H-1991.3

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**HOUSE BILL 1861**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Representatives Shavers, Lekanoff, Fosse, Ortiz-Self, and Callan

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) Except as provided under RCW 29A.92.050:

(a) If at least one 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, the county auditor shall provide election instructions and material as required under this title in the language of that language minority group as well as in English; and

(b) If a county contains all or any part of an Indian reservation and at least one 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, the county auditor shall provide election instructions and material as required under this title in the language of that language minority group as well as in English.

(2) 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 Natives, or of Spanish heritage.

(3) The obligation of counties to comply with the requirements established in subsection (1) of this section is contingent on the provision of state funding to counties for the specific purpose of complying with these requirements.

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