



Legislation Text

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AN ORDINANCE related to elections; promoting access to elections for historically underrepresented citizens; and adding new sections to K.C.C. chapter 2.16.

STATEMENT OF FACTS:

1. More than one hundred seventy different languages are spoken in King County and a quarter of the county's population speaks a language other than English in the home.
2. Washington is among the states with the highest growth rates of limited English proficient populations; much of that growth is concentrated in and around King County. More than half of the county's recent population growth is from immigration.
3. The King County Strategic Plan 2010-2014 includes the objective to empower people to play an active role in shaping their future, via the strategy of providing accurate, secure and accessible elections.
4. Research suggests that civic engagement is a significant predictor of economic opportunity across states.
5. The United States Congress found in Section 203 of the Voting Rights Act of 1965, P.L. 94-73, 42 U.S.C. 1973aa-1a, that, "through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process." The law requires covered states or political subdivisions to make all elections information available in English also available in the language of the applicable minority group, and

specifies these language minority groups as persons of American Indian, Asian American, Alaskan Native or Spanish heritage. Jurisdictions are covered under Section 203 of the Voting Rights Act of 1965 based on numbers or percentage of voting age citizens in the language group and rates of English literacy for the language group that are lower than the national average, as measured by the United States Census Bureau.

6. Research shows that targeted minority language voting materials and related outreach can improve voter turnout. According to a report by the Asian American Legal Defense and Education Fund, after coverage provided under Section 203 of the Voting Rights Act of 1965 was expanded in 1992, the number of Asian Americans registered to vote increased dramatically. As cited in the journal *Legislation and Public Policy* vol. 10:195 2006, "in covered areas where the Department of Justice brought section 203 enforcement actions, participation not only in voting but in running for political office increased dramatically."

7. All citizens with limited English proficiency, like all other citizens, should be encouraged to vote. They include, but are not limited to, those language minority groups specified in the Section 203 of the Voting Rights Act of 1965, as King County's population includes significant language groups with recent growth that are not represented in that act.

8. Therefore, appropriate efforts should be made to minimize obstacles and improve pathways to voting by citizens whose limited English proficiency results in practical barriers to full participation in our democracy.

9. Some state and local jurisdictions around the United States have taken steps to expand translation of voting materials and voter assistance beyond the requirements of Section 203 of the Voting Rights Act of 1965. For example: Maine law allows voters to request ballot instructions in French; California law requires language accommodations for limited English proficient citizens of voting age at a lower percentage threshold than federal law; and

Massachusetts law provides that bilingual ballots in Chinese and Vietnamese must be provided for elections in Boston, although those languages are not required for Boston under the Voting Rights Act of 1965.

10. King County has historically worked to address barriers to inclusion through legislative and executive strategies, including Ordinance 16948, which is the King County equity and social justice ordinance, which in 2010 created a framework to implement the fair and just principle of the countywide Strategic Plan. Also in 2010, to address the specific barriers of limited English proficient populations, Executive Order INF 14-2 (AEO) set directives for translation of county written materials. The order identified the most common language needs in King County based on average rank across five different sources, including records of interpretation requests from King County departments and students with limited English proficiency in schools within King County, as well as United States Census Bureau data.

11. As of 2015, section 203 of the Voting Rights Act of 1965 requires King County to provide elections materials in only two of the nine highest-need languages identified in in the 2010 executive order.

12. Spanish and Korean are the languages spoken at home by the largest number of limited-English-proficient King County residents over five years old not covered by section 203 of the Voting Rights Act of 1965, according to the five-year averages, 2009-2013, of the American Community Survey of the United States Census Bureau.

13. The National Voter Registration Act of 1993, P.L. 103-31, requires state public assistance agencies to offer voter registration with every initial and renewal application for public benefits, every recertification, and every address change. Careful implementation of that provision has been shown to increase voter registration among typically underrepresented populations. King County has some offices that are open to the public, such as King County public health clinics,

that could also increase voter registration for typically underrepresented populations by providing voter registration materials in English and other languages.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Section 2 of this ordinance applies to voting materials for the general election of 2016 and every election thereafter.

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 2.16 a new section to read as follows:

A.1. For all elections administered by the department of elections, the director of elections shall prepare voting materials, to the extent not already provided by the office of the Washington state Secretary of State, in languages determined through the process described in subsection B. of this section, in addition to those languages required by Section 203 of the Voting Rights Act of 1965, P.L. 94-73, 42 U.S.C. 1973aa-1a. The director of elections shall make the voting materials available to any resident of King County upon request of that person, and in addition shall make the voter registration materials required by this section broadly available, including to King County offices required to make them available under section 3 of this ordinance. The director of elections shall record the numbers of ballot and voter pamphlet requests in each language other than English, and include this information in the report required in subsection C. of this section.

2. For the purposes of this section, "voting materials" include, but are not limited to:

- a. voter registration notices, voter registration forms and voter registration instructions, to the extent not already provided by the office of the Washington state Secretary of State;
- b. ballots and ballot instructions; and
- c. local voters' pamphlets, in conformity with K.C.C. chapter 1.10 and chapter 29A.32 RCW.

B. In 2016 and at least every five years thereafter, the director of elections shall review data on limited-English-proficient populations in King County and shall determine, in consultation with community leaders of limited-English-proficient populations and the office of performance, strategy and budget, each single language

that has ten thousand or more limited-English-proficient King County residents. The director of elections shall make this determination by referring to the best available data from the United States Census Bureau or other source the director considers relevant and reliable. The director of elections shall file a report of this determination, including a list of all languages that meet the threshold of ten thousand or more limited-English-proficient residents, and the supporting analysis by January 30, 2017, and at least every five years after the first report is filed. The director of elections shall file the report in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy director and the director of elections.

C.1. Beginning for the first general election after the director files a report required by subsection B. of this section, the director shall provide translated voting materials, in addition to the languages required under section 203 of the Voting Rights Act of 1965, P.L. 94-73, 42 U.S.C. 1973aa-1a, in all languages determined by the director under subsection B. of this section, unless within forty-five days of the filing of the determination report, an ordinance is enacted that adopts a different list. If a different list is enacted by ordinance, the director shall provide materials in all languages included in that list.

2. Until forty-five days have elapsed from the filing of the first report required by subsection B. of this section, the director of elections shall prepare and make available to the public at the same time as voting materials in English at least Spanish and Korean language voting materials.

D. The director of elections shall also ensure the provision of targeted outreach to all language communities identified under subsections B. and C. of this section to promote awareness of and requests for translated voting materials. The outreach may include, but not be limited to, engagement of community leaders from and outreach to community organizations serving limited-English-proficient populations, minority language media purchases, such as advertising, attendance and materials distribution at large limited-English-proficient community events, and recruitment of bilingual election workers. The director of elections shall

maintain and make available to the public at least one hundred twenty days before each primary and general election a list of the languages other than English in which the department will provide translated material and assistance, and the specific form of that assistance.

E. The cost of providing the materials and services described in subsections A., C. and D. of this section shall be considered a cost of elections, of which a pro rata share shall be recovered from constituent jurisdictions and the state.

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 2.16 a new section to read as follows:

A. All King County offices open to the public shall, to all customers or applicants for services:

1. Offer voter registration notices, voter registration forms, and voter registration instructions, in all languages made available by the office of the Washington secretary of state and by the department of elections under section 2 of this ordinance, and

2. Provide the same degree of assistance to all customers and applicants without regard to the customer or applicant's choice of whether or not the customer or applicant accepts or declines voter registration materials.

B. The executive, in consultation with the director of elections, as soon as possible and in no event later than for the general election of 2016 and for every election thereafter, shall determine the specific county offices required to offer the materials described in subsection A. of this section and shall establish procedures to provide the materials required under subsection A. of this section in appropriate languages, as made available by the office of the Washington state Secretary of State and by the department of elections under section 2 of this ordinance, to individuals that they serve.

SECTION 4. This ordinance shall not be construed as creating any duty on the part of King County to any particular person or class of persons and the performance or non-performance of the duties specified herein shall not affect the validity of any election.

SECTION 5. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.