
HOUSE BILL 2023

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

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1 AN ACT Relating to improving meaningful access to elections by
2 increasing language assistance; and adding a new section to chapter
3 29A.04 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.04
6 RCW to read as follows:

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

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

18 (a) At least two and one-half percent of citizens residing in a
19 county who are of voting age or qualified to register to vote are
20 members of a single language minority group and have limited English
21 proficiency, and the illiteracy rate of the limited English

1 proficient citizens who speak the same language exceed the national
2 illiteracy rate; or

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

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

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

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

23 (4) The requirements under this section are in addition to, and
24 do not supersede or otherwise impact, the requirements under RCW
25 29A.92.050.

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

37 (6) The secretary of state shall establish a grant program to
38 provide funding to counties that are not a covered county under
39 subsection (2) of this section but voluntarily elect to provide
40 materials or information relating to the electoral process in a

1 language other than English. However, the secretary's obligation to
2 award funds under the program is subject to the availability of
3 amounts appropriated for this specific purpose.

4 (7) For purposes of this section:

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

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

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

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

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