

Legislation Details (With Text)

File #: 2023-0152 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 4/4/2023 **In control:** Government Accountability and Oversight Committee

On agenda: **Final action:** 5/23/2023

Enactment date: 6/1/2023 **Enactment #:** 19616

Title: AN ORDINANCE relating to translated voting materials; and amending Ordinance 18086, Section 2, and K.C.C. 2.16.136.

Sponsors: Dave Upthegrove, Rod Dembowski

Indexes:

Code sections:

Attachments: 1. Ordinance 19616, 2. 2023-0152 transmittal letter, 3. ATT3_Elections 2022 Language Access Report, 4. ATT4_2023-0152_S1, 5. 2023-0152_SR_RussianSomaliVotingMaterials, 6. 2023-0152_Revised_SR_RussianSomaliVotingMaterials

Date	Ver.	Action By	Action	Result
5/23/2023	2	Metropolitan King County Council	Passed	Pass
5/9/2023	1	Government Accountability and Oversight Committee	Recommended Do Pass Substitute	Pass
4/4/2023	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to translated voting materials; and amending

Ordinance 18086, Section 2, and K.C.C. 2.16.136.

STATEMENT OF FACTS:

1. All citizens, including those for whom English is a second language, should be able to access their right to vote.
2. 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."

3. The King County department of elections began its language access program in 2002 with the addition of Chinese under Section 203 of the Voting Rights Act of 1965. Vietnamese was added under Section 203 in 2012.

4. King County's True North is "Making King County a welcoming community where every person can thrive." A welcoming community is an engaged and open community, one that values every voice.

5. In 2015, the King County council adopted Ordinance 18086, which requires that the department of elections examine changes in the use of languages in the King County population at least every five years and provide a report to the King County council, and requires the department of elections to provide services in any language identified in this report as being spoken by ten thousand or more limited-English-proficient residents. That created a standard for in-language service even more inclusive than the one created by Section 203 of the Voting Rights Act of 1965, and includes languages not covered by Section 203 such as African and European languages.

6. Ordinance 18086 also required the department of elections to provide services and materials to voters in Spanish and Korean. Since the introduction of added services in Spanish and Korean, requests for translated materials to the department of elections have increased by more than one hundred twelve percent.

7. In the latest report submitted to the King County council in 2022 by the department of elections under Ordinance 18086, Report 2022-RPT0025, the department of elections recommended adding Russian and Somali to the list of languages in which they provide services and materials based on both available statistical data and conversations with community service providers.

8. In 2017, the King County council adopted Ordinance 18665, which requires all King County agencies to develop plans to provide communications and vital documents in the top six non-English languages used in King County as identified by the office of equity and social justice and the county demographer. The top six languages currently identified are Spanish, Chinese, Vietnamese, Somali, Russian, and Korean.

9. The department of elections currently provides services and materials in four of the six top non-English languages identified by the office of equity and social justice and the county demographer under Ordinance 18665, but not Somali or Russian.

10. According to American Community Survey estimates, the population of Russian speaking limited-English-proficient residents in King County has grown over the last five years. Russian is the most common language spoken at home by limited-English-proficient residents in King County in which the department of elections does not already provide services and materials.

11. Somali is one of the most requested languages for interpretation or translation by King County residents utilizing government services. Somali is the second most requested language in King County for interpretation at public health clinics, behind only Spanish, according to public health - Seattle & King County, as well as the fifth most requested language for interpretation at court according to the King County district court. Somali is also the fourth most common language spoken at home by limited-English-proficient students in King County according to data from the Office of Financial Management and the Office of the Superintendent of Public Instruction, behind only Spanish, Chinese, and Vietnamese.

12. One of the department of elections's core values is the belief that democracy works best when all voices are heard and that election officials must proactively work to remove barriers to ensure all voters can meaningfully participate in our elections.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 18086, Section 2, and K.C.C. 2.16.136 are hereby amended 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 ~~((e))~~Office of the Washington state Secretary of State, in the languages ~~((determined through the process described in)) required by~~ subsection ~~((B.))~~ C. 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 K.C.C. 2.16.137. 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.))~~ B. 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 ~~((e))~~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 electronically 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))~~) a copy and provide an electronic copy to all councilmembers, the council chief of staff, the council chief policy (~~((director))~~) office, 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))~~ The director of elections shall prepare and make available to the public translated voting materials in the following languages:

1. Spanish;
2. Chinese;
3. Vietnamese;
4. Korean;
5. Russian;
6. Somali;

7. Any languages identified by the director in a report required by subsection B. of this section as having ten thousand or more limited-English-proficient King County residents, unless an ordinance is enacted within forty-five days of the filing of that report requiring otherwise, beginning with the first general election after that report is filed with the clerk of the council; and

8. Any other languages required under Section 203 of the Voting Rights Act of 1965, P.L. 94-73, 42 U.S.C. 1973aa-1a.

D. The director of elections shall also ensure the provision of targeted outreach to all language communities identified under subsection ~~((s-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.