



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 21, 2015

Ordinance 18086

Proposed No. 2015-0214.2

Sponsors Dembowski

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

4 **STATEMENT OF FACTS:**

5 1. More than one hundred seventy different languages are spoken in King
6 County and a quarter of the county's population speaks a language other
7 than English in the home.

8 2. Washington is among the states with the highest growth rates of limited
9 English proficient populations; much of that growth is concentrated in and
10 around King County. More than half of the county's recent population
11 growth is from immigration.

12 3. The King County Strategic Plan 2010-2014 includes the objective to
13 empower people to play an active role in shaping their future, via the
14 strategy of providing accurate, secure and accessible elections.

15 4. Research suggests that civic engagement is a significant predictor of
16 economic opportunity across states.

17 5. The United States Congress found in Section 203 of the Voting Rights
18 Act of 1965, P.L. 94-73, 42 U.S.C. 1973aa-1a, that, "through the use of
19 various practices and procedures, citizens of language minorities have

20 been effectively excluded from participation in the electoral process." The
21 law requires covered states or political subdivisions to make all elections
22 information available in English also available in the language of the
23 applicable minority group, and specifies these language minority groups as
24 persons of American Indian, Asian American, Alaskan Native or Spanish
25 heritage. Jurisdictions are covered under Section 203 of the Voting Rights
26 Act of 1965 based on numbers or percentage of voting age citizens in the
27 language group and rates of English literacy for the language group that
28 are lower than the national average, as measured by the United States
29 Census Bureau.

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

39 7. All citizens with limited English proficiency, like all other citizens,
40 should be encouraged to vote. They include, but are not limited to, those
41 language minority groups specified in the Section 203 of the Voting

42 Rights Act of 1965, as King County's population includes significant
43 language groups with recent growth that are not represented in that act.

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

48 9. Some state and local jurisdictions around the United States have taken
49 steps to expand translation of voting materials and voter assistance beyond
50 the requirements of Section 203 of the Voting Rights Act of 1965. For
51 example: Maine law allows voters to request ballot instructions in French;
52 California law requires language accommodations for limited English
53 proficient citizens of voting age at a lower percentage threshold than
54 federal law; and Massachusetts law provides that bilingual ballots in
55 Chinese and Vietnamese must be provided for elections in Boston,
56 although those languages are not required for Boston under the Voting
57 Rights Act of 1965.

58 10. King County has historically worked to address barriers to inclusion
59 through legislative and executive strategies, including Ordinance 16948,
60 which is the King County equity and social justice ordinance, which in
61 2010 created a framework to implement the fair and just principle of the
62 countywide Strategic Plan. Also in 2010, to address the specific barriers
63 of limited English proficient populations, Executive Order INF 14-2
64 (AEO) set directives for translation of county written materials. The order

65 identified the most common language needs in King County based on
66 average rank across five different sources, including records of
67 interpretation requests from King County departments and students with
68 limited English proficiency in schools within King County, as well as
69 United States Census Bureau data.

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

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

78 13. The National Voter Registration Act of 1993, P.L. 103-31, requires
79 state public assistance agencies to offer voter registration with every initial
80 and renewal application for public benefits, every recertification, and
81 every address change. Careful implementation of that provision has been
82 shown to increase voter registration among typically underrepresented
83 populations. King County has some offices that are open to the public,
84 such as King County public health clinics, that could also increase voter
85 registration for typically underrepresented populations by providing voter
86 registration materials in English and other languages.

87 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

106 a. voter registration notices, voter registration forms and voter registration
107 instructions, to the extent not already provided by the office of the Washington state
108 Secretary of State;

109 b. ballots and ballot instructions; and

110 c. local voters' pamphlets, in conformity with K.C.C. chapter 1.10 and chapter
111 29A.32 RCW.

112 B. In 2016 and at least every five years thereafter, the director of elections shall
113 review data on limited-English-proficient populations in King County and shall
114 determine, in consultation with community leaders of limited-English-proficient
115 populations and the office of performance, strategy and budget, each single language that
116 has ten thousand or more limited-English-proficient King County residents. The director
117 of elections shall make this determination by referring to the best available data from the
118 United States Census Bureau or other source the director considers relevant and reliable.
119 The director of elections shall file a report of this determination, including a list of all
120 languages that meet the threshold of ten thousand or more limited-English-proficient
121 residents, and the supporting analysis by January 30, 2017, and at least every five years
122 after the first report is filed. The director of elections shall file the report in the form of a
123 paper original and an electronic copy with the clerk of the council, who shall retain the
124 original and provide an electronic copy to all councilmembers, the council chief of staff,
125 the policy director and the director of elections.

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

132 is enacted by ordinance, the director shall provide materials in all languages included in
133 that list.

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

138 D. The director of elections shall also ensure the provision of targeted outreach to
139 all language communities identified under subsections B. and C. of this section to
140 promote awareness of and requests for translated voting materials. The outreach may
141 include, but not be limited to, engagement of community leaders from and outreach to
142 community organizations serving limited-English-proficient populations, minority
143 language media purchases, such as advertising, attendance and materials distribution at
144 large limited-English-proficient community events, and recruitment of bilingual election
145 workers. The director of elections shall maintain and make available to the public at least
146 one hundred twenty days before each primary and general election a list of the languages
147 other than English in which the department will provide translated material and
148 assistance, and the specific form of that assistance.

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

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

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

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

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

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

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

174 SECTION 5. Severability. If any provision of this ordinance or its
175 application to any person or circumstance is held invalid, the remainder of the

176 ordinance or the application of the provision to other persons or circumstances is
177 not affected.
178

Ordinance 18086 was introduced on 6/1/2015 and passed by the Metropolitan King County Council on 7/20/2015, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski and Mr.
Upthegrove
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 30 day of JULY, 2015.



Dow Constantine, County Executive

RECEIVED
2015 JUL 30 PM 3:50
CLERK
KING COUNTY COUNCIL

Attachments: None