

GENERAL GOVERNMENT CABINET

OFFICE OF THE SECRETARY OF STATE

Auditor of Public Accounts
Title VI of the Federal Civil Rights Act
Implementation
“Initial Plan and “Plan Update” Form”

Initial Plan

Plan Update

AGENCY: Office of the Secretary of State

DATE: June 22, 2011

Pursuant to KRS 344.015 and Section 2 of 45 KAR 1:080, state agencies receiving federal funds shall prepare and submit an annual Title VI plan update to the Auditor of Public Accounts and the Kentucky Commission on Human Rights by July 1, 1995 and by July 1 each year thereafter. Please complete the following information when submitting annual plan updates.

Check the corresponding sections of the plan that the agency is:

- (1) Required to update; and/or
- (2) Amending.

Please include the updated wording under the applicable sections listed below in your Plan Update.

The following sections are required to be updated annually: (6), (7), (9), (10), (12) and (13). Please attach a Plan Update detailing updates or changes from the prior year Plan – do not submit your entire plan once it is on file with the Auditor’s Office.

- (1) Glossary/Definitions
- (2) Overview
- (3) Scope Of Title VI Applicability To Programs And Activities
- (4) Responsible Official
- (5) Statement Of Assurance
- (6) Identify Programs Or Activities Subject To Title VI
- (7) Complaint Procedures
- (8) Compliance/Noncompliance Reporting
- (9) Agency Training Plan
- (10) Evaluation Procedures Of Title VI Plan
- (11) Public Notice And Outreach
- (12) Recordkeeping And Reporting
- (13) Minority Representation On Planning Board Or Advisory Body

NOTE: This form **DOES NOT** substitute for the actual **update** that may need to be completed.

Title VI Compliance Status Report
Office of the Secretary of State
(July 1, 2010 - June 30, 2011)

	<u>Yes</u>	<u>No</u>
1. Services from this facility are provided to clients without regard to race, color, or national origin.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. An employee has been appointed to serve as Title VI Coordinator for this agency.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Minorities are represented on the advisory board if at least 5% of the population in the geographic service area are minority persons.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. A written procedure exists for hearing and reviewing Title VI complaints.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Records are maintained regarding all alleged cases of discrimination.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Title VI posters (where possible) are prominently displayed and used to emphasize the Title VI program and complaint opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. New employees are clearly informed about their responsibilities to clients under Title VI.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Contracts between this agency and another party include the formal Title VI "Statement of Compliance" clause.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Other parties which contract with this agency are clearly informed by this agency about their own responsibilities to clients under Title VI standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. All physical facilities and physical areas are made available to every client without regard to race, color, or national origin.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

NOTE: This form **DOES NOT** substitute for the **actual update** that may need to be completed.

Commonwealth of Kentucky

Office of Secretary of State

Title VI

Assurance of Compliance

Civil Rights

KRS 344.015

2011

I. Overview of the Department

The Secretary of State (SOS) directs the Department of State for the Commonwealth of Kentucky pursuant to KRS 14.025. The department is organized into two divisions: the Division of Business Filings and the Division of Administration.

The Secretary of State is designated by KRS 117.015 as the Chief Elections Officer of the Commonwealth and, as such, is Chairman of the State Board of Elections (SBE). As Chairman of the SBE, the Secretary is responsible, along with members of the SBE, for maintaining a complete roster of all qualified, registered voters within the Commonwealth by county and precinct; for furnishing each county clerk with a master list of all registered voters in the county; and for maintaining all information furnished to the State Board regarding the inclusion or deletion of names from the voting roster. State laws designate the Secretary of State as the leading advocate for increased voter education, registration, and participation in elections.

The Secretary of State is the filing official for candidates seeking statewide office or an office to be voted for by the electors of more than one county, for members of Congress, for members of the General Assembly and for all judicial candidates. The number of votes received by each of these candidates, and the total number of votes cast for and against any proposed constitutional amendments, are certified by the county board of elections and sent to the Secretary of State who delivers the totals to the State Board of Elections for final certification.

II. Purpose and/or Mission Statement

No person in Kentucky shall, on the grounds of race, color or national origin, be excluded from participation in, denied the benefits of, or be subject to discrimination under a program or activity receiving federal or state financial assistance.

All grantees and sub-grantees obtaining federal assistance through the SOS office certify that they comply with all federal statutes relating to Title VI of the Civil Rights Act of 1964 prohibiting discrimination on the basis of race, color or national origin, including national origin discrimination affecting Limited English Proficiency (LEP) persons; Title II of the Americans with Disabilities Act prohibiting discrimination on the basis of disability.

III. Scope

Title VI of the Civil Rights Act of 1964, 42 USC 200d, et seq. and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color or national origin under any program or activity that receives federal financial assistance.

Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable

responsibilities, or understanding other information provided by federally funded programs and activities. The SOS office and the Commonwealth of Kentucky provide that federally assisted programs and activities work in a way that is effective for all beneficiaries, including those with limited English proficiency.

The 1994 General Assembly of the Commonwealth of Kentucky enacted Senate Bill 248 requiring state agencies to develop Title VI implementation plans by January 1, 1995. Presidential Executive order 13166 implemented on August 11, 2000 required agencies and programs to ensure that federally-funded activities be accessible to all persons, who as a result of national origin, are not proficient or are limited in their ability to communicate in the English language.

Grantees and sub grantees are prohibited from discriminating on the basis of race, color or national origin by:

- denying a person any service, financial aid or benefit extended under a program;
- providing any service, aid or benefit to a person that is different in kind or manner from that provided to others under the program;
- subjecting a person to segregation or other discriminatory treatment in any manner related to the receipt or non-receipt of the service, aid or benefit;
- restricting a person in any way from enjoying services, facilities or any other advantage, privilege, property or benefit provided to others under the program;
- treating a person differently from others in determining whether he or she satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition that people must meet to receive any service, aid or benefit;
- denying or affording a person an opportunity to participate in a program (including the opportunity to participate as a grantee, sub-grantee or contractor) in a way that is different from that afforded to others in the program; or
- denying a person the opportunity to participate as a member of a planning or advisory body that is an integral part of the program.

The SOS office also complies with Title II of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in all service, programs and activities provided to the public by state and local governments, and all federal statutes relating to nondiscrimination.

IV. Responsible Official

The SOS has designated Mike Scott, Director of Administration, to oversee the implementation, regulation, monitoring, and enforcement of the SOS Title VI plan. Mike Scott may be contacted at the Office of Secretary of State, 700 Capital Avenue, Suite 152, Frankfort, KY 40601; (502) 564-3490 or michaelj.scott@ky.gov.

V. Statement of Assurances

The SOS office and all parties involved must comply with Title VI. All sub-grantees of the SOS office must have an SOS office approved non-discrimination clause prior to receiving any federal loan, contract, or grant. In entering into a grant with the SOS office, a sub-grant applicant must certify that it will: comply with all Federal statutes relating to non-discrimination by adhering to their SOS office approved non-discrimination clause. These include but are not limited to, Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin.

VI. Programs or Activities Subject to Title VI

The SOS office received Federal assistance from the Election Assistance Commission (EAC) in the form of an EAC “Maximizing Mock Elections through Social Media – Mock Election Program” grant 2010.

The EAC grant is to promote voter participation in American elections through voter education activities for students and teachers. It is also designed to build community involvement in and awareness of the election process. Through these efforts, it encourages continued civic engagement and participation of our youth.

Eight (8) to twelve (12) organizations received grant awards at an average value of \$25,000 with an anticipated total of \$300,000 awarded throughout the nation. The project period for the grant began on the date of May 13, 2010 and will run through May 13, 2012.

The SOS office received \$44,553 to cover the cost of the Maximizing Mock Elections through Social Media Mock Election Program. This program targeted 50,000 high school students from every geographic region throughout the state. Particular emphasis was placed on students from counties that fell below the statewide average voter turnout over three (3) different elections; the 2006 General, the 2002 General and the 1998 General.

The SOS office program involved a series of e-mails and phone calls to encourage as many high schools to participate as possible and support the state’s mock election program. The SOS office then made state owned voting equipment, meeting EAC, HAVA, and State Board of Elections standards, available for mock elections in forty (40) high schools selected based on under representation in three 3 previous county elections. An additional eight (8) high schools, in highly populated areas, were selected to

participate as well. All the high schools involved included ethnically and socio-economically diverse populations.

VII. Complaint Procedures

A. Complaint Procedures

1. How a complaint shall be filed;

Any person alleging discrimination based on race, color or national origin has a right to file a complaint within 180 days of the alleged discrimination. All complaints, written or verbal, will be accepted by that staff member to whom the complaint is made and forwarded to the Title VI Coordinator. In the event a complainant refuses or is unable to put their allegations in writing, the staff person will record the complaint and forward it to the SOS Title VI Coordinator.

Complaints should contain the name and contact information of the complainant, if possible. Further, the location and nature of the incident leading to a perception or feeling of discrimination should be documented. Any pertinent witnesses and contact information should also be included in the documentation of reported events.

2. Where to file a complaint;

Complaints and withdrawals must be filed with the Title VI coordinator referenced previously and housed at the SOS office. 700 Capital Avenue, Suite 152, Frankfort, KY 40601; attn: michaelj.scott@ky.gov.

3. Time frame within which the complaint shall be processed by the agency;

Complaints received by the SOS office will be handled by the Title VI Coordinator. The coordinator will send acknowledgement of the complaint and investigate the claim to substantiate or refute allegations. The coordinator will address and render a determination on the complaint within 90 days of receipt. If the complainant disagrees with the determination, they may appeal the decision to the Assistant Secretary of State who will render a final decision. Any complaints received by the coordinator will be maintained in a log including date of receipt, determination, and action taken. The complaint log will be retained for a period of no less than four (4) years.

4. Withdrawal of a complaint;

Withdrawal of a complaint may result in the termination of the coordinator's investigation or any subsequent action. Withdrawal may be accomplished in writing by the complainant and must be maintained by the coordinator, including date of receipt and action taken, for a period of no less than four (4) years.

B. Investigations, report of findings, hearings and appeals

1. Investigations

Within 90 days of receiving a complaint the SOS Title VI Coordinator will investigate the allegation and file a report with the Assistant Secretary of State.

2. Report of Findings

The complainant shall be notified in writing, within 30 days of the conclusion of the investigation, of the outcome by the Title VI Coordinator. A statement of corrective action, if any, including a time table for the implementation of such action, shall be included.

3. Hearings and Appeals

A complainant may file a written appeal from the Title VI Coordinator's resolution of the complaint within 30 days of the receipt of the written notice of resolution. Appeals shall be directed to the Assistant Secretary of State and shall be set forth in writing. The complainant shall be notified of the final resolution of the appeal within 60 days of the Assistant Secretary's receipt of the appeal.

The complainant filing the written appeal may request an in-person hearing before the Assistant Secretary of State. Such requests shall be set forth, in writing, with the written appeal. The complainant shall be notified of the date, time and location of the hearing within 15 days of the Assistant Secretary's receipt of the written appeal.

VIII. Compliance

The SOS office shall make every effort to regulate, monitor, review and report on the federal programs to assure compliance. As part of the SOS office's process of conducting mock elections for compliance with their contractual obligations under grant agreements, the SOS office will only partner with sub grantees that have a Title VI compliance plan deemed suitable by the SOS compliance officer. The SOS office will review any complaints filed with the sub grantees and will monitor the actions of all sub grantees and their employees involved with the federal programs.

Upon finding noncompliance by the SOS office, the SOS Title VI Coordinator will notify the Assistant Secretary of State, as well as the sub grantee, in writing of the violation of Title VI. The coordinator will work with the Assistant Secretary to develop steps to correct the violations. The sub grantee will be notified within 30 days of the action needed to correct the violation, and will be given a time table, in writing, outlining the steps to be taken.

The compliance officer will continue to monitor the sub grantees efforts to voluntarily comply with Title VI. In the event that the sub grantee deviates from the time table

outlined, or fails to meet one of the corrective steps, the Assistant Secretary of State will be notified in writing. The Assistant Secretary will work with the sub grantee, if possible, to implement the corrective action. If the sub grantee refuses to take the corrective action, they will face termination from the federal programs.

IX. Agency Training Plan

Annually and prior to the start of the federal program, the Title VI coordinator will inform personnel associated with the grant and sub grantees of their responsibility to take reasonable steps to ensure persons have meaningful access to programs, services and information provided through the grant. Limited English proficiency (LEP) shall be covered by coordinating with local school administrators to ensure access to programs covered through the grant. In addition, all SOS employees receive information regarding obligations to provide services regardless of race, national origin, color, or LEP.

The SOS office plans to continue to explore options to improve service to patrons by utilizing expanding state services and available local resources.

X. Evaluation Procedures

The SOS office measured its goals by evaluating the mock election participation by high school students from the immediate past year and comparing results with the mock election participation during the grant period. The time frame for evaluation ran from the May 13, 2009 to November 30, 2011.

Mock elections are to be held in facilities similar to those required on election day and must be open and available to participating students regardless of race, color, origin, disability or LEP.

The SOS office's plan relied on determination of under represented counties in elections and evaluation of participation penetration to guide the evaluation of the Title VI plan compliance. The SOS office monitored school participation in historically underrepresented counties.

Plan deficiencies include lack of consideration of voter turnout based on race, color, origin, disability or English proficiency for different election cycles. Future plan development should attempt to include these elements.

XI. Public Notification Outreach

Published programs, information, student and classroom resources and services are available to all without regard to race, color, or national origin, including LEP through www.civics.ky.gov, www.vote.ky.gov, www.elect.ky.gov and www.sos.ky.gov. Additionally, the SOS office's Title VI plan is available online at www.sos.ky.gov/seddesk/initiatives.

All e-mails were sent to every school in the state regardless of race, color, national origin, or LEP.

The SOS has designated Mike Scott, Director of Administration, to oversee the implementation, regulation, monitoring, and enforcement of the SOS Title VI plan. Mike Scott may be contacted at the Office of Secretary of State, 700 Capital Avenue, Suite 152, Frankfort, KY 40601; (502) 564-3490 or michaelj.scott@ky.gov.

The agency shall continue to evaluate means of informing persons of their right to vote in compliance with all Federal and state laws, including status referenced by Title VI. Printed materials regarding conduct of elections reference the fact that all voters shall have non-discriminatory equal access to the elections system for, including elderly, disabled, minority, military and overseas citizens.

XII. Record Keeping and Reporting

A. Describe the record keeping procedures for filing and processing of complaints; administrative data or records applicable to the plan; data sheets, including, a complaint log of performance reports, standardized forms, and retention of records.

Complaints received by the SOS office will be handled by the Title VI Coordinator. Any complaints received by the coordinator will be maintained in a log including date of receipt, determination, and action taken. Records of complaints will be kept on file at the SOS office and shall be retained in perpetuity after transfer to the Kentucky Department of Libraries and Archives at the end of the current administration.

Changes in the Title VI compliance plan will be provided to all SOS employees, sub-grantees and sub grantee employees as well as forwarded to the State Auditor. The SOS Title VI Coordinator will maintain a record of all grant participants and verify that all receive written notice of any changes within 15 days of the changes occurring.

B. Changes in subsections (8) and (9) of this section of the plan shall be identified in this subsection.

There were no changes to subsections eight (8) and nine (9) of this plan from the previous SOS office's Title VI plan.

C. Provide reporting data showing the extent to which members of protected parties are participating in the Title VI programs and activities.

The Kentucky Department of Education Office of assessment determined that there are 195,456 high school students in Kentucky. A total of 31,837, or 16.29%, of those students are members of protected parties. Using the figure of 16.29%, the SOS office estimates that 10,372 of the 63,670 high school students targeted by this program were members of a protected party.

XIII. Minority Representation on Planning or Advisory Board

The SOS agency staff is composed of the racial breakdown outlined in the following chart.

Race	Number
Caucasian Female	23
African American Female	1
Caucasian Male	8
African American Male	0
Total	32

A Grant Video Advisory Board composed of four (4) Caucasian female members and one (1) African-American male member will meet with the non-merit staff member to determine the best course of action to produce a video about voting, the final, lasting component of the grant, that encourages voters, regardless of race, color, national origin, or limited English proficiency to participate in Kentucky elections. The advisory board will also review the previous grant work and make suggestions on how to encourage participation from minority groups in all future SOS office endeavors.

Board	Members	Minority Reps	Percentage
Grant Video Advisory Board	5	1	20%

XIV. Glossary

Assurance: A written statement or contractual agreement signed by the agency head in which a recipient agrees to administer federally assisted programs in accordance with civil right laws and regulations.

Compliance: The fulfillment of the requirements of Title VI, other applicable laws, implementing regulations and instructions to the extent that no distinctions are made in the delivery of any service or benefit on the basis of race, color, or national origin, including those persons with limited English proficiency.

Complaint: A verbal or written allegation of discrimination that indicates that a federally assisted program is operated in such a manner that it results in disparity of treatment to persons or groups of persons because of race, color, or national origin, including those persons with limited English proficiency.

Discrimination: To make any distinction between one person or groups of persons and others, either intentionally, by neglect, or by the effect of actions or lack of actions based on race, color, or national origin, including those persons with limited English proficiency.

Federal Assistance: Any federal funding, property or aid provided for the purpose of assisting a beneficiary.

Grantee: Any public or private agency, institution, or organization to whom federal financial assistance is tendered for any program.

Minority: A person or groups of persons differing from others in some characteristics who may be subjected to differential treatment on the basis of race, color, or national origin.

Noncompliance: Failure or refusal to comply with Title VI of the Civil Rights Act of 1964, other applicable civil rights laws, and implementing departmental regulations.

Sub grantee: Any public or private agency, institution or organization to whom federal financial assistance is tended, through another recipient, for any program.