerous programs that support California residents and entities in the event of natural disasters or other emergencies. In the event of a large-scale emergency, responders and public safety officials must be able to communicate effectively with individuals who have access and functional needs. To achieve this, Cal OES established the Office of Access and Functional Needs (OAFN), which works to identify the needs of individuals with disabilities and other access needs, such as limited English proficiency or deafness. To identify these individuals, OAFN uses data from the U.S. Census to develop a web map containing information about individuals with disabilities, culture (ethnicity and primary language), and age, and this information is shared with Cal OES community partners, as well as public safety organizations to facilitate rapid communication and response.^{18,19}

A major aspect of OAFN’s communication plan is the California Community Network, which relies on local entities to identify needs and locate resources for individuals with access and functional needs who are impacted by disasters or emergencies. Community partners are direct service providers able to provide 24/7 contact information for at least two staff members.²⁰ For example, the Department of Transportation partners with Ability Tools and the American Red Cross.

Judicial Branch

The California court system is charged with interpreting the laws of California and serves more than 39 million people. In 2015, the chief justice of the state Supreme Court established a working group to provide a strategic plan and best practices to create a consistent statewide approach to ensure language access for limited-English-proficient court users. The task force meets three times a year and so far has published a strategic plan as well as several implementation updates and progress reports.

Key goals of the strategic plan include providing early identification and data collection on language needs and language access services both in judicial proceedings and at all points of contact outside of proceedings, offering high-quality multilingual translation and signage, and recruiting highly skilled interpreters, among others.²¹ In improving data

collection, the task force noted it should not rely exclusively on the numbers provided by the U.S. Census and American Community Survey because many ethnic and linguistic minorities are underreported in these sources. The task force noted that organizations working with specific populations tend to collect their own data; for example, California Rural Legal Assistance conducted a comprehensive study of migrant farmworkers that provides information on indigenous languages spoken in different areas.²²

Conclusion

It is apparent that state agencies and departments rely on local governments and partners in the community to disseminate information on behalf of the state. As seen in examples from the Judicial Council and secretary of state, demographic information provided by the U.S. Census and similar national surveys may be incomplete and further targeting and demographic research likely is necessary to establish comprehensive language access needs in California.

However, many of the state entities focus on a specific portion of the population, such as the secretary of state focusing on voting-age citizens and Covered California targeting outreach to legal residents eligible for subsidized health care. California's Census 2020 efforts must translate to the entire population regardless of citizenship or age, which intensifies the challenge. Further, most entities can evaluate and make changes to their language access plans, whereas the California census has only one chance to count the population. Therefore, it will benefit the CCCC to study these and other statewide language access strategies in continuing to develop its census plan.

—Sara Noceto, Senate Office of Research

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- ¹ Judicial Council of California, "Strategic Plan for Language Access in the California Courts," 2015, p. 5, https://www.courts.ca.gov/documents/CLASP_report_060514.pdf.
 - ² U.S. Census Bureau, "2020 Census Operational Plan Version 4," December 31, 2018, p. 80, <https://www2.census.gov/programs-surveys/decennial/2020/program-management/planning-docs/2020-oper-plan4.pdf>.
 - ³ U.S. Census Bureau, "Update on Language Services Operation," June 14, 2018, p.4, <https://www2.census.gov/cac/nac/meetings/2018-06/kim-language-services.pdf>.
 - ⁴ Ibid., p. 6–7.
 - ⁵ U.S. Census Bureau, "2020 Census Language Program," presentation to the National Advisory Committee, April 27, 2017, p. 12–13, <https://www2.census.gov/cac/nac/meetings/2017-04/2017-Kim.pdf>.
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 - ⁷ U.S. Census Bureau, "2020 Census Operational Plan Version 4," December 31, 2018, p. 50, <https://www2.census.gov/programs-surveys/decennial/2020/program-management/planning-docs/2020-oper-plan4.pdf>.
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- 22 Ibid., p. 28.