

HOUSE BILL REPORT

HB 1381

As Reported by House Committee On:
State Government & Tribal Relations

Title: An act relating to improving meaningful access to elections by increasing language assistance.

Brief Description: Improving meaningful access to elections by increasing language assistance.

Sponsors: Representatives Shavers, Santos, Pollet, Springer, Wylie and Ramel.

Brief History:

Committee Activity:

State Government & Tribal Relations: 1/21/25, 2/7/25 [DPS].

Brief Summary of Substitute Bill

- Sets the threshold lower than the federal threshold for when counties must provide language assistance during elections by requiring counties to do so when more than 2.5 percent of citizens in certain language minority groups (LMG) are of voting age or are qualified to register to vote, are limited-English proficient, and have not completed the fifth grade at a rate higher than the national average.
- Requires the Secretary of State to determine which counties are subject to these language assistance provisions.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Mena, Chair; Stearns, Vice Chair; Doglio and Farivar.

Minority Report: Do not pass. Signed by 3 members: Representatives Waters, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Chase.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Desiree Omli (786-7105).

Background:

Federal Voting Rights Act—Language Access.

The federal Voting Rights Act requires certain jurisdictions to provide language assistance during elections for citizens who are members of a single language minority group (LMG) and are limited-English proficient, meaning they are unable to speak or understand English well enough to participate in the electoral process, under four circumstances.

States are required to provide language assistance if more than 5 percent of voting-age citizens in the state are members of a LMG and are limited-English proficient and the illiteracy rate, meaning the rate of voting-age citizens in the LMG who have not completed the fifth grade, is higher than the national average.

Political subdivisions are required to provide language assistance if the illiteracy rate of voting-age citizens in the LMG is higher than the national average and:

1. more than 5 percent of voting-age citizens in the political subdivision are members of a LMG and are limited-English proficient;
2. the political subdivision contains more than 10,000 voting-age citizens who are members of a LMG and are limited-English proficient; or
3. the political subdivision contains all or part of an Indian reservation and more than 5 percent of the American Indian or Alaska Native citizens of voting age within the Indian reservation are members of a LMG and are limited-English proficient.

A single LMG includes persons who are American Indian, Asian American, Alaskan Native, or of Spanish heritage. Voting materials that must be translated in the language of the applicable LMG include voting notices, ballots, forms, instructions, assistance, or other election materials or information.

The Census Bureau Director is responsible for determining which states and political subdivisions are subject to these language assistance provisions and must publish the designations in the Federal Register. The list of covered jurisdictions is determined using American Community Survey census data and is updated every five years. The designations are not subject to judicial review.

Currently, Washington has four counties required to provide language assistance under the federal program: King County, which provides election information in Chinese, Vietnamese, and Spanish; and Adams, Franklin, and Yakima Counties, which provide materials in Spanish.

Future Voters.

A citizen who is at least 16 years old may sign up to register to vote as part of the state's Future Voters Program (Program). Such a person meeting qualifications is automatically

registered to vote once they are eligible to vote in the next general election. A 17-year-old who signs up to register to vote as part of the Program may vote in a primary election if they will be 18 years old by the general election; such a person would be eligible to be added to the voter rolls before turning 18 years old.

Summary of Substitute Bill:

In addition to requirements under the federal program, counties must also provide language assistance during elections when: (1) more than 2.5 percent of voting-age citizens in that county are members of a single LMG; (2) those citizens are limited-English proficient; and (3) the illiteracy rate of voting-age citizens in the LMG is higher than the national average. The definitions of a single LMG, limited-English proficient, and illiteracy rate, and the type of language assistance required, are the same as in federal law.

Additionally, counties that contain all or part of an Indian reservation must provide language assistance during elections if more than 2.5 percent of the American Indian or Alaska Native citizens of voting age within the Indian reservation are members of a LMG and are limited-English proficient, and the illiteracy rate of voting-age citizens in the LMG is higher than the national average.

For purposes of this act, citizens who are not of voting age but are qualified to register to vote are included in the threshold calculations. Therefore, 17 year olds participating in the Future Voter Program and who are registered to vote because they will be 18 years old by the general election are included in threshold calculations.

The Secretary of State (SOS) must, no later than August 1, 2025, determine which counties are subject to the language assistance provisions. The list of covered counties is determined using the American Community Survey and relevant decennial census data and is updated every five years. Counties have one year to reach full compliance. A county's status as a covered jurisdiction remains in effect unless terminated by the SOS. County auditors may, after five years of their designation, petition for the SOS to terminate the designation if the LMG no longer meets the criteria for assistance.

The SOS must establish a grant program to provide funding to covered jurisdictions to implement the language access requirements.

The act is null and void if specific funding to implement the act is not provided by June 30, 2025, in the omnibus appropriations act.

Substitute Bill Compared to Original Bill:

The substitute bill removes the pilot program requiring counties with populations between 125,000 and 225,000 people to provide language assistance during elections when more

than 1.5 percent of citizens in certain LMGs are of voting age or are qualified to register to vote, are limited-English proficient, and have not completed the fifth grade at a rate higher than the national average.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 7, 2025.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) Providing election material in languages other than English is an important step to ensure every voter has an equal opportunity to participate in our democracy. Washington has led the nation in improving election access and this policy reflects the state's ongoing commitment to finding innovative ways to improve access to the ballot. This policy expands language access in elections beyond what is required under federal law by lowering the threshold on the state level to capture more jurisdictions. This will ensure that no community is left behind.

Washington is home to a diverse population of people who speak many different languages. The state has long been a supporter of diverse, multicultural, and multilingual communities. However, navigating election materials in English is still a challenge for some. This policy will ensure that everyone has the resources they need to fully participate in shaping their future thereby ensuring that democracy is truly accessible for all. Limited English proficiency communities will be empowered to make informed decisions on vital community issues that directly impact their lives.

This change in law will be very expensive costing approximately \$239,000 per covered county. For this reason, the Secretary of State's Office prefers the implementation of the pilot project.

(Other) Similar language access provisions should be added to campaign finance statutes. Training materials provided by the Public Disclosure Commission are not translated into other languages. Campaign finance statutes are complex even for native English speakers, so it would be helpful to offer language access services similar to this in the area of campaign finance.

Persons Testifying: (In support) Representative Clyde Shavers, prime sponsor; Brian Hatfield, Office of Secretary of State; Jake García, Latino Community Fund of Washington State; and Soumyo Lahiri-Gupta, OneAmerica.

(Other) Conner Edwards, Professional Campaign Treasurer / CG Edwards PLLC .

Persons Signed In To Testify But Not Testifying: None.