

**Title VI
Federal Civil Rights Act
Compliance Plan**



**Office of the Secretary of State
Alison Lundergan Grimes**

Commonwealth of Kentucky
An Equal Opportunity Employer

Revised July 2019

I. 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.

II. OVERVIEW

The Secretary of State (SOS) heads the Department of State for the Commonwealth of Kentucky pursuant to KRS 14.025. The Department is organized into three offices: the Office of Business, the Office of Administration and the Office of Elections.

The SOS is also designated by KRS 117.015 as the Chief Elections Official of the Commonwealth. The SOS is the leading advocate for increased voter education, registration, and participation in elections.

The SOS 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 SOS who delivers the totals to the State Board of Elections for certification.

III. SCOPE

Title VI of the Civil Rights Act of 1964, 42 USC § 2000d, 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 official ultimately responsible for this agency’s compliance with Title VI is Alison Lundergan Grimes, SOS, a duly elected constitutional officer of the Commonwealth of Kentucky.

Alison Lundergan Grimes
Secretary of State
700 Capital Avenue, Suite 152
Frankfort, Kentucky 40601
502-564-3490 (phone)
502-564-5687 (fax)

The SOS designates Mary Sue Helm, Executive Director of the Offices of Administration and Elections, to oversee the implementation, regulation, monitoring, and enforcement of the SOS Title VI plan. Mary Sue Helm may be reached at the Office of Secretary of State, 700 Capital Avenue, Suite 152, Frankfort, KY 40601; (502) 782-7416 or marysue.helm@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 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 the nondiscrimination 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

Senate Bill 1 (Regular Session 2013) tasked the SOS with implementing a system that allows military and overseas voters to receive blank ballots electronically. In September 2013, the SOS received a federal grant in the amount of \$2,241,159.00 from the Federal Voting Assistance Program (“FVAP”). These grant monies were awarded as part of the FVAP’s Effective Absentee Systems for Elections (EASE 2) grant program and are funded by the Department of Defense. The \$2,241,159 grant – the largest state award from the research program – funds Kentucky’s ballot delivery portal for military and overseas voters.

The portal also allows military and overseas voters the ability to register to vote and update their voter registration information electronically. Indeed, this portal and its wide success served as a launching pad for online voter registration, now available to all eligible Kentuckians. The portal began in the 2014 General Election and has received great praise from military and overseas

voters and our 120 county clerks. Since its launch, over 12,000 military and overseas citizens, in approximately 100 different countries and 2 territories, have utilized the portal. Finally, using the grant monies, Kentucky assists FVAP in exploring technological improvements for military and overseas voters by providing data from the portal.

VII. COMPLAINT PROCEDURES

A. Complaint Procedures

1. How a complaint shall be filed:

Any person alleging discrimination based on race, color, or national origin may file a complaint within 180 days of the alleged discrimination. All complaints, written or verbal, will be accepted by an SOS 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 reduce their allegations to writing, the staff member will record the complaint and forward it to the SOS Title VI Coordinator.

Complaints should contain the name and contact information of the complainant. Additionally, the complaint should include the location and nature of the incident leading to the alleged discrimination. Finally, any pertinent witnesses and their contact information should also be included in the documentation of reported events.

2. Where to file a complaint:

Complaints may be submitted to the SOS office, the Kentucky Human Rights Commission, or the United States (U.S.) Department of Health and Human Services. Persons with a complaint against the SOS office are encouraged to first seek resolution through the agency. The SOS Title VI Coordinator is Mary Sue Helm. Ms. Helm may be reached at the Office of the Secretary of State, 700 Capital Avenue, Suite 152, Frankfort, Kentucky, 40601; 502-782-7416, marysue.helm@ky.gov.

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

If a complaint is submitted directly to the SOS office, upon receipt of that complaint, the Title VI Coordinator must send an acknowledgement letter to the complainant. The Title VI Coordinator shall begin an immediate investigation of the claim to substantiate or refute allegations.

The investigation shall, at a minimum, include discussing the complaint with the complainant, the alleged offender, and any witnesses.

A determination as to whether the complaint is substantiated or un-substantiated will be made within 60 days. A report of the investigation must include recommendations for remedial action.

Any complaints received by the Title VI 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. Withdrawing a complaint:

The complainant may withdraw his or her complaint at any time by notifying the office where the complaint was filed or the Title VI Coordinator. Withdrawal of a complaint will result in the termination of the Title VI Coordinator's investigation or any subsequent action. Withdrawal of a complaint must be submitted in writing and be maintained by the Title VI 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:

Upon receipt of the complaint, the SOS Title VI Coordinator shall immediately conduct an investigation of the allegation and file a report with Erica N. Galyon, Assistant Secretary of State.

2. Report of Findings:

Within 30 days of the conclusion of the investigation, the complainant shall be notified in writing of the SOS Title VI Coordinator's final determination. A statement of corrective action, if any, including a time table for the implementation of such action, shall be included.

3. Hearings and Appeals

Within 30 days of the receipt of the written notice of resolution, a complainant may file a written appeal from the Title VI Coordinator's final determination of the complaint. Appeals shall be set forth in writing and directed to Erica N. Galyon, Assistant Secretary of State. 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. If a hearing is requested, the complainant shall be notified of the date, time, and location of the hearing. Within 14 days of the Assistant Secretary of State's receipt of the appeal, the complainant shall be notified of the agency's final determination of the complaint/appeal. Finally, if the complainant is dissatisfied with the final agency determination made by the Assistant Secretary of State, the complainant may appeal to the U.S. Department of Health and Human Services. The U.S. Department of Health and Human Services requires that a complaint be filed with the department within 180 days of the alleged discrimination.

The complainant may appeal an adverse determination. The appeal should be addressed as stated for a complaint. If the complainant chooses to withdraw his/her complaint, the reason for withdrawal shall be documented in writing.

No complaints have been received by the SOS office in Fiscal Year 2019.

VIII. COMPLIANCE / NONCOMPLIANCE REPORTING

The SOS office shall make every effort to regulate, monitor, review and report on the federal programs to assure compliance. 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 Title VI Coordinator will work with the Assistant Secretary of State 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 Title VI Coordinator will continue to monitor efforts of the sub-grantee 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

Each year, prior to the start of a federal program, the Title VI Coordinator shall inform personnel associated with the federal assistance and sub-recipients of their responsibility to take reasonable steps to ensure persons have meaningful access to programs, services and information.

As it relates to limited English proficiency (“LEP”), the SOS Title VI Coordinator shall coordinate with community leaders to ensure access to programs covered through the federal assistance. In addition, all SOS employees shall continue to receive information regarding obligations to provide services regardless of race, national origin, color, or LEP. Language services are available to the SOS office and its customers through a statewide list of certified and qualified interpreters provided by the Kentucky Administrative Office of the Courts.

The SOS office will continue to improve services to citizens of the Commonwealth of Kentucky, and beyond, by providing personnel instruction in regard to all equality initiatives mandated by the Civil Rights Act of 1964.

X. EVALUATION PROCEDURES OF TITLE VI PLAN

A. Specify how the agency shall measure its goals and time frame established to achieve those goals:

With regard to Title VI compliance, the goal of the SOS office is to afford all individuals an equal opportunity to participate in federally assisted programs and to equally benefit from those programs.

B. The agency shall:

1. Describe how it plans to evaluate the Title VI plan and maintain continued compliance:

The SOS office strives to achieve this goal and will continue to do so over the coming year by ensuring compliance with Title VI making sure that all individuals have equal access to this office, the military and overseas portal and to free and fair elections.

2. Identify any existing needs or plan deficiencies:

On an ongoing basis, the SOS office will continue to recruit minorities and persons with disabilities for employment.

3. Maintain written progress reports:

The Title VI Coordinator will keep an ongoing progress report of new employee training on Title VI responsibilities.

4. Describe corrective procedures:

The executive staff will continue to annually confer to discuss any deficiencies with meeting Title VI requirements and suggest initiatives to correct such deficiencies. Corrective action shall be taken in a timely manner.

XI. PUBLIC NOTICE AND OUTREACH

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

The SOS has designated Mary Sue Helm, Director of Administration and Elections, to oversee the implementation, regulation, monitoring, and enforcement of the SOS Title VI plan. Ms. Helm may be contacted at the Office of Secretary of State, 700 Capital Avenue, Ste. 152, Frankfort, KY 40601; (502) 782-7416 or marysue.helm@ky.gov.

The agency continues 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.

XII. RECORDKEEPING AND REPORTING

A. 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.

Any and all complaints received by the Title VI 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 for ten (10) years 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 shall be provided to all employees, sub-recipients, and sub-recipient 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 said parties 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.

The Complaint Procedure and Training Sections have not been revised for this plan. Thus, there are no changes to subsections eight (8) and nine (9) of this plan from the previous Title VI plans submitted by the SOS office to the Auditor of Public Accounts and the Kentucky Commission on Human Rights.

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

At this time, no data is available. The SOS office will collect this data when voluntarily provided and will make available for review upon request. The SOS office has received neither comments nor complaints on its compliance with Title VI.

XIII. MINORITY REPRESENTATION ON PLANNING BOARD OR ADVISORY BODY

The SOS office includes no planning or advisory boards. The staff of the SOS office is comprised of the following:

Caucasian Female	18
African American Female	3
Caucasian Male	7
African American Male	0
Hispanic Male	0
Total	28

Since taking office in 2012, SOS Grimes has continued her leadership and commitment to ensuring a diverse workplace. During her tenure, the SOS office has tripled its African American female representation.