H-2295.1

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**HOUSE BILL 2023**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Shavers, Ramel, Reed, Ormsby, Callan, Timmons, Berg, Lekanoff, Doglio, Reeves, and Santos

AN ACT Relating to improving meaningful access to elections by increasing language assistance; and adding a new section to chapter 29A.04 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 29A.04 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the county auditor of a covered county described under subsection (2) of this section shall provide registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, in the language of covered language minority groups in that county as designated by the secretary of state under subsection (3) of this section, as well as in English.

(2) A county is a covered county for purposes of this section if the secretary of state determines, based on census data as described under subsection (3) of this section that:

(a) At least two and one-half percent of citizens residing in a county who are of voting age or qualified to register to vote are members of a single language minority group and have limited English proficiency, and the illiteracy rate of the limited English proficient citizens who speak the same language exceed the national illiteracy rate; or

(b) The county contains all or any part of an Indian reservation and at least two and one-half percent of the American Indian or Alaska Native citizens residing within the Indian reservation who are of voting age or qualified to register to vote are members of a single language minority group and have limited English proficiency, and the illiteracy rate of the limited English proficient citizens who speak the same language exceed the national illiteracy rate.

(3)(a) The secretary of state shall designate the covered language minority groups under subsection (2) of this section for each county every five years, based on the most current population estimates derived from the American community survey along with relevant decennial census data.

(b) The secretary of state shall directly notify each covered county of the language designations and publish such designations in the Washington State Register within 30 days following the release of census data from the American community survey or decennial census.

(c) The secretary's designations are effective upon publication in the Washington State Register, but counties have 365 days, including weekends and holidays, from the publication date to reach full compliance.

(4) The requirements under this section are in addition to, and do not supersede or otherwise impact, the requirements under RCW 29A.92.050.

(5) Once a county is designated as a covered county, the language designations for that county remain in effect unless terminated by the secretary of state. A county auditor may, no earlier than five years after a language minority group designation is made for that county by the secretary of state, petition the secretary to terminate the designation, and the secretary may grant the petition, if the county auditor proves using census data that the membership of the applicable language minority group falls below the thresholds described in subsection (2)(a) and (b) of this section and the illiteracy rate of that group is equal to or less than the national illiteracy rate.

(6) The secretary of state shall establish a grant program to provide funding to counties that are not a covered county under subsection (2) of this section but voluntarily elect to provide materials or information relating to the electoral process in a language other than English. However, the secretary's obligation to award funds under the program is subject to the availability of amounts appropriated for this specific purpose.

(7) For purposes of this section:

(a) "Illiteracy" means the failure to complete the fifth primary grade.

(b) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the boundaries of areas set aside by the United States for the use and occupancy of Indian tribes by treaty, law, or executive order, or otherwise designated or described "reservation" by any federal act, and that are currently recognized as "Indian reservations" by the United States department of the interior. The term applies to all land within the boundaries of the Indian reservation, regardless of whether the land is owned by nonmembers, tribal members, or an Indian tribe.

(c) "Limited English proficiency" means that the person is unable to speak or understand English adequately enough to participate in the electoral process.

(d) "Single language minority group" means persons who are American Indian, Asian American, Alaskan Native, or of Spanish heritage.

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