

**SECTION 403.
DECLARATION OF OFFICIAL ENGLISH.¹**

IRLI Comment: The language of Section 403 is copied from the successful model developed by the Pro-English organization (www.proenglish.org), and IRLI ally which specializes in the legal defense of English as the national language of public life in the United States. Section 403 carefully balances the public use of English for official purposes with the civil rights of non-native Anglophones, and encourages the acquisition and use of foreign languages by American citizens for educational and cultural enrichment.

(A) Findings.-- The people of the State of [#####] find and declare that:

- (1) the English language is the common language of the State of [#####] and of the United States, the use of a common language removes barriers of misunderstanding and helps to unify the people of this State and of the United States, and a compelling state interest exists in promoting, preserving, and strengthening the use of the English language;
- (2) the government should promote proficiency in the English language in order to enable the full economic and civic participation of all its citizens;
- (3) proficiency in the English language as well as in languages other than the English language, benefits the State both commercially and culturally and should be encouraged;
- (4) among the powers reserved to each state is the power to establish the English language as its official language, and otherwise to promote the use of the English language within the state.

(B) Official English Declaration.—

- (1) The English language is the official language of the State of [#####].
- (2) Official actions of this State which bind or commit the State or which give the appearance of presenting the official views or position of the State shall be taken in the English language.
- (3) No law, ordinance, decree, program, or policy of this State or any of its subdivisions, shall require the use of any language other than English for any documents, regulations, orders, transactions, proceedings, meetings, programs, or publications, except as provided in subsection (C).

¹ Source: Pro-English.

(4) A person who speaks only the English language shall be eligible to participate in all programs, benefits and opportunities, including employment, provided by this State and its subdivisions, except when required to speak another language as provided in subsection (C).

(5) No law, ordinance, decree, program, or policy of this State or any of its subdivisions shall penalize or impair the rights, obligations or opportunities available to any person solely because a person speaks only the English language.

(C) Exceptions -- The State and its political subdivisions may use a language other than English for any of the following purposes:

(1) To teach or encourage the learning of languages other than English;

(2) To protect the public health or safety;

(3) To teach English to those who are not fluent in the language;

(4) To comply with the Native American Languages Act, the Individuals with Disabilities Education Act, or any other federal law;

(5) To protect the rights of criminal defendants and victims of crime;

(6) To promote trade, commerce, and tourism;

(7) To create or promote state or agency mottos, inscribe public monuments, and perform other acts involving the customary use of a language other than English.

(8) To utilize terms of art or terms or phrases from other languages which are commonly used in communications otherwise in English.

(D) Private Use Protected .-- The declaration and use of English as the official language of the State of [#####] should not be construed as infringing upon the rights of any person to use a language other than English in private communications or actions, including the right of government officials (including elected officials) to communicate with others while not performing official actions of the State.

(E) Standing to Sue.-- Any person who is a resident of, or doing business in the state of [#####] shall have standing to sue any agency or official of the state of [#####] to seek a declaratory judgment as to whether this Section has been violated and injunctive relief there-from. A qualified person may file suit even if the Attorney General or other appropriate official of the State has not filed such a suit, and the suit may be brought on behalf of all citizens of the State. A person who prevails, in whole or in part, in such a suit, shall be entitled to costs of bringing and maintaining the suit, including reasonable attorney's fees.

(F) Construction.--

(1) If any provision of this Section, or the applicability of any provision to any person or circumstance, shall be held to be invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected and shall be given effect to the fullest extent practicable.

(2) Nothing in this act shall be interpreted as conflicting with the laws of the United States.